

A Meeting of the Meridian City Council was called to order at 6:03 p.m. Tuesday, May 7, 2024, by Mayor Robert Simison.

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

Also Present: Chris Johnson, Bill Nary, Bill Parsons, Sonya Allen, Stacy Hersh, Linda Ritter, Scott Colaianne, Joe Bongiorno and Dean Willis

ROLL-CALL ATTENDANCE

☒ Liz Strader	☐ (vacant)
☒ Anne Little Roberts	☒ John Overton
☒ Doug Taylor	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record, it is May 7th, 2024, at 6:03 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: We had nobody sign up under -- for the invocation; is that correct, Mr. Clerk?

ADOPTION OF AGENDA

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mayor, no changes to the agenda, so I move we approve the agenda as presented.

Strader: Second.

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

MOTION CARRIED: ALL AYES.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the April 16, 2024 City Council Regular Meeting**
- 2. Approve Minutes of the April 23, 2024 City Council Regular Meeting**
- 3. Final Plat for Alamar Subdivision (FP-2024-0005), by Jeff Wrede, Noble Rock Development, Inc., located at 4380 W. Franklin Rd.**
- 4. Final Plat for Biltmore Estates Subdivision No. 5 by Engineering Solutions, generally located at the northwest corner of S. Kentucky Way and W. Harris St.**
- 5. Final Order for Foxcroft Subdivision No. 3 (FP-2023-0032) by Brown Planning Services, located at 3720 W. Pine Ave. (Phase 3)**
- 6. Final Order for Jump Creek No. 7 (FP-2023-0030) by Kent Brown Planning, located at the northwest corner of W. McMillan Rd. and N. Black Cat Rd. on Parcel S0428449816**
- 7. Final Order for Hadler Subdivision No. 1 (FP-2024-0002) by Ben Thomas, Civil Innovations, PLLC., located at 7200 S. Locust Grove Rd.**
- 8. Findings of Fact, Conclusions of Law for Taylor Annexation (H-2023-0062) by Robert Taylor, located at 3840 E. Overland Rd.**
- 9. Development Agreement (Linder Condos H-2022-0091 & H-2023-0074) Between City of Meridian and Greg Herman for Property Located at 300 N. Linder Rd.**
- 10. Agreement between the City of Meridian and Open Door Rentals, LLC to Accept Payment in lieu of Installation of Streetlights at Amity Storage**
- 11. Approval of Automated Meter Reading System Equipment and Service Contract with Ferguson Enterprises, LLC for the Not-To-Exceed FY24 amount of \$49,608.75**

- 12. Professional Services Agreement Between Idaho Fine Arts Academy and the City of Meridian/Meridian Arts Commission**
- 13. Professional Services Agreement Between the Treasure Valley Children's Theater and the City of Meridian/Meridian Arts Commission**
- 14. Resolution No. 24-2450: A resolution vacating a 30-foot-wide easement over and across a portion of Lot 4 of Heppers Acre Subdivision as recorded in Book 19 of Plats at Pages 1298 and 1299, records of Ada County, said parcel being located in the southwest quarter of the southwest quarter of Section 12, Township 3 North, Range 1 West of the Boise Meridian, Ada County, Idaho, being more particularly described in Exhibit "A;" and providing an effective date.**
- 15. Resolution No. 24-2451: A Resolution of the City Council of the City of Meridian to Amend City of Meridian Standard Operating Policy 8.1, Regarding Corrective and Disciplinary Action; and Providing an Effective Date**
- 16. Resolution No. 24-2452: A Resolution Vacating the 10-foot Irrigation Easement Located Along the West Side of the Property Boundary of Lots 4 and 5, Block 2 of the Treasure Valley Business Center - Phase 1 Subdivision, Being More Particularly Described in Exhibit "A"; and Providing an Effective Date**
- 17. City of Meridian Financial Report - March 2024**

Simison: Next up is the Consent Agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve the Consent Agenda. For the Mayor to sign and the Clerk to attest.

Strader: Second.

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

MOTION CARRIED: ALL AYES.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

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

PROCLAMATIONS [Action Item]

18. World Ovarian Cancer Day

Simison: So, we will move on to our proclamation this evening, which will be Item 18, which is the World Ovarian Cancer Day. And is Tiffany here? Okay. Tiffany, if you and anybody else you would like to join me at the podium. But, Tiffany, I will go ahead and read the proclamation and, then, turn it over to you for any additional comments. I see you have got a fan club here this evening, so that's great. Whereas ovarian cancer is the fifth leading cause of cancer deaths of women in the United States and causes more deaths than any gynecological cancer and whereas in the United States a woman's chances of being diagnosed with ovarian cancer is about one in 78. And whereas the American Cancer Society estimates 19,680 cases of ovarian cancer will be newly diagnosed in 2024 and 12,740 individuals will die from the disease nationwide, including 172 cases that may be deaths in Idaho and whereas the five year survival rate for ovarian cancer is 50 percent and survival rates vary greatly depending upon the age and stage of diagnosis and whereas there is not currently an effective diagnostic tool for screening and early detection does not exist. Therefore, I'm, Mayor Robert E. Simison, hereby proclaim May 8th, 2024, as World Ovarian Cancer Day in the City of Meridian and encourage all citizens to come alongside the women and their families fighting against ovarian cancer by increasing awareness, expanding research and empowering women to reduce the risk of the diagnosis. Dated this 7th day of May 2024. So, on behalf of the City of Meridian please accept this proclamation.

Mecham: Thank you so much for the letting me be here this evening and thank you, Mayor Simison, I appreciate it. I am the state advocate leader for the Ovarian Cancer Research Alliance out of Washington DC. We raise money and awareness and funds for research. Raise awareness for women and support for families. And so we want to increase that awareness. I lost my mom to ovarian cancer at the age of 54 and my great grandma to ovarian cancer at the age of 33. So, it's very close and dear to my heart and, yes, I do have a fan club, so I love having my sash sisters here and my family here as a part of the support and I'm really happy that the City of Meridian was able to do this for us. Thank you.

Cavener: Mr. Mayor, while you are fixing the podium and making your way up, I just do want to thank Tiffany for being here. I'm fortunate enough in my private sector life to work for the American Cancer Society and just want to say events like this and the work, Tiffany, you and your colleagues do make a real big difference. So, thank you for being here tonight, putting a bright spotlight on a very important issue. A lot of people don't know that cancer kills more Idahoans than any other disease and we need great people like you to keep raising the awareness about this and it's important. So, thanks for being here tonight. Thank you, Mr. Mayor, for doing the proclamation.

Simison: Absolutely. And you are welcome to enjoy as much of this meeting as you would like, but don't feel obligated to stay unless you really want to enjoy it, so --

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, next on the agenda is public forum. Anyone signed up under that item?

Johnson: Mr. Mayor, nobody signed up.

DEPARTMENT / COMMISSION REPORTS [Action Item]

19. Meridian Anti-Drug Coalition Update

Simison: Okay. Then with that we move on to the Department/Commission Reports. First up is the Meridian Anti-Drug Coalition update. This will be presented by Kendall and Hailey.

Nagy: All right. Mr. Mayor and Members of the Council, thank you for the opportunity to provide an update on the Meridian Anti-Drug Coalition at tonight's meeting. We know you have a big agenda, so we will keep it brief. I would like to start by sharing the mission of the Meridian Police Department and the Meridian Anti-Drug Coalition. The MADC mission is provide the highest quality of service in partnership with the community to preserve and protect life and property through education, prevention and enforcement. The MADC mission is to strengthen our community through substance abuse prevention. It is through these combined prevention efforts with the Meridian Police Department and a wide variety of other community partners that we serve the community we live in. So, my name is Kendall Nagy and I have been serving as the Substance Abuse Prevention Coordinator and MADC Director since 2015. I'm an Idahoan, born in McCall and after ten years of living there moved to Boise where I currently reside. Having family members who struggle with mental health and addiction has helped me empathize with others impacted by the unintended consequences of substance use and drives the passion that I have to work on prevention in our community.

Blogg: And my name is Hailey Blogg. I have been serving as the Anti-Drug Coalition coordinator since 2022 and the MADC secretary and, like many others in the prevention realm, I also have family members who have suffered from addiction. So, that's why I just want to make a positive impact in our community.

Nagy: So, first I want to just kind of touch on a couple of the national standards, because doing this kind of work brings a lot of emotion and we are really proud of the fact that after 20 years we still stick to national standards and best practice. The coalition was built on the Substance Abuse and Mental Health Services Administration -- or also known as SAMHSA -- Strategic Prevention Framework. The Executive Committee is comprised of two staff, along with 12 volunteer sector representatives

from the community. Council Member Ann Little Roberts has served as a business sector rep since 2020. We have roughly 25 to 35 active members at a given time and more than 600 members who receive the MADC newsletter, along with a wide variety of community partners. Together we implement data-driven strategies focused on environmental change and we wanted to show a quick video, but we were just informed prior to the presentation -- quick by -- I mean 30 seconds -- that the audio won't come through, but I think it's still important imagery to share and I will kind of do a little bit of audio to go along with it. So, this is going to be the video that is -- introduces and highlights the work that we do. You can see with the subtitles some of the events that we do throughout the year. We actually have over 70 events that we participate in sharing resources and prevention education and that reaches roughly 30,000 community members and so we have been -- compiled that data and highlight that in our annual education and prevention report that we do and so that's a quick 30 second video that we use to share that as well. Next we would like to highlight some recent events -- and by recent I mean in the past year some of the things that we have been working on. We would like to share that over the last -- oh, my gosh, I have been doing this almost a decade, but over the years the marijuana laws have changed drastically across the country. We have fielded questions from concerned citizens asking why marijuana dispensaries in Oregon and Washington can advertise here in Idaho. We have heard from Meridian residents, Idahoans from the northern part of our state and law enforcement partners from the west. After listening to these concerns in August of 2023 Unified Development Code updates included changes to prohibit signs advertising illegal activity or any establishment that sells a controlled substance, as well as drug paraphernalia as such terms are defined in Idaho Code Section 37-2701. On behalf of coalition members and concerned citizens I would like to thank all of those who supported and approved this policy change. This is just one of many examples of the collaborative efforts that keep Meridian a great place to raise a family. I am now going to pass it over Hailey to show -- share a couple additional highlights.

Blogg: Okay. So, on January 25th, 2024, MADC celebrated 20 years of prevention. The West Ada School District is a long-time partner of the coalition and they hosted us for a celebratory lunch at their district office. We had over 120 city leaders, community partners and prevention advocates in attendance. The theme of this event was Past Present and Future, highlighting the 20th anniversary -- I say platinum anniversary, which is a strong and enduring for prevention efforts for years to come. We had three amazing keynote speakers. Former Mayor Tammy de Veerd highlighting the history of MADC. Chief Tracy Basterrechea highlighting the present MADC initiatives and he discussed how prevention aligns with law enforcement in the community. And Kendall shared future MADC goals and encouraged attendees participation to get involved in prevention. The feedback that we received from the event was very moving and positive and I would like to share a quote of one of the attendees. The 20th anniversary was my first direct exposure to MADC and what you all have been able to accomplish. It was truly inspiring and I have felt compelled to get involved in some way. Substance abuse hits home for me and my business partners. We all have family members who have struggled with use and addiction. We have had a few attendees that have gotten involved with the coalition after the event and that really shows that anyone can get

involved in prevention, whether that be just attending meetings, volunteering at events, or serving on the executive committee. Everyone can become advocates for prevention. As the Mayor noted, there is some challenge coins that were set out for you. Our partners at North Point Recovery were able to create the challenge coins just to signalize the event, so we wanted to share those with all of you. So, this is another PSA that we filmed with local youth. So, the Meridian Anti-Drug Coalition encourages local youth to get involved with prevention efforts and we have various ways to do so. Some examples are serving as the youth sector representative on the executive committee or volunteering at different MADC events and, then, filming a natural high PSA, which this is right here. This is Sydney Nate. She served as our sector rep from 2023 to 2024 and she was an incredible addition to the coalition and we are going to miss her as she heads to college next year. So, Natural High is basically a campaign that focuses on positive prevention messaging and encourages youth to participate in healthy activities, sports, hobbies that make them feel good. I'm going to go ahead and share this and I apologize for no audio. So, her Natural High is weight lifting and she is a former dancer, so she really enjoys just how it clears her mind and helps her mental health and basically just makes her stronger and more powerful to do a bunch of different things. So, that will be shown at the Village Cinema in theaters during the summer. So, a super fun opportunity for youth. As we move forward to future planning, last year we focused on partnering with Central District Health and we trained multiple school resource officers in the evidence based prevention program called Catch My Breath and that is a vaping prevention program. I have also become a trainer in that program. So, now I am certified to train the curriculum to other community members, school resource officers, basically anyone who wants to get certified to teach this curriculum and as we look to the future we would like to expand evidence-based programming that we offer to our partners, whether that be through Catch My Breath or a new additional program that increases prevention education and helps reduce risk factors for substance misuse. We are also looking at strengthening existing partnerships. For example, the prevention unit within the Meridian Police Department is enhancing communication with the West Ada School District and we are meeting with administrators at Meridian schools. The school meetings that we have thus far have been very successful and available to share multiple resources with families at parent night and other occasions. Another example is promoting the prescription take back days. We recently had coalition members drop off flyers and education about MADC to -- they did this in person to a local hospice, pediatrician offices and the offices were very excited to learn about the opportunities and resources MADC has and we were able to get the information out regarding the prescription take back day. The prescription take back day is an even that's sponsored by the DEA and it occurs twice a year, once in the spring and once in the fall and it's a drive-through format for community members to come by and dispose of unwanted, expired or misused -- or, excuse me, unwanted medication to prevent misuse. Our last prescription take back was on April 27th and we had about 290 cars drive and dispose of 819 pounds of medication. So, Kendall and I just wanted to provide a very high level overview about the work that the coalition does and we wanted to make sure that everyone knew that our MADC meetings are open to the public and it's the third Thursday of each month, unless otherwise posted on the website. If anyone would like to get additional information you can visit

meridianmadc.org for more information. We wanted to thank you for your time and your continued support, Mr. Mayor and Council Members, of MADC and at this time we will answer any questions you may have.

Simison: Thank you, Hailey and Kendall. Council, any questions?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Thank you for the presentation. I really appreciate it. Thinking back -- I grew up in Idaho Falls and I remember the DARE program. DARE officers. Is this -- help me connect that program from 30 years ago, whenever it was, to this. I'm assuming a lot of the similar goals, but just -- the reason I highlight it is because I really think that getting into the schools is important. I -- for me I remember the officer. I remember the conversations, the things I learned as a kid about it, and it's so much better to prevent just one person from going down that pathway where addiction and all the troubles that come from abusing drugs, whether they are, you know, prescription or whatever it may be. So, it's -- it's a very worthwhile effort to make sure that people understand the impact so they make better decisions. But I would just like -- if you can maybe take a minute to talk a little bit more about what you are looking at to more fully integrate -- or not integrate, but like get into the schools, because for me that made a difference.

Nagly: Sure. Mr. Mayor and Councilman Taylor, I would be happy to address that question. And DARE still exists. It's still out there. And we do see that in some of the rural communities throughout Idaho where we can still see officers in their DARE car and they are doing that prevention and education for that local school district. As far as here in Meridian working closely with West Ada School District we actually have two representatives from West Ada that serve on the executive committee and we work very closely at collecting data, making sure that we have a valid sample size of not only national and state data, but local data as well and, then, through the use of looking at that data we look at various ways that we can then get in and address the needs that determine the education that is needed for our schools in our area and that happens in a variety of ways. We teach in the high schools and we do a combo presentation with -- Hailey does this with the SROs and the school drug counselors or the counselors. I'm talking about prevention and, then, what the school policy is and what resources are available and, then, what enforcement looks like. So, it's a collaborative effort. As far as the middle schools that we go into the life skills classes and when they are teaching the drug and alcohol curriculum we go in and have conversations and do presentations there. We have also worked with them to integrate in suggestions in their policy changes. When they have looked at what policy -- I think it's 501.22 what West Ada looks like as far as if they are receiving a violation on campus and, then, what some of those next steps are if uses already have been identified and the resources that are there. They have a parent information class where they require parents and the student to go to that class. It's a three series class and we have resources -- we have a family prevention packet that we have put together that historically has been offered at that

class. So, there is a lot of different ways. We meet with the counselors at the very beginning of the school year. So, there is a lot of integration and all of those different strategies speak to that strong partnership that we have had with West Ada School District dating back 20 years.

Taylor: Thank you.

Nagy: You are welcome.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. Kendall and Hailey, I just want to say thank you. Having participated in, I don't know, seven or eight years now, I believe -- I learned about MADC when I was liaison to the police my first term on Council and never left, because they are such a dynamic group of volunteers that these two manage, I can't say enough good things and the amazing impact that I have seen what we do as a committee that you spearhead doing in our community is just -- thank you so much.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I sound like a broken record, but, you know, what you guys do and how long you have been doing it -- you are carrying on a legacy that started 20 years ago in that department and it's grown so much, it is -- is so much more than it was when it started 20 years ago and I couldn't be more proud to see that it's getting stronger, because protecting our children is the most important asset we all have. My case grandchildren now. But I'm thankful every day for the work you guys do all throughout our community and I hope that we continue to keep people awake to what's out there to the dangers for our children and grandchildren and do everything we can. Thank you both.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just wanted to say I appreciate everything you are doing, but I also really appreciate the positive messaging and I'm really hopeful, I feel like there is a shift in our culture, especially with younger people where I hope -- you know, it's not just about avoiding bad things, but it's about embracing a full life and enjoying being sober and enjoying all the positive aspects that come with that and I love those videos and how you are reaching out to kids about, you know, the -- the ways that they can feel good naturally without any help. I think that's really important. Thanks.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't think anybody's here tonight to hear a presentation, but I'm really glad that we have got a full house tonight, because not only is the message that you are sharing important for all of us to hear, you two both are just remarkable examples of great City of Meridian employees. You are an ambassador of our city with the work that you do and I think it is important for us to know that our -- our taxpayers and our stakeholders that are here tonight for a host of other reasons, see that this is the caliber of people that they are fortunate to call City of Meridian employees. So, I know we had to pivot a little bit for your time. We appreciate your flexibility and, like the Council said, your -- your passion and enthusiasm can't be quantified, but it is certainly appreciated by all of us here tonight. Appreciate you being here.

Simison: I will say ditto, but I want to take it one step further in the context that, you know, when -- when we brought in the additional position, you know, Kendall and I had some conversations and it wasn't just that we wanted to be outstanding in our community, but we want to be a leader in the state and help make sure we had good statewide policy, you know, to be on the forefront of that, because I think Meridian -- anytime there is a challenge in Idaho over the last 20 years that I'm aware of Meridian has stood up and helped be the leader and having the resources that Council has invested in in MADC with the funds from the opioid settlements is putting that back to good work and helping be a leader across Idaho. So, congratulations on your efforts as part of that recent history, but I know you are not resting on your laurels and we have some good things and some big things to tackle in the not too distant future. So, Council, buckle up. Appreciate you.

Nagy: Thank you.

Blogg: Thank you.

ACTION ITEMS

20. Public Hearing Continued from March 26, 2024 for Farmstone Crossing Subdivision (H-2023-0045) by Bailey Engineering, located at 820 S. Black Cat Rd.

- A. Request: Annexation of 33.893 acres of land from RUT to the M-E (Mixed Employment) zoning district.
- B. Request: Preliminary Plat consisting of 6 buildable lots on 27.59 acres of land in the proposed M-E (Mixed Employment) zoning district.

Simison: With that we will move on to Item 20, which is a public hearing continued from March 26th, 2024, for Farmstone Crossing. First turn this over to Stacy for any

refresher comments that she would like to make based upon where we left things at the end of the last public hearing.

Hersh: Mr. Mayor and City Council, just hold on a moment while I bring up this letter that I received tonight that I would like to share with everyone. Mr. Mayor, Members of the Council, I believe there was a request in regards to the silos that we are here to talk about tonight, how those are -- if those are going to be moved or what's going to be done with those and among changing -- my request for changing a condition from the applicant. So, this is a letter that the applicant sent to me that they received in January, basically that states that these silos weren't in good shape for reconstructing in -- in another place. So, I just wanted to show that to you. I also had a letter that I received from ACHD in regards to moving the roadway and meandering it around the silos to line up across Black Cat and that is technically not feasible. It will not meet their district policy and safe -- and may have safety concerns. So, that was the letter that was received from them and that's in the file and, then, also I have been in contact with the Parks Department and the Parks Department is currently speaking with the applicant and the applicant has agreed to dismantle these silo blocks, the beams, the chutes and the bands on pallets and, then, ship them to the park storage at the maintenance shop. But this is something that they are currently working out and I believe the applicant can speak more to that. And, then, I will go ahead and share the condition that the applicant would like to change. The applicant is looking to strike a condition in Section A-1-A, just a portion of it, where we -- staff had recommended the removal of the roll-up doors and the applicant wanted -- those two buildings to be used for flex space use and staff would like them to remain just as normal office buildings in that ME zoning, which is what we would like to see in the Ten Mile Area Plan, especially between the plaza, that they function as traditional office buildings, but the applicant is requesting that to be struck and the Council approve that. And I stand for any questions that you may have.

Simison: Thank you, Stacy. Council, any questions for staff? Okay. Would the applicant like to come forward and make any additional comments?

Bailey: Thank you, Mr. Mayor, Council. David Bailey. Bailey Engineering. 1119 East State Street in Eagle. Representing Trilogy Development for the Farmstone Crossing Subdivision. So, the -- the two issues we have to talk about tonight are the silo and the -- and the uses of the two buildings that are adjacent to the plaza there. I think we got all the rest of it pretty much resolved and we are -- we were deferred to discuss those two topics. So, in the meantime, as Stacy said, they reached out to the Parks Department. The Parks Department has said that they are -- they are willing to accept that for storage pending a future use and, then, we had asked them to prepare an MOU. We had discussed what pieces were reasonable to salvage and agreed to basically everything they asked for in that the actual wood on the roof and the shingles would not be retained, but the -- the structural beams and all of the block and all of the -- all of the pieces that we could use for that -- probably some additional from the other silo as well to make sure that we -- you know, they had enough to reconstruct the -- the thing somewhere. So, we had asked them for an MOU on that and they said that they -- the Parks Department -- I think it was Mike Barton had said that -- in our last communication

says I believe the Mayor and Council need to have another conversation about what to do with the silo. So, they -- it -- he hadn't done an MOU at this point based on that. So, I don't know the results or -- or whether that's before you at some -- some other point. Parks and Rec Department is still willing to accept the silo in the terms you and I discussed. We will have to wait after the meeting to get clarification on that for the MOU. So, I guess that's part of what we are here tonight for is to ask on that -- that point. And the -- the structural letter is something that we had had in January and I discussed with you previously, but they -- the point was that if we are going to move it -- it's -- it's a significant task to move that -- that thing and I don't think that changes anywhere of where we are at this point. You know, we knew that and, then, the additional letter from the highway district -- we had reached out to them previously. Your staff reached out to -- again to ask the same question and -- and got the same answer that too many moving parts in progress on that. We have been working with Ardurra Engineers and providing them information and in -- in getting that done and I know there is a lot of pressure from the approved development of the north and the projects to the east to get Vanguard built through this -- this location here. So, I don't know how that's coming out, but we have continued to be cooperative with them in the meantime waiting for that, but we can't move forward on any commitments, you know, until we are moving forward on this project. The second item on this is we had discussed at the previous hearing as well and those buildings are actually -- I mean they are flex space, they are intended to be office in the front and the roll-up garage doors in the back. They are very similar across the site, the same architectural design and we understand the request from the staff to change those into complete office buildings, but we just don't have access for them to be used as office buildings. The depth and the design of those buildings does not -- does not make itself, you know, into that. So, they are -- they are flex space, but they are intended to be -- portion of them or, you know, half of them in office space and the rear to be that access. We think that there is not a problem with -- you know, there is going to be so much traffic back -- back there that it's going to interfere with the pathway and there is open site from both ways of the pathway coming through and the -- the portion that's going to be facing the -- the plaza that's in this will be office space will be facing that, so it's not warehouse or garage doors facing our plaza within that area. So, those -- that's the reasoning for that there and, again, they are the same buildings, they are the same style of design throughout the site, so designing a whole new type of building that doesn't fit our match is not something that we would like to do with the -- with the product that we have already set for this, so -- that said I would be glad to stand for any questions you have.

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

Bailey: Thank you.

Simison: Mr. Clerk, do we have anybody signed up to --

Johnson: Actually we do. Blaine Johnston.

Johnston: Mr. Mayor, Members of the Council, my name is Blaine Johnston. I'm president of Meridian Historic Preservation Commission. I would like to first thank you guys for taking the time to consider this application. We didn't want to delay anything, but we thought it was important for thorough discussion of the outcome of this property. We don't want to force anybody to do something they don't want to do. I think if we did that the outcome wouldn't be good for anybody. So, with that being said I would like to thank staff, Parks Department, for working with the silos, agreeing to store them until such time as they can be moved to a future location. With that said I will stand for any questions.

Simison: Thank you. Council, any questions?

Johnston: Thank you.

Simison: Okay. Thank you. Is there anybody else present who would like to provide testimony on this item? If you are online you can just use the raise your hand feature. Okay. Would the applicant like to make any final comments? Okay. Applicant waives any final comments. Council, for -- for discussion, next steps.

Parsons: Mr. Mayor? Sorry, Mr. --

Simison: Mr. Parsons.

Parsons: Just wanted to clarify for Council as to why staff was recommending the additional use on the site. If you recall on the site plan that was presented to you three, four weeks ago there was that plaza area and we were -- the reason why we were pushing for the office use and not having the roll-up doors on the back is because we are trying to make that more integrated, more usable for the business park. I remember this Council was concerned about getting traffic going through there, if this was going to be a light industrial, so we thought by softening that and providing that office use there and making sure that all four -- four sides of that building had professional office interests and parking in your traditional business park design around the building, it made a lot more sense to tie into that open space in that plaza area and that's why we had made that recommendation in the staff report. So, just wanted to give you that context as -- as to why we had required that in the staff report and the DA.

Simison: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: It's not a large reason, but this continuance around the silo and heard from the applicant and the applicant's been in contact and communication with the Parks Department. I have heard a little bit about that. If, Mayor, with your level of comfort,

the Parks Department's level of comfort of taking ownership of this without necessarily a -- a plan that could be achieved in the foreseeable future --

Simison: We have storage space. That's about as far as I could say. It's -- it depends on how you want to put it back. That's really going to be the answer is how -- how much does the city want to spend to try to reuse the existing parts of it versus rebuilding it. It will have to be rebuilt to standard codes, foundation, supports, et cetera. To be honest with you, a replica would probably be a lot cheaper than trying to use the original, if -- because that's what it's -- you are going to likely achieve if you do it and there is a question about how much of -- how much of it can actually keep -- that's going to be reusable if you try to pull it off and put it back on. That's kind of what you are going to have to do. It's going to have to be rebuilt from the ground up. That's the essential information that has been shared with myself. So, it would be considered for one of our future parks. You know, how far down the road it depends on which one makes more sense. So, could be several years of sitting there before -- and it will be a future council's decision more than likely. It won't be the six of you all. Maybe a few of you. Maybe myself, maybe not on how much was invested to rebuild.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Is there a cost associated with just holding it in storage to the city? It's just -- it's space we have and it's not space that we have needs for as of today that --

Simison: I have not been sure that we have a cost of -- the cost is to the developer. The tearing it down to be reusable is the primary cost. The cost of the city will be with -- will be with the rebuild on our side.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just in the spirit of the conversation and kind of -- we are all mulling over this and have been for some time. So, I will just get the juices flowing here a little bit. Just some of my thoughts. Still I'm not sure what the end plan should be. I have thought about it. Do we spend the money now? Do we have a plan? It seems like we are a little bit trying to determine what's the best thing to do and we are always weighing needs and wants in the city with how we are going to pay for things. I do like kind of where it's at right now in terms of storing; right? The developer has made it clear in our last hearing -- and I don't know that you have changed your mind at all, but your willingness to take it down -- I remember we talked about a cost. I can't remember off the top of my head what it was, but it was significant. I think that was a generous offer on their part to be good neighbors and be helpful. I don't know what I would want to do with this. Do like the idea of preserving the option and if it's not going to cost the city anything today to preserve that option, I think I'm -- that makes me much more

comfortable. I -- without any commitment to what we may or may not do in the future or whatever future council may have to grapple with this. But I like the idea of preserving that. I will just -- while I have the microphone I will just make a couple comments, too, about some of the condition changes that we -- we just spoke of. I like the idea of flex space. I think it allows for a greater number of uses for ensuring that tenants are there and you can use flex space for office space. You can use it for a variety of different types. I'm -- I like to tend to think that -- and I like the staff's comments about trying to accommodate that open public space, but with this being a mixed-use project already I -- it's not an office space park only, so I like the idea of preserving that and I think I would be open to kind of accommodating that. We are getting a little bit of something from them. I think it's okay to accommodate some of those requests. It's kind where my mind is at. I'm open to what other Council Members may think about what to do with that. But I think we are checking a few boxes with -- you know, our good Historic Preservation Commission and some of their -- their thinking on it, I think we are -- I just kind of like it. I think we are finding something where we can move forward today. The big thing I'm thinking about is -- we have got to figure out how to get Vanguard built, because that's going to stymie a lot of the development and a lot of other projects there if we can't move forward with that. So, I think that's a consideration with how -- what we decided to do with that impacts a lot of other projects in this area. Open to more information if there is someone and that, but it seems to me like we kind of need to address that, so that we are not being stuck with what to do or not to do with other developments.

Simison: Maybe two more points -- and these will be for you, Mr. Nary in some fashion, is I have heard that there is two private developments who would maybe be interested in taking this and putting it on a development, what they are doing and I think this kind of goes to maybe the HPC to an extent. You know, if we were willing to have something on this property does it matter if it's on another commercial property that people can or can't -- you know, it may not be in the pathway, may not be even -- might be in a dead-end road. So, from the city's perspective is it a value of -- if it were to come into our storage -- and I want to use the word storage, because I don't want to take ownership of it, because I think that takes away our ability to pass it along to another person if it was not to be the city putting it back up easily and so, you know, that would I think even be part of the question is if -- if we were to maintain it on behalf of the developer in our location, but if one of these other opportunities comes up and they want to try to reuse it and put up, it will be there for them if that's so amenable to Council, because, again, it goes back to what's the value. Just that it exists on a property in the city or exists on a public property in the city that people can access and utilize and there is maybe that little question mark I think out there, but if we were going to leave it on this property I don't know why we wouldn't be willing to leave it on any other property in the city, other than the fact that this is where it was originally. So, throwing it out there about what we want to take possession of or not -- at least initially. Officially I guess I should say. Was that elusive enough or --

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Maybe one of the wrinkles just to ponder. I think you are absolutely right and the concern is once we own it we will likely always own it, then, unless we had a -- other governmental entity or nonprofit to donate it to, it would be difficult to get rid -- to donate it elsewhere. So, that would be problematic. So, I think you are correct in not necessarily wanting to take ownership of it. But if we are not going to own it and we are going to store it for another party -- again not to want to make this more complicated, but if we have it as our own property it's just covered under our normal insurance and if we are holding for somebody -- or storing it for somebody else, it's still going to be covered under our insurance, but now the risk is any damages are now damage claims to the owner. So, just another thing to have to ponder if we are going to store this for six months, a year or longer, it's going to deteriorate sitting on the ground. Is that going to be a loss to -- to the owners? Is that going to be a claim that we will have to address? At some point can we address that in an MOU? We could potentially. So, a couple wrinkles just to have to ponder how we may manage this going forward if we are going to keep it.

Simison: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Bailey, can we bug your expertise for a minute?

Bailey: Yes.

Cavener: Do you mind?

Bailey: Yes, sir.

Cavener: Thanks for coming back up and I was going to say this later, but I will say it now. I appreciate your -- your patience and flexibility as we kind of work through this nuance. I recognize it required a continuance and you and your client are probably itching to -- to get to work out there. What's the -- if you were to -- to get your approval this evening, what's the longest period of time you could go without having to begin dismantling the silo? Is it a week? Is it a month? Is it six months? As I -- as we discussed before, our timeline is much longer than the timeline for the people who want to build Vanguard.

Bailey: And so I don't know where they are. I know they are working on design. I have seen a close to final design on the -- on the Vanguard working with John Carpenter over at Ardurra and his team over there, but I don't know where they are as far as actually submitting that or getting it approved. So, I -- I -- I -- I don't know their time frame. I do know that the other developers in there, Adler and -- and Ahlquist Group and -- and

Conger to the north and -- and I'm pretty sure my client also have a -- some kind of agreement going on on the cost sharing of building. So, it's -- it's imminent I guess it would be the point. So, we -- we still got, you know, I would say a couple months, but I would guess that they want to get that road building this summer or this fall.

Cavener: Mr. Mayor, following up?

Simison: Councilman Cavener.

Cavener: If I took a guess at 90 days is that out of line?

Bailey: I don't believe so.

Cavener: Okay. All right. Thank you. I appreciate it. That helps me.

Bailey: Okay. Thanks.

Strader: Mr. Mayor?

Simison: Councilman Woman Strader.

Strader: I think one of my concerns is that as we are going to be storing these materials and, then, an opportunity that makes sense doesn't, you know, necessarily come to fruition, I'm a little bit disappointed, I was hoping that there would be a way to move the silos along the pathway and try to integrate it with the pathway, because I think it would be a very interesting thing for people on the pathway to go see it at the same time. To me like that makes way more sense than the plaza. I don't see this plaza getting a ton of use compared to the pathway where I think, you know, having it along it would have been ideal. I have a question for the applicant, if you have a second. So, I -- I saw the letter, but I wanted to understand from your perspective, you know, how -- if there was a direction we do want to move the silos and -- and rebuild them along the pathway. Did you get any kind of a cost estimate or do you have any kind of an idea of what that would -- would require?

Bailey: Council Woman Strader, yeah, we -- we have looked through a bunch of stuff on that. I think we came up with, you know, there is a number to disassemble, you know, and move --

Strader: And move --

Bailey: And, then, there is -- you know, there is the foundation and the interior wall and building that up -- two interior walls and building up around there and, then, the erection of it and, then, the certification through the city. So, we -- we don't even know if it's totally practical for us to get a building permit from the city that's going to meet -- meet those requirements. Probably could at some cost, but we don't know what the cost of that is. So, if you just want to round a number -- I hate doing this, because I'm an

engineer and I don't know anything about actual costs and stuff. I get accused of that all the time. But, nonetheless, I'm guessing north of 200,000 dollars is what we are talking for this and it's a -- it's a significant expense to do that. I would throw out there that, you know, if the city has concerns with, you know, where it goes and the ownership of that, we have offered and would still continue to offer to disassemble it and store it on site for some period of time; right? So, if the city has other things in the -- in the option there and it's complicated to move it there, you know, we -- we -- if -- if that helps any, you know, we would still be willing to do that and we have committed that we will pay for the -- the cost of disassembly and put it on pallets and storage, you know, of it, so --

Strader: Let me ask you a question. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Would you be comfortable with an agreement with the city that's a little more open, where you are going to take on the cost of disassembling the silos, we are prepared to store them, but maybe an MOU or something between us that if we can't find another suitable site that we would have the option of -- at -- at our cost -- because you are already paying to disassemble it -- but maybe some kind of an option for the city to be able to say, no, we want to relocate these silos here on the pathway or a monument. Like would you be open to something that says we could locate something like that?

Bailey: If the city would do it?

Strader: Yeah.

Bailey: On the site?

Strader: Uh-huh.

Bailey: I would certainly ask, but I -- I can't see why that would be a huge deal for us to say they could be on the site. I think that there is complications on monuments owned by the city -- I mean I'm sure that the attorneys could work it out, but --

Strader: Yeah.

Bailey: -- you know, we wouldn't be responsible for safety or maintenance of it. I could certainly ask. I would guess that that would probably be acceptable.

Strader: Uh-huh. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I'm just thinking it would be nice to have some sort of a Plan B that we could use again -- to me something along the pathway makes a lot more sense. You

previously stated that you thought there was space along this, you know, kind of triangle here at the bottom.

Bailey: On the freeway.

Strader: Yeah.

Bailey: Along the freeway at the south end. Yes.

Strader: Uh-huh.

Bailey: So, there is a 50 foot buffer there, you know, with the pathway and some -- some of the freeway along that edge there. There is probably space for it.

Simison: And it's a 50 foot buffer there. Is it a non-build buffer next to the highway?

Parsons: Council, Mayor, Members of the Council, potentially. I mean it's -- it is meant to be a setback from the road. But, again, this is an unusual circumstance. In that zoning district there is a zero setback for structures, but we do have alternative compliance, so we can figure something out and if David can correct me if I'm wrong, in the southwest corner it is a little wider than 50 feet, isn't it?

Bailey: I believe so.

Parsons: Yeah.

Bailey: I think that's the occupied structure anyways; right? That setback is --

Parsons: Yes.

Simison: And that's why I know our -- is it our setback requirement or Federal Highway setback?

Parsons: It's a requirement of --

Simison: So, they don't have any setback requirements from the Interstate for buildings?

Parsons: I'm not aware of any. That's -- nothing in our code.

Simison: We have other attorneys and developers here, but I'm pretty sure -- I want to say there is, but I won't stake my reputation on it. And I wouldn't guess what it is. Council Woman Strader.

Strader: Mr. Mayor, just thinking out loud and I'm just trying -- trying to find a way to get to a yes that preserves some options. I -- I think it would be great if we took you up on

your offer to dismantle the silos and we could store them in parks if we get an acceptable MOU, but I would like to make sure that we have two different options to locate either the silos or a monument here on your property, you know, so that we would have that optionality. So, in the future if we don't have a great place to put it, we don't have a park and we know historic preservation thinks it's really important to locate the historical monuments on the property or close, you know, that would give us the option. So, we could explore different avenues, but at least that gives us full optionality and that's kind of where I was going with it and, then, I think that's a lot of heavy lifting to ask I think from -- from legal and everybody to try to craft that agreement, but that to me seems like an acceptable solution. At least preserving some optionality at the site. Again, you are dismantling it. There is a cost associated with locating -- redoing the silos there I think we would have to bear those at 200,000 dollar cost seems pretty exorbitant to add onto what you have already committed to doing. And regarding the flex space, you know, I -- I understand where staff was going with it. I -- I think there have been a lot of changes with office and industrial development and that flex space has become a lot more prevalent use in this kind of e-commerce driven economy. I'm a little more open to that. I think we should give you some flexibility there and I think you will have a lot more success with flex space instead of traditional office space. So, I -- I do appreciate your flexibility and similar to Councilman Taylor, I think -- because you are willing to work with us we should be willing to work with you on that one. That's just some feedback.

Bailey: If I could add to that a little bit along the same lines is that in the overall Meridian Ten Mile Plan, you know, we have got this mixed employment and all this stuff in there, there really isn't a whole lot of flex space within that and there is a lot of the other uses. So, I think it provides a good balance that way as well to have this all as that flex space. So, thank you. And if I could -- one more, Mr. Mayor. On the -- the -- the piece of the location -- Bill, do you have a development agreement? Right? So, it would seem to me that -- that maybe we could put some -- again, I'm not the attorney. We could put some terms in the development agreement say that we would designate on the final plat, you know, an area that would be the -- the -- the developer would be willing to give an easement or fee simple and we will just designate where that -- where that is on the plat that the city could, then, construct this at a later date at that place and whether we store it at the -- at the city or on the site, you know, I guess I would leave that up to the city to determine what they would want to do with that and we could show that -- and I think we get the terms of that in the development agreement, which has to come back to you in any case I think. Does that work?

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor. David, thank you for your flexibility. I really appreciate it. I just wanted to get some clarity on -- the monument is still something that's happening in your community area. It's something separate from the silos. We kind of had touched

on that on the previous -- when were here before and just wanted to get some clarity that, that those are two different things.

Bailey: They are at this point and so we had presented a concept of the monument that will go in the plaza on the site here and we were to present the final design and run that by the -- by the -- the Historic Preservation Committee and have that approved by -- by -- at the CZC for the -- for the plan. So, yes, that's still in the -- in the plans.

Little Roberts: Great. Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Question for you, David. But you can probably stick around. But I think I like where Council Woman Strader is taking the conversation with sort of the MOU. I can say pretty confidently tonight we have no idea really what we want the end goal to be. We want to preserve some options. The discussion about ownership is an interesting one in terms of if we are going to store it, but we are not going to own it. Well, who is going to own it? Probably need to figure that out a little bit, but I -- to me I think moving forward with disassembling it, the city storing it and instructing the applicant and the city to develop an MOU -- because I like the idea of -- if this -- if we have no other parties who do want to come and take this or a portion of it or take ownership and move it somewhere at their expense and if the city decides the best thing to do is to -- in that southeast corner that maybe that's where we want to put them back up, that's an expense that we should bear and not -- that's an unfunded mandate in my mind if we were to ask you to do that. So, that would be an obligation we would have. I don't think tonight we can make that decision though. There is too many options out there. So, I think if we -- if -- if -- where I'm going is kind of where Council Woman Strader has taken us a little bit, like let's preserve some options with an agreement -- to me that makes some sense. I would be willing to move ahead with that as an -- again, I guess we need to maybe figure out what the ownership is. To me it seems like if we are going to store it it feels like we are owning it, but what that means in terms of legal stuff it would maybe need clarified, but I wouldn't expect you to maintain ownership. I don't think that -- it's not something I considered before coming here tonight. That's kind of where I am at. So, anyway, thank you, Mayor.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm willing to maybe take a crack at it if we are -- I don't know. I'm looking over at Councilman Overton, if he has any comments before we try. Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we closed the public hearing.

Taylor: 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: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Okay. I'm going to give it a fair discussion. I'm going to give it a try here on a motion. After considering all staff, applicant and public testimony I move to approve File No. H-2023-0045 as presented in the staff report for today's hearing date with the following modifications: We will direct the applicant and staff to prepare a memorandum of understanding that will reflect the applicant's willingness to disassemble the silos at the site and giving the option to store it on site or at the Parks Department. In addition, the applicant -- to memorialize the applicant's willingness to build the monument at the plaza portion of the site, giving the city, at its cost, the option to locate and reconstruct the silos on the site -- a portion of the site designated by the developer in the MOU either an easement or whatever legal ownership works. If the Legal Department could weigh in on that. And, then, in addition reflecting the change to condition A-1-A allowing the applicants to construct flex space.

Taylor: Second.

Simison: I have a motion and a second. I have at least one -- a question. Were you suggesting that they are going to tear down, they are going to build the monument that they originally proposed? That's what I thought I was hearing in your thing. And retain a place on their property for the future?

Strader: Mr. Mayor?

Simison: Yeah.

Strader: Originally, no. However, Council Woman Little Roberts asked a clarifying question of the applicant whether they still intended to construct the monument at the plaza and they said that they did.

Simison: But it's the monument and potentially relocating this on their property, even with the monument.

Strader: Yeah.

Simison: Okay. Motion and second. Is there discussion on the motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a little bit of discussion here. That allows for the possibility that the monument is constructed, but if the city finds that it's completely cost prohibitive, then, in my mind at least we have a fallback that there is this monument here. Trying to help with the historic preservation aspect. Understanding that it is -- it is -- it is quite a cost and -- and so expressing our gratitude to the developer for that.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: It's not germane to the motion. I do think, then, that we as a -- as a body and certainly Mayor working with staff need to develop a plan -- I think sooner rather than later, whether it's turning it over to a private party or building a plan that this is going to be built in some park. I think waiting years or years to come up with that plan is probably unfair to our community, unfair to the intention of I think behind the motion. I'm really conflicted on this one this evening and it's not because of the motion or the -- the action of the developer, I'm troubled a little bit by the letter we received from ACHD saying this is difficult to do or it can't be done. I -- I challenge that, but we don't have the authority -- I am somewhat handcuffed. To me this is the worst of the best solutions that's presented, but it is better than -- again, appreciate the developer, they very easily could clear the site and could have torn it down and this wouldn't have been a conversation for us tonight. I appreciate their willingness to do what's right for our community and give us the opportunity to make an option. I just don't want this to sit and decay at the developer's lot or at our Parks Department. So, I think that we have got some -- it would be disciplined about coming up collectively with a solution sooner rather than later. So, I will reluctantly be supporting the motion this evening.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just some short quick comments. I think -- I think inaction tonight is -- is problematic. So, I think we do need to make a decision. This is sort of weathered out there for a little bit as we have tried to grapple with -- with what to do and I think at some point a decision has to be made. For lack of knowing what the best outcome should be, I think this is the best path forward to preserving some options for the city without an undue burden on the developer and also accommodating the Historic Preservation Commission's suggestions and recommendations on the matter. So, I will support the motion as stated. I think while we still -- I agree with Councilman Cavener's idea of -- or suggestion to work proactively in a fairly short time period to do that, I think -- I think it

would be incumbent on the -- on us to also reach out to private parties proactively and see if there is an interest. I think that that's something we should be doing. So, it is a -- it is a challenging situation to consider, but looking at the last several months, year or so -- no one's been able to make a decision. I think it's time that we need to make a decision. So, I will be supporting the motion.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, I just want -- I think there is two agreements here and I wanted to make sure I'm clear and planning is clear and that is what your intention is. But in the development agreement, from what I have heard, the developer is going to agree to provide a location at this common area that's adjacent to the freeway for a future site potentially. I would recommend that we have a license agreement to use that space, not necessarily fee simple ownership of that space, but for a potential future for this -- for this monument to be restored there. Barring that not occurring, the other -- and that's I think all the development agreement is going to address in that regard to this barn. The second one is the MOU you have talked about and I think what I have heard is the developer is going to pay to dismantle it. The city is going to agree to store it. The developer is going to maintain ownership at this point. We are going to do our best effort to facilitate it being relocated somewhere. Potentially back on site or some other location or on a city property in the near future and determine that at a future date. If it becomes a property that's going to be restored on the Farmstone site, the city will, then, own the building, restore it and maintain it on site under this license agreement to use the space. Is that what you all intended and -- because that's the way I heard the two agreements that we would do. The DA is one and the MOU was separate.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yes.

Nary: Okay. Thank you.

Strader: Thank you.

Simison: The only thing I will suggest to Council is come up with your suggestions on which park you would like to put it in, because we don't have one planned in the next three to four years, according to our Parks Department, where it would be integrated. So, you will have to go in an existing one if you want it on city property at this point in time.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: That's the beauty of this is that it very well could be that it ends up right here along this pathway, which I think is a fantastic outcome, because it adds interest to our pathways network and it locates the silos near where they were originally. So, if we can't come up with a better plan -- we will find out what the cost of that is and we will go from there.

Simison: All right. Any further comments? If not, clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

21. Public Hearing Continued from April 16, 2024 for Reveille Ridge Subdivision (H-2023-0050) by Bailey Engineering, generally located on the west side of S. Eagle Rd., approximately 1/2 mile south of E. Lake Hazel Rd.

- A. Request: Annexation of 59.97 acres of land with an R-8 (34.69 acres) and R-15 (25.28 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 247 building lots and 37 common lots on 59.77 acres of land in the R-8 and R-15 zoning districts.

Simison: Next item up is Item 21, which is a public hearing continued from April 16, 2024, for Reveille Ridge Subdivision, H-2023-0050. We will continue this public hearing with comments from staff.

Allen: Good evening, Mr. Mayor, Members of the Council. The next application before you is a project that was continued to tonight's hearing due to the city inadvertently not noticing the Kuna School District of the proposed project. A portion of this project lies within West Ada School District and the remaining portion lies within Kuna School District. Both school districts submitted comments on this application that are included in the public record and just a reminder that the applicant had requested a waiver from City Council to leave the Farr Lateral open and not pipe it and that is part of the original request.

Simison: Council, any questions or comments for staff? Would the applicant like to come forward?

Bailey: Good evening, Mr. Mayor, Council. David Bailey. Bailey Engineering. 1119 East State Street in Eagle, Idaho. Representing Trilogy Development for Reveille Ridge

Subdivision. As Sonya stated, we were deferred from a previous meeting to -- actually we were deferred from the previous meeting for a few issues and, then, came up the issue that the -- that a portion of the south road in this is in the -- is in the Kuna School District and we hadn't had -- they hadn't been noticed or provided comments. So, since then the West Ada School District has provided comments, the Kuna School District has provided comments and I'm going to address the other issues that we had discussed there first and we have resubmitted a revised plan to the -- to the city on that. So, we were talking about the -- about the transition on the northeast boundary and we have removed two lots from that northeast boundary and made those lots significantly larger along that to provide a better transition as suggested by the city council. We have overall removed two lots from the -- from the subdivision and with that design we actually moved the streets on the west of this. On Recreation Drive we had a condition from ACHD to move that connection 330 feet. So, we moved that connection to 330 feet. They weren't going to budge on our idea that maybe that one could be closer. So, we did realign that western end of the project a little bit with that. Not a whole lot of effect otherwise. But with that we also looked at the option of being able to fence that pond entirely for the first phase of development. So, we will be developing open space during the first phase, you know, as we had promised, plus building all the collectors, but there was a concern with the -- that pond and the access to that. So, we will commit to fencing that off from the remainder -- from the phase one subdivision and, then, that pond will be in the -- I believe it's in the second phase we will get that done and -- and get the -- get the pond restored and meet all the requirements on the pond end of that. And a minor one, which you can't really see on the plan, is that we have the -- a condition that we are going to build the entire collector street, including the curb and gutter on the south side of that. So, there is a little shift in the plan that moves the road to the north just a little bit. Didn't impact the size of any lots within this, they all just shifted within the areas that we had on that. So, we made that adjustment, so we are fully compliant with ACHD's conditions of approval now. As to the school district, we have letters from West Ada School District, which indicates their capacity and -- and what they have capacity for this and that they move those. Or what they would do for an overcapacity condition. You know, if they did have more students at those schools, you know, that they have several options to accommodate this here. The letter from the Kuna School District is a little more -- let's say negative and saying they are overcapacity and we have had some significant experience working with the Kuna School District in Kuna projects here recently and I don't know if the Kuna School District representative is here tonight, you know, to do that. So, my take is that, you know, from my reading of the letter is they are not saying that they do not have capacity for this. They are saying that they -- that they have problems and they failed their last school bond and that they have a ten year plan to have the capacity and they have some schools that are slightly over capacity at this point now, but they don't indicate where -- when they are going to increase that capacity. Of course they don't know without the school bond and -- and the -- the numbers that they have for capacity are based per the state law on, you know -- and they are the experts on this. I'm not questioning that. And they are saying they need help. Right? And I do believe they need help. The question is do we deny this project based on that letter from the Kuna School District? Is the representative here tonight from Kuna? Okay. So, I would

rather he make his comments and -- and, then, that's just my take on that and then -- and, then, hopefully I will get a chance to discuss the other end of that and I would be glad to stand for any questions on those issues.

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

Johnson: Mr. Mayor, we have two. First is Whitney Smith.

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

Smith: Mr. Mayor, Council Members, my name is Whitney Smith. I live at 7191 South Eagle Road. So, my property -- I can't quite tell on the map -- whereas I'm right on Eagle. So, see that red square that they have like taken some houses away, so there is more -- so, I'm just down from that. Like do you see where -- it says like plan sheet index. So, that's all my property. We have five acres. We just moved here from Seattle three years ago. My husband and we with our five kids we chose south Meridian, because we found this particular land where we felt like we were close to the city and like smaller neighborhoods, so that we could have our smaller children be with friends their age, but we were still out a little bit in the country and had a teeny bit of space. We sold everything in Seattle to come here. My husband actually still works in Seattle and travels back and forth each week, so that we can live the American dream here with our five children and we love Boise and we are so excited to be a part of the growth and the just exuberant life of everyone here. We just -- I mean I understand -- we understand that people are going to develop that land. Of course. We were just hoping that the transition makes sense for everyone and is like a nice compromise. So, behind -- okay yeah. So, the Smiths. So, we are the Smiths. And, then, our neighbors are the Wilkins. There is a driveway we share together, so we have five acres and they have five acres. And as it is right now there is this beautiful -- I took a picture of it. There is this beautiful berm and, then, a line of trees and so I guess what my husband and I were hoping is that, like I said, we expect that there is going to be stuff that they put back the right -- these homes, but we are just hoping that there can just be a little bit of a compromise of transitioning from our five acres. So, that developer guy said that they have already taken out a couple of houses for those people in The Keep, so that that transition is nice and those people don't even have five acres. If that makes sense. You know. So, I guess we are hoping that we could not have however many houses that is backed up right literally to our fence. So, if anything, if we could like keep that beautiful berm that's already there and, then, there is a line of trees just to keep the character of the land, you know, instead of it just being like super developed. Yeah. That's it. Thank you.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you. I got a question for you.

Smith: Okay.

Cavener: Thank you for being here tonight. It's always helpful for us to hear from neighbors kind of around the area. One of the things I have learned just being on the Council is that the word transition means a lot of different things to a lot of different people.

Smith: Yeah. Yeah.

Cavener: I'm sorry. I heard pretty clearly, okay, the -- maintaining the berm is important to you, but when you talk about transition what are you envisioning in your head from, again -- I was a political science major, so I can -- I -- my math isn't great.

Smith: Yeah.

Cavener: I see like two and a half lots that would front your land. Is that what you see? And is -- is that not acceptable? What -- and, if not, what would you define as kind of transition from your perspective?

Smith: Well, yeah, what are those like skinny little lines? Does this move? Can I touch this? No. Yeah. I guess I see about two and a half houses. I would say my biggest thing is the berm, because I feel like that just gives us a little bit of space. It's just -- like I said, it's already there, there is trees right next to it, so just kind of gives us that space and, then, as far as, you know, what we would like to see as how many properties up next to ours, like I said, they -- I don't know. So, just in -- in the prioritization for you. You know, like I said, I understand that they are going to build stuff, we just want to try to make it make sense and they conceded to the people in The Keep, which they don't have five acres. I don't know what it is. I want to say maybe an acre or so. And so they got it down to be a better like transition. So, just a compromise is what we are just hoping for, honestly. So -- yeah.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. So, just in -- in the prioritization for you I'm kind of curious what's more important to you, the density along our property line or the possibility of having a berm? I have no idea if the developer would agree to maintain -- you know, keep a berm there, if it's on their -- I assume it's on their property line.

Smith: It is on their side. Yes. Yeah. So, what I would rather have -- that's a great question. I would rather have the berm, honestly. If it's true -- before tonight and before

seeing this picture I was under the impression we had five homes backed up to our lot. So, if it is true that it's only two, then, that's more doable, especially if there is a berm and trees. Like I said, I wish I could show you the pictures, but it's just this beautiful berm and there is trees right in front of it and if we had that and it really was just the two homes that is definitely more doable. Like I said, there is so much -- yeah. A transit -- a nice transition would be nice. Yes.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think that's a wise choice or a wise thing to push for. You know, it looks like you have two and a half homes next to your property line and, then, I do know your concern are the little lines here. I believe those are stub -- stub street it looks like --

Smith: Right above that word or -- what does that say? RUT?

Strader: Uh-huh.

Smith: What are those like skinny red lines?

Allen: Mr. Mayor, if I may, that's a stub street. And that's -- the purpose of that is for your -- to your property, if you sell it in the future, for future extension for development of that property. If you don't redevelop anytime soon it's simply a stub street that has a barricade on it.

Smith: Oh, so it could be a street. Oh. Yeah. Like I said, I don't know if I can talk anymore.

Strader: Mr. Mayor --

Simison: Keep going.

Smith: Yes. Okay. Well, like I said, we like literally sold our whole life to come here and just built -- it finished three weeks ago, our forever home for our five children. We have plans to like put in a baseball field for my four sons. So, there is absolutely no intention of even adding on anything. So, it will never be developed. So, it's just going to be us on the five acres.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And that's totally fine, because if nothing happens on your property in the future there is just going to be a dead end.

Smith: Yeah.

Strader: You know. But we have heard -- you would be surprised -- where you have heard that from people and you never know, they -- they may change your mind. But thank you for that feedback. I think we will hope -- maybe the developer could address your request when they give comments again. But that's helpful to sort of understand your thought process. Thank you.

Simison: The stub street is one less house.

Smith: Okay. Like I said, when we came earlier last time it seemed like more like four or five homes. So, two and a half especially -- I would say top priority is keeping that berm and trees.

Simison: All right. Thank you very much.

Smith: Thank you.

Johnson: Mr. Mayor, next is Cheri Ure.

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

Ure: Cheri Ure. 2343 East Skokie Court, Eagle, Idaho. 83616. I just wanted to say it -- right? And while we feel bad about people that move here from out of state, this is a great advancement for Meridian. All of it is fantastic for Meridian. I totally support it. It's quality. It's classy. It's great. The developers are awesome. I don't see any reason not to move forward. It's going to be a great opportunity for us as business owners and for our community. All of that. I think it's -- it's good growth for us.

Simison: Council, any questions? Okay. All right. Is there anybody else who would like to provide testimony on the item? Good evening.

Reno: Good evening. Robbie Reno. 711 East Porter Street, Kuna, Idaho. 83634. Representing Kuna School District. No. Thank you, Chris, for including us in the comments and for you laying it by comments for this and for the comments from Mr. Bailey. We did not fill our bond. Our voters did not approve our bond. We worked very hard to get that approved, because we know in our ten year plan we need -- we need schools to facilitate this, because, yeah, we just stated facts in our letter for yours -- facts and findings, since so you can -- you are the decision makers for this and so we provided that information for you. Yes, Trilogy Developments -- now I'm -- this first time meeting Mr. Bailey, I have worked with Katie Miller and Sean Bradley -- are working with solutions for us in the city -- in the city of Kuna for their developments. So, they are very good partnership in that. But we just provided those or were the facts for you guys to make those decisions. I stand for any comments.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks for being here and thanks for providing your letter. It was really interesting for us I think to be able to compare the letters that we get from the West Ada School District and the letter that Kuna provided. It's very interesting to see different approaches. A question that I had -- you know, one thing -- West Ada's approach appears to be around a lack of capacity, but, then, they have a list of bullet points of, you know, the items that they are willing to implement and we have asked them many times in joint meetings what do you need from us and they have told us up until now we have got it. Here are the tools that we have. What I didn't -- I saw, obviously, your efforts with your ten year plan. I feel for you that -- that the bond to increase capacity failed through no fault of -- of the Kuna School District, but it was rejected by the voters and so I just wanted to understand -- do you have the same -- in your view do you have the same tools available that the West Ada School District does in terms of transporting to alternate schools, area adjustments, portable classrooms or do you feel that some of those options are not available to the Kuna School District?

Reno: So, our -- our district -- let's start with portables. So, portables, they are made of wood and sheetrock and so in the age of where safety and security, they are not providing good -- they are a safety risk, because they are usually out of the building and kids transport from the main building and, then, they are a risk, they are not as protected as the brick and mortar school. Also when you add portables to a school site you do not increase the cafeteria portions or the library portions or the core -- what we call the core portion. So, yeah, we are -- we have a site that we could put -- we could put four or five portables on there, increase the capacity of 200 kids, but that doesn't increase the capacity of our cafeteria, the capacity of our gym space, and so our board and our district have said portables are not an option for our schools. Busing. Yes, I mean we -- we could bus, but we have -- we have done that in the past where we have had to force move kids to other schools. Parents do not like that. They want to go to the schools that their neighborhood kids are in and so when they come into an area and their kids -- some of the kids go to the school and some kids don't, they push back and we end up putting those kids in those schools and, then, the third point was what -- what is -- what to --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It was transportation, portables, attendance area adjustments.

Reno: Yeah. Attendance zone adjustments. Yes, that is something we can do. But three of our five zones are at capacity and it does not make sense to redraw zones right now.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. That's very helpful. Could you give me a flavor for how many students you serve and how many schools are within the Kuna School District?

Reno: So, we serve about 5,800 students and we have 11 schools.

Strader: Sorry. How many students?

Reno: Fifty-eight hundred.

Strader: Okay. Got it. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I really appreciate you providing this testimony, because the Kuna School District, while growing rapidly, is smaller than the West Ada School District pretty significantly and it's obvious that you don't have the same resource set in terms of area adjustments. Within the West Ada School District, because it's so large, they can move the needle a lot with adjusting, but you are saying -- if I caught this correctly -- three out of your five schools are overcrowded; is that right?

Reno: Elementaries.

Strader: Okay.

Reno: Our middle schools they have capacity.

Strader: Uh-huh.

Reno: Our middle schools, they have capacity and our high school -- our two high schools are at capacity.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm sorry to make you repeat yourself, but could you be a little more precise regarding the middle schools and high schools. The high schools are both at capacity? Can you give me a percentage or just --

Reno: I would have --

Strader: Oh. That's okay.

Reno: There are over a hundred percent.

Strader: Okay.

Reno: At the high school I think we are at 103 in the letter that I submitted.

Strader: Uh-huh. Yes.

Reno: And at Silver Trail I want to believe it's 126 or one -- I can't remember the percentage in that one off the top my head.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, in other words, you don't have a high school that has capacity?

Reno: We have an alternative high school that has small capacity, but that's regulated, so --

Strader: Thank you. Not the same though. I understand. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Reno, thanks for being here tonight. I'm sure there are other things that are higher on your priority than being at a city council meeting, so I appreciate you showing up. I think this is the second time you have been before us and the last time you were here there was a request for mitigation fees and I know that's something that Kuna has been doing a lot of. That's a strategy that you are exploring and I know many cities and development communities are kind of watching with, you know, close eyes across the state. Why no request for mitigation fees for this particular application?

Reno: Well, because we cannot ask for mitigation fees. We can ask for voluntary partnerships. We can't ask for -- for mitigation fees.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe I will rephrase my question. I think the last time you were here you asked for voluntary dollars to be paid to offset the impact of growth. You are not talking about or seeking a voluntarily request for funds from the applicant for this development and I'm just curious as to why?

Reno: Because they are helping us and other -- in the city of Kuna, like I stated before, they are creating -- they have -- the applicant -- the parent owner of the company has donated two land sites for some potentially -- the greater issue here is the passage of the bond.

Cavener: Sure.

Reno: And as cities and things can navigate, one of the things that we focus on is getting that bond and how to pass that bond and ultimately we know, you know, the two-thirds supermajority is -- we are one of two states in the union that require this and that is what they are missing.

Cavener: Mr. Mayor, one additional question.

Simison: Councilman Cavener.

Cavener: So, when I look at the letter that Kuna has put together, you have got capacity at the middle school. You talked about that. No challenges really at the elementary school. West Ada, on the other hand, has capacity challenges at the middle school, but does have capacity at the elementary school. Can't the districts engage with each other and say, hey, can you take some of our middle school students and we will take some your elementary students?

Reno: No. I'm -- not as to date, no, because, to be honest, this is the second one that's on our border. This is a unique one, because as we look at it there is 47 single family homes -- 47 townhomes that go across there and some of them -- a third of the homes -- two-thirds of the homes are split across the division. So, we are not quite sure in our planning meeting how that fits, which kids are going to be on those ones that are not fully in our zone, how do those ones go -- to which school district? We -- we -- we were -- we are perplexed by this one as well and so there is a lot of questions as far as that from our -- from when it gets built to what -- what happens.

Cavener: Sure.

Reno: Because we have had a situation where we had one development many -- many years ago that had the same thing, half the subdivision was West Ada, half the subdivision was Kuna. The only way to get that changed is the school board of Kuna School District and the school board of West Ada have to approve it and, then, it goes to the State Board of Education to, then, make a ruling on it.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't anticipate -- I do anticipate this as -- we are going to see more of these in the -- in the coming years. Is there a plan for your district to engage with West Ada to

kind of build a -- a student generation plan about this is where students are going to go? And much like City of Meridian engaged with the city of Kuna around our area of impact many, many years ago to provide a more orderly and thoughtfully planned out approach to growth, I would hope that both districts would also want to come together do the same.

Reno: Well, I would ask what does West Ada do with your eastern properties that border Boise and, then, what does the Boise School District -- what do you do -- what does West Ada do with them and you guys?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't know. We haven't had a request that I can recall of -- of a housing development that has -- that split part in West Ada, part in Boise.

Simison: Yeah. West Ada's district goes well into Boise, so it's not an issue. So, there is no -- those issues would have been decided many, many, many years ago. Because it was over to Cloverdale and we don't go to Cloverdale. Okay.

Reno: So, this is a unique to Kuna and West Ada.

Cavener: I think so and it's not one that -- sorry, Mr. Mayor. It's -- it's not an issue that I think is a -- a one-time deal. Like I anticipate as your northern border continues to expand and our southern border continue to expand we are going to have more of these and I think rather than these kind of awkward, clunky conversations where you -- you are going to get up on a Tuesday night to come and talk to us and we are trying to figure it out, it would be great if both districts would come together and say, hey, here is Kuna's border, here is West Ada's border and let's just plan accordingly.

Reno: Okay. So, we will engage with West Ada. I agree. Yes. But as far as the -- those plots of land that go across those borders. That's -- that's it, that's a great discussion.

Cavener: All right. Fair enough. Thank you. Appreciate you being here.

Reno: Thank you.

Simison: Council, any additional questions? Okay. Is there anybody else who would like to provide testimony on the item? Yes. Come forward, please. If you can state your name and address for the record.

Lucky: Good evening, Mr. Mayor and Council Members. My name is Jeff Lucky. I'm a future resident of The Keep at 6779 South Rosings Place. I'm almost built. In the meantime I live in Meridian. I just -- I will take less than three minutes. I just want to

make a statement that I think needs to be said. We look around at a sea of homes, new communities going up everywhere and the growth is beautiful. It's well done. It's well managed. In this particular case, though, the developer asked -- when we annex the property -- and we -- I will say as a member of the community -- when we annex the property at a density rate that was forecast to be lower than they have proposed today -- so, from the last meeting you were kind enough to listen to the residents of The Keep and, in my opinion, the developer just offered the sleeves off his vest and backed it down two lots, with full knowledge that we have overcapacity at schools. We have a hellacious traffic problem that's going to be on Eagle where it's only an arterial residential road there. We are going to have a hard time to even get out of the neighborhood, but with full knowledge that we have those problems. It feels to me like we can't turn a blind eye and contribute to this problem of overcrowding and traffic without first asking the developer to look at what the housing -- the front doors -- how many there would be if we went back to what was originally forecast to be the density for that community. They came in, they said we would love to -- we would like to propose to you that we increase the volume and, yet, we are having an argument -- or a discussion about -- we have a situation, folks, and it's -- I mean with all of the communities going up everywhere why are we annexing and increasing the density and doing potentially what we could be doing to Kuna School District and others? I mean -- I'm sure you can always find a way out; right? We can always find a way to solve the problem or we can contribute to the problem and listen to the developer, who is developing all over the place. So, I just felt like that needed to be said and thank you for listening.

Simison: Council, any questions? Okay. Is there anybody else that would like to provide testimony on this item? Okay. Then would -- oh.

Miller: Mayor, Council Members, my name is Bryan Miller. Not my first round. Sorry. Just wanted to come back I guess and thank you guys for your consideration last time. I thought it was particularly -- I also came to the joint City Council meeting with school district -- with West Ada School District. It was interesting to get your guys' feedback on how you worked with them. I thought that was good. What I think I found most interesting, though, is -- I think it was Council Member Cavener asked -- specifically asked the developer Mr. Bailey last time if the schools could not service these should the subdivision be approved and to his comment was, no, it wasn't. Still it was -- watching what West Ada points out, they have some levers that they can pull. Mountain View High School and the Victory Middle School are past capacity. They cannot -- I mean that -- yes -- yes, you continue to cram kids into a certain extent, but as a -- as a parent whose kid attends Mountain View that's not something that I think is a great idea. Additionally, I particularly feel for the Kuna School District and as much as I -- I think it's a great idea to -- for these entities to engage with each other, I'm a tax accountant by trade and taxing jurisdictions tend to be pretty -- they have a hard time when it comes to trading taxing jurisdictions, if that makes sense. So, I am not sure in the end there will probably be some type of agreement about what to do with these particular houses, but I doubt there is going to be some type of, hey, why don't we redraw these borders. Those are my thoughts. And I feel for the school district that they have -- they have

been struggling a lot and in the end their comment was, essentially, that the words they use in their -- they do not have the capacity or ability to service these kids and I think even by the -- by Mr. Bailey's own admission that should disqualify the subdivision at its current densities and, like I -- I think that many, many things could be solved simply by a reduction in density. Additionally, the -- the -- the ACHD placed many comments on the -- the -- their concerns when it comes to the traffic. While two or three of those have been addressed, I don't believe they have fully addressed the concerns of ACHD and those things I think should still be further evaluated. Did I give my name and address? I apologize. Brian Miller from -- that's all I have to say.

Simison: Council, any questions?

Miller: Thank you.

Simison: Thank you. Is there anybody else that would like to come forward and provide testimony on this item? Or if you are online you can use the raise your hand feature. Good evening.

C.Miller: Mr. Mayor, Council Members, my name is Carrie Miller. I live at 6876 South Pemberley Place in The Keep. I just wanted to, first of all, thank you for giving us a little bit of easement on our property. We really appreciate it. And I just wanted to add voice since I'm here about the two concerns that we still have. The concerns that we will have a traffic issue with a subdivision that is already being developed right across the street from The Keep and only a two lane road. When people have to go to work we already have an issue. My husband goes to work later in the day and stays later at work, so that he can accommodate for that traffic that we already have and issue for. My son also leaves to school at least 35 minutes early, so that he can get to school on time for a school that's only ten minutes away. So, the traffic issue is a real problem. But in addition to that, what has already been stated -- we have an issue with overcrowding. I liked how the Kuna School District pointed out the negatives of portables. That was what Meridian School District said that they would do to accommodate. However, they never said that we had room, they said that they would somehow make room if need be and those portables I'm afraid are not the answer. They are not the way to take care of our kids. I really do appreciate you and your considerations and all the things that you have come forward and thought through our processes as well. We understand that Meridian is growing and we want to support that growth as well, but we just want to make sure that we look at all the issues before we jump into something that creates more problems. Thank you.

Simison: Is there anybody else who would like to come provide testimony on this item? Okay. Then would the applicant like to come forward to close.

Bailey: Thank you, Mr. Mayor, Council Members. Don't envy your position tonight any more than I do mine. As to the property to the east -- so, this is -- this -- we did discuss the density of the properties along here in the previous hearing and so we have discussed this previously and, you know, we went back with the direction that the

Council gave us as to what we would do in transition and we had explained where we were on transition from that end. So, from that perspective, you know, I could look at moving the stub street on that end. I, unfortunately, cannot agree to keeping a berm and trees along that boundary. I mean it would do such violence to the layout, you know, in the subdivision that I don't think that's necessary and the -- the neighbor there, their house is quite a bit away from here and so, certainly, you know, they -- they can construct a berm and the trees within -- within their property on this end of it. So, I don't know what to say about that one, except for we kind of are where we are on that one there. If we -- if we had a significant request to change the density, then, we could defer this and come back and look at that and, then, we could get someone else come up ask about the transition, again, at the next meeting. So, I'm not sure -- quite sure how to address -- address that one, but that's my take on it. The -- you know, there is some questions about the density of the project, traffic on Eagle Road, and the density of this project and I know you are aware of this, but I will remind you that the project is half in a low density residential, which is three units to the acre and another half of the project is in the medium density residential, which is planned at three to eight units to the acre and our overall project is at four units to the acre with it. So, we are well within the mid -- mid range of the density that has been planned for this property for a long time. You can expect to see properties to the -- well, the property to the east was developed at this density -- higher I think -- that they are discussing on Eagle Road. The property to the west you can expect to be developed at this density and the property to the south -- seen the plan already, which will be -- not mine -- will be developed at this density also. So, I think we are well consistent with the Comprehensive Plan, which implies that -- and we have done the traffic study and submitted that, we know what improvements we have to do to maintain the traffic and what improvements are to be done in the future. There is some -- some scheduled already for Lake Hazel with this. We do have a park close by to this, you know, which -- which has great amenities. This project itself has fantastic amenities. The open space, the walking through this area, the variety of housing product that -- that is very consistent with what the Comprehensive Plan is asking for specifically in this area and under this -- under this density zone. We provide a great transition to the existing lots, you know, and would love to work with the neighbors, you know, and -- and work on that thing and we think we have provided that great transition that way and we think that the -- the numbers work for this project. We have made some adjustments since the last plan based on your requests, you know, we will go with those. As to the schools, I guess first is -- I didn't mean to imply that the school district had failed in some way in doing what they are doing on their job. So, I apologize for that -- for the -- if I came across that way. Certainly don't mean that. They face a tough job. We have several developments in the community that are in Kuna that we have worked on on this and the Kuna School District has had a variety of ways they are trying to approach the issues they have with this, but there is a plan and when we talk about school capacity, that's 2023 to 2024 school capacity that's in there now. So, they say they have a plan, but we don't know what that plan looks like in three years when the -- when the 47 students -- projected students from this, you know, approach those schools. So, they have that capacity now and I can't question the school district's, you know, judgment on saying, hey, we are over capacity in the schools, you know, we got to get this resolved. The question is what do I do with this -- with my 47 students

from this that I'm going to build in three years -- and better yet what do you do with that? So, you know, if the school district -- if the Kuna School District is saying, well, you know, this developer did good and this developer has done well, has developed two -- two sites. We are talking -- probably talking about another one in Kuna and the -- their request for the fees has been controversial to say the least in that area and I don't know where that's going to end up with the development community. I know there has been some negotiations, some discussions. I know there has been discussions between this developer and the Kuna School District about this project specifically. So, from that -- unless we are going to stop development, you know, across the board -- to figure out how we deal with these things, you know, I feel that we need to move forward, you know, on these and we need to help -- continue to help, which we have been and we need to continue and the City Council has as well -- continue to help the school -- the Kuna School District. It's important; right? And they certainly are task limited on the tools they have to do this with and we have had -- we have helped them before, you know, and we will continue to do that and will continue to work with them on the fee -- on the fee structure in Kuna as well. I don't think that -- it's my feeling that having this come to a head on this specific project makes sense for the school district or for us or for the City of Meridian for their future planning and their Comprehensive Plan and I think the city's done great on their goals to work with the school districts. It's right in the Comprehensive Plan. I think there is four goals in there that the city is going to work with the districts on these. We are doing our part, too, but we think this project in general is consistent with the Comprehensive Plan, it's got great amenities, we think it's a really great project, we think it will provide a lot of -- a lot of great new Meridian residents in this area and it's timely and orderly from that perspective and I would ask for your approval.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Bailey, first just a quick note of apology with the noticing issue. I know you were here a few weeks ago and we didn't do our good job to notify city of Kuna, so I appreciate being back here again tonight. If I remember when this was first before us I talked a lot about the school district is like infrastructure; right? It's like delivering sewer and water and police service and fire service and inappropriate, right, for us to approve a development if we couldn't serve it with sewer and water. School districts to me are no different. Roads are no different. It's infrastructure that our public relies on and so I guess I have got just one question for you, which is what do we tell that the families that got kids go to Mountain View that's already over capacity? If we approve this development it is going to put that school at a little over 2,500 students in a school that can handle 2,175. What do I tell them?

Bailey: I -- I feel I'm in a real tough spot to answer that question, because I don't know that -- that I'm the responsible one to tell you what to do when we present you a plan

that follows your comp plan and if we get an open letter from the school district that says, you know, we don't like this one, but we like this one or this one didn't pay their fees, but this one did, you know, then, we have kind of a chaos. So, I'm not -- I don't have a problem with the system -- or with what we need or -- or providing for the schools, I have a problem with how its implemented, how it's working and so as my take that the Meridian School District did not say I can't take the kids from this subdivision at that time and so I don't know that -- that I have an answer for what has to be said in that hypothetical, because the school district didn't tell us that they are going to have to tell those parents of those kids to go to an overcapacity school and the other piece of this is, you know, from a bigger picture is that -- is that we never build over capacity. I mean that's standard across the U.S. Taxpayers will not pay for over capacity. We are always passing bonds in -- in arrears on this stuff and we are always pushing the capacity. That's why we invented these -- these things. I don't think it's great. I don't think it's great planning, but I don't think the taxpayers give us any choice. The taxpayers for the school district or the highway districts for that matter -- give us any choice that we are going to go build a bunch of over capacity in advance. But we do have notice to them, you know, and they have their plans built on your Comprehensive Plan about what to expect for students. So, where do we hit there and where do we stop is the hard question, which I can't answer for you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Bailey: That end of it. I don't think it should be on this project I guess is the selfish answer.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Then where? Where do we stop at? Twenty-five hundred? Three thousand? Four thousand? There is students at Mountain View that don't have their desks in the classroom, Mr. Bailey. They are eating lunch on the floor. When -- when is enough? If it's not now, then, I would just -- I'm curious from your expertise -- if you said it's not this project, then, when is it? Help me know from your expertise.

Bailey: Well, Councilman Cavener and Mr. Mayor, you know, it seems to me that should be answered in the Comprehensive Plan, right, is when to stop. The Comprehensive Plan is what lays out the plan -- the city's plan for their growth and, then, the response of people there -- and they do get extra -- they get extra money from taxes when you -- when you bring people in and they do have, you know, a larger base. Now, they got to go post their bonds and they got to plan ahead and they have got to build more schools. That's -- the answer is we got to build more high schools.

Cavener: Mr. Mayor?

Bailey: I don't know where their plan is.

Simison: Councilman Cavener.

Cavener: That is an excellent answer, Mr. Bailey. So, I guess, then, that brings me to my -- about my third and final question, then, I will try and do my best to be quiet tonight. Would you, then, accept a condition that if you are not granted a building permit until the next bond is passed to allow for future high schools to be built?

Bailey: Commissioner Cavener -- Councilman Cavener, Mr. Mayor, absolutely not, because that's not the way that our system works and that -- that puts the developer responsible for getting a bond passed for the school district in order to get the approval from the city on a project and it just doesn't seem fair the way the system works and, then, you can just pick that one I'm going to make them do this and this one I'm not and so if the city thinks that we have an emergency with the schools and it needs to stop all development, then, that's -- that's your choice to do that, but it's not a simple numbers matter, you know, that goes that way. So, I don't think that's -- that would be an appropriate condition. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just some thoughts and I don't really know if I need feedback necessarily, but I always am trying to find a way to get to yes, but I want to be honest, this letter from the Kuna School District is pretty devastating. I mean just from the perspective that not only are they overcapacity, but it's a smaller district. I think we heard pretty clearly they don't have the same tools that the West Ada School District does; right? Like I -- you know, West Ada has taken the approach -- and they could have taken a different approach, but they have taken the approach that they have these tools to redraw boundaries, use portables -- I agree with -- I think it was Mrs. Miller, but someone who stated, you know, building portables aren't ideal. I agree with that. Like as a parent I don't think a portable is a great solution. But that is the solution that the West Ada School District has embraced and I have to respect them as the subject matter experts how they want to deal with tackling growth. They have these tools. But I have just heard -- not only is Kuna over capacity, but they don't have the same tools and that gives me a lot of pause, but I'm very sensitive to your point, which is consistency. Like I don't want to pick on your development and, then, find that we approve, you know, The Keep West in a future application, because there is not that same pressure. Yeah, I don't know if that's right. I think we need to have a systematic way of trying to tackle this issue. But I am -- I do consider schools to be essential infrastructure. Like their capacity and ability to educate students is critical. It helps drive my decision making and from where I'm sitting now this letter from Kuna is something I wouldn't be able to ignore. I'm not asking for anything besides maybe feedback on that, but that's just kind of how I'm seeing it. I don't disagree with you, though. You know, it wouldn't be fair to pick on yours and, then, not pick on others, you know; right? If -- if -- if there was another development that --

that's going to hit the same -- the same set of schools I think we do need a consistent approach, but from the perspective of Kuna specifically this letter -- I mean I have a hard time ignoring this letter.

Bailey: Council Woman Strader, Mr. Mayor, so the bottom line of that issue there is that in discussions with the Kuna School District they have told other developers and they have told us that if you pay the voluntary fee, then, we will support your project; right? And they would still support these numbers, but those last two paragraphs wouldn't say the same thing. So, if it's your take that we need to get Kuna School district's buy in on this project, then, the -- your answer in getting to yes is that you say, okay, you go satisfy the school district and you get a positive letter from them and, then, we will go negotiate with them on their fees and we will come back with a positive letter from the school district, you can defer us and we will go do that. But that's your -- you're telling us that -- that we need to pay their fees. Their voluntary fees and we will accept that if that's your decision.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I don't believe -- I don't agree with that approach and I in no way intend to tell you to go and pay fees as -- I actually care about the answer which is educating the students. Like that's where I'm coming from and I think we have to assume positive intentions and I assume that the Kuna School District has just been doing their utmost to try to grapple with like an intractable problem that is extremely difficult to solve. So, they have -- they have tried this approach about mitigation fees. I don't want to comment on that one way or another besides that in this application I am not requesting that of you. I just think that how we approach this -- we need to be consistent with this with future development that is similar. It's a really tough one. Thank you.

Bailey: Council Woman Strader, Mr. Mayor, that -- I want to repeat that we are sensitive to that and we have worked with the school district and we will continue to do that in -- in a variety of ways; right? And I think they have a way -- they have a solution. There is a way out and we are going to continue to help them -- them work on that. There has to be a way out. We got to -- we got to educate our kids. No doubt. Right? And we are going to keep growing no doubt, you know, whether it's this one or not.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And I commend you for that. Well, I -- and the developer that you are representing. I think some of the best community partners are the ones that are trying to help solve that problem. So, thank you for that.

Bailey: Just to add, I have got some significant experience in that area in the Vallivue School District as well and so this is not located here because this is a problem, this is the way he is doing business.

Overton: Mr. Mayor?

Simison: If I could just add one thing, Councilman Overton. Yeah, I don't know the answer. I meant to ask this question, but didn't. Legislation was just passed where the state is providing funds for facilities. I don't know what the Kuna School District amount is. We have an idea about West Ada's amount is over a ten year period. My guess is what the state is going to provide is more than the development committees have at least provided. The first year will be more than development communities probably provided in the last ten years will be my guess, but I think if -- if we want to ask the Kuna School District to come up and at least comment on what the number is -- two million a year? I don't know what their plans will be. I don't think anyone's figured out how you build with those dollars over a long period of time, but it does weigh into the question, especially as we get into this dialog if the state is starting to provide funding, if cities think is adequate or not to meet the needs, how that plays into the rest of the conversation, you know, because that is something that the legislature, right or wrong or partially or not, has tried to address to help answer some of these questions, so -- Councilman Overton.

Overton: Mr. Mayor, I'm going to take a little different tact here. There is people in this room possibly have lived in this state longer than me. I went to school here. My kids went to school here and my grandkids not go to school here and when I moved to this state it had 5,600 people in this city. When I started working for the city it had 9,000 people and we soon became one of the fastest growing cities in the United States since then and our school district has been working to keep up -- having capacity issues for over 30 years. Our roadways have been playing catch up having issues trying to keep up with the growth for over 30 years. Every time we build a subdivision and we get it built and, then, we build one just on the backside of it people do what I expect them to do, which is come in and say I don't want to see that here and, then, we build that one and, then, we build one behind that and, then, those people show up -- we watch this happen over and over again. I would be disappointed if I didn't see residents from The Keep here, because I know what they are going through. I have watched thousands of people in the city go through the same thing. Walk into these Council Chambers and talk about the growth and the problems in our schools, but understand something, the school district does not tell us stop. That was not their message and we did a joint meeting with them. They said we got it. We might be over capacity here and here and here, but we got it. They did not tell us to stop developments in our city and we did not hear that from the Kuna School District. In fact, they were very favorable about you as a developer. Sometimes I see you kind of getting demonized as you are standing there tonight as a matter of timing. But we are going to be going through this again with other developments in this city across this valley through different high schools. The high school will find solutions. They always do. They have been doing this -- I mean there was one high school when I went to school here and now we got high schools all over

this valley and you don't tell the City of Meridian to stop all building. You don't tell the city of Eagle to stop building. You don't tell the city of Star to stop building or West Boise, because all of those feed into the Meridian School District. We don't go and tell all the developers in Kuna to stop building, because they are at a crunch, but we ask for their feedback, because it's important for us to know. It's also important for them to know so they can plan, because they have to understand as we build what impacts it's going to have on their schools and how dire of an issue it is that they pass their bonds and get some sort of relief in place for the future generations that are coming up, because I don't want my grandchildren in a school that's overcrowded. I was in the biggest high school in the state of Idaho, which was Meridian High School. We were the biggest. We were one of the largest graduating classes ever. There was only one school in this place and we just dealt with it. When my kids went to Mountain View and Centennial, Mountain View was huge. Now we have got additional schools here. We are beating a drum that's been beaten for three decades and I feel for everybody here talking about what the traffic's going to look like and what the growth in our schools is going to look like. And the Millers -- not that I'm going to single out the Millers. I have a pie shaped lot. I have no front yard. I'm all backyard. If anybody ever built behind me I would have five or six houses back there. I think it's pretty awesome that the developer went and cut two lots out to reduce the amount of homes you had behind your home. Didn't have to, but he did. I appreciate you doing that. I don't think you are here to upset the applecart. I think you are here to build a good development. You have got low density for what we see with most applications in the city right now and I'm supportive of this. I understand the issues with the schools, but we are not the school and when the schools stand here and tell us we got this, I don't know that it's our place to say, well, we got this and we are going to chew you out because of school capacity. We work with the schools, we work with ACHD, but I don't think we can be the police force for the school district as they are trying to decide where they are going to get increased capacity, if they have to redraw boundaries and how that's going to look in the future. So, I appreciate you doing everything you have. You took a barrage of questions tonight, but at some point we really have to look at how this has been going on for the last 30 years, because it's going to continue. I don't see it slowing down. Everybody likes what we have. We got a great way of life here and I don't blame them for coming. So, thank you very much.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I don't have a question for the applicant and unless my colleagues have any more questions I would be prepared to make a motion to close the public hearing so we could have some Council discussion on the matter. Mr. Mayor, I make a motion to close the public hearing on File No. H-2023-0050.

Cavener: Second.

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

MOTION CARRIED: ALL AYES .

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just want to share my thoughts. I haven't yet on this. This is a -- I appreciate all the comments that I have heard tonight. Interesting question. What comes first, the infrastructure development or the -- the -- the developments that incentivize the growth out there? This is a really complex question that I don't know that I have a firm opinion on, go back and forth, but I see the -- the value of both, but certainly if there is growth out there school districts -- ACHD, the other entities are going to be looking at the plan that -- the things that are coming online and trying to meet those needs. What's -- in respect to overcrowding of schools, I -- I think there is a missing piece in all of these conversations and that is the state of Idaho has recently adopted open enrollment policies, meaning we have -- you can go to any public school anywhere in the state regardless of your address. There was legislation that was passed two legislative sessions ago. I think it's a bit myopic to differ -- to consider that -- what the circumstances we are looking at today is a circumstance that we are always going to be facing and -- and to think that people are static in their decision making or that they make decisions in a vacuum is I think not real -- realistic, because people make decisions based on lots of circumstances. Charter schools are growing. They are -- they are helping with capacity. I think the last numbers were 33,000 kids in -- in charter schools and it's rapidly growing. That's helping. The -- like I said, the open enrollment laws I think while new I would encourage our school districts to be talking to each other, because I think educating parents on their options makes a lot of sense and that's something that the school district should be doing is when they are having these challenges, hey, there is capacity at a school not far away. I think that's a missing piece of this conversation and I hope that we have been doing that -- we could -- the school districts would be facilitating some productive discussions. The question of is this the project -- the hill we are going to die on in terms of are we going to not be approving developments? You know, David, you mentioned are we going to just stop development. That might be a conversation we should consider if we are there, if we can't -- if we can't meet the infrastructure needs, as Councilman Cavener kind of referred to it with school districts and such, maybe we should just put a pause on this area if we are going to do the development. I think it's unfair to the applicant and the people who have the rights to develop this property to say this is the property in which we are going to have that discussion and we are going to stop it now. They have followed everything we have asked them to do with the Comprehensive Plan. I think it's inappropriate to change the rules of the game in the middle of it. It's not fair. I do think -- believe strongly in people's property rights. Unless you are violating a neighbor's property rights and the right of enjoyment, I don't think it's appropriate to say you can't

develop something the way you want to. I appreciate the developer being willing to make some accommodations for the Millers. There is some accommodations that can't be made, which I understand, but it's -- it's challenging, but Councilman Overton made a good point, this is not a new discussion. It's not going to go away. To think that we can't accommodate and plan and pivot and work on these challenges ignores decades and decades of experience that's shown that we have -- yeah, these are hard questions, but we have risen to the challenge and we figured it out. State of Idaho has said we are going to start doing more to address these needs. I think too many years insufficient for Kuna. I think Kuna School District is probably one of the more challenging situations in the state of Idaho no doubt, considering the demand for growth out there, and so -- but if you look at the numbers -- let's talk numbers. They are all -- it says 47 students that's spread out across 12 grades, that means we are talking about four kids per grade. Over elementary, middle school, high school -- we are talking to kid -- 1.3 kids per -- per school per grade that we are talking about. I think we can accommodate that. As far as West Ada, it was 148 kids. I understand we are talking new capacity here, but we are not talking like a deluge of kids that are just going to totally shut down the school district. I don't think that's a realistic thing. I'm not suggesting that these aren't real challenges, but I don't see a compelling reason to say that those are reasons enough for this -- this property or this project to move forward. So, those are just some of my thoughts on that. Again, we are in a really tough spot with this part of Meridian -- south part of Meridian where we have some real big infrastructure needs and I think that's a conversation that needs to be had in terms of holistically what we want to do. But I think it's inappropriate and unfair to the applicant and those who have the rights to develop this property to say this is the property in which we are going to put our foot down. So, that I will be supporting this project.

Simison: Thank you. If -- you know, if I could just speak to the infrastructure comment a little bit from -- yeah, there is a couple of us that live in the south and have our perspective. I'm actually going to give ACHD some credit, since Kristy is on the phone. Eagle Road is going to be developed within a half a mile of this property fully to five lanes once they do that intersection before this project ever probably gets its first building permit issued if it is approved. They have done a phenomenal job in south Meridian in providing the general road infrastructure. While I'm not necessarily proud of all the roads they built, Eagle and Amity roundabout, as an example, but they still have actually created a pretty good network of connection in south Meridian, along with our development community, where you do have, you know, Eagle and Meridian, which is going to be improved all the way across. So, I think we put in a park. We put in the fire station. We have road improvements that have been significantly invested by the development and/or ACHD and are coming. Compare that to Black Cat in north Meridian. The infrastructure in south Meridian is really really good compared to a lot of other growing parts of our community. Not to speak about the schools. Not going to speak -- but at least I -- I personally think infrastructure is there. It is an area where we have said is a growth priority area. That being said, every application needs to be viewed on its merits for what it impacts and how it impacts other things, but ACHD has actually gotten I think ahead of the game in this area in terms of road infrastructure, more so than other parts of our community, which would -- I guarantee would love us to

go re-divert those road projects, help see some widenings occur in areas which are already built out on both sides of the roads for several miles that don't have the infrastructure that Eagle Road currently provides. It's going to change. We know that. The entrance and exits will be easier or harder. I don't know which. I thought I was never going to get out of my house with a roundabout on Eagle Road. I can get out anytime I want now. So, we will put a light. But the point being infrastructure changes when you don't really realize what you are going to get and how it's going to impact and ACHD has done a good job in south Meridian with that in my opinion. So, those are my comments on infrastructure.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor, I would concur with your comments. I live in south Meridian and 27 years trying to get out onto Overland Road and now that Locust Grove is five lanes and we have also -- hasn't been that long, believe it or not, since we got the overpass on Locust Grove and so we are always seeing positive changes in that area, but we are also a very fiscally conservative state and city and county and so we will not build it before it's needed. So, we are seeing it as it's done, but we -- things get a little tight before things happen most of the time and so I think we will see it continuing to improve, but not before things do get a little tight before the changes happen. But it is in process and so I will be voting for this. I think that the developer has done a really good job with what we have asked them, as well as staying within our constraints regarding the FLUM and -- and what is required. We are growing and -- and I think we are doing the best we can to manage and maintain our community within that growth.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Not to -- if there is any other Council Members that would like to make comments I don't want to be ahead of them, but I would be prepared to make a motion at this point. Okay? Mr. Mayor, I move -- after considering all staff and public testimony I move to approve File No. H-2023-0050.

Overton: Second.

Simison: Have a motion and a second to approve Item H-2023-0050. Is there discussion on the motion?

Cavener: Mr. Mayor?

Allen: Mr. Mayor?

Simison: Councilman Cavener first.

Cavener: I always like to defer to staff, but -- all right. Those of you know -- don't know me know that I have such love for local government. I love that we wrestle with these issues and it's not good guys and bad guys, it's just differing perspectives and I appreciate hearing from all of my -- my colleagues tonight. There was an application across the street from this that I opposed a few weeks ago for the same reasons I'm going to be opposing this tonight. There is two kinds of things that have sat in the back of my head this evening and I'm going to talk a little bit about fairness. We heard a little bit of discussion about fairness tonight and for me fairness is making sure that our students have desks to sit in and lunch tables to sit at and access to libraries. We are too good of a community not be able to let that be for our students. Council Member Overton brought up a really good point about growth. I went to three different elementary schools without ever moving because of growth and rode a bus from Cherry Lane and Locust to Chinden and Cloverdale to sit in a classroom with 33 kids in a portable. Not ideal. Difference was, though, at least at that point in time our community really supported bonds for the schools and I think that season has come to an end and so if -- if we as a body are not going to be more critical about the impact of housing on our schools and on our roads, recognizing that our community has to deal with the growth of Star and Eagle and Boise and Canyon county, all of which are in the West Ada, we are going to start creating some really really big challenges not just at Mountain View and not just at Rocky, but we are going to see that spill over to Meridian and Centennial and our elementary schools. So, I am opposed to this tonight. I think this is generating too many students to a school that cannot handle it. We know West Ada can't say that they can't handle it. I applaud Kuna for being more bold about it. Ultimately for this application the students that are going to go to a Kuna school are going into this eyes wide open; right? They know what they are getting into when they move into this neighborhood to going in -- these 42 students will go to a school that they know is over capacity. I'm not thinking about the students that this neighborhood is going to generate, I'm thinking about the students that are already in the school. Schools that are full because maybe our Council made less disciplined decisions in the past and we have generated too many people and so I'm going to be very critical about any housing development that generates an abundance of students into schools that can't handle it. So, I was opposed to this weeks ago. I asked the applicant a question, again, if he would be opposed. He said at the time he was. He has changed his mind. That's okay. We are all -- all free to change your mind on issues. But I want to do what's fair for the students and I don't think that this development is going to be fair for the students in Meridian.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Just to explain my perspective, I think it's pretty similar to Councilman Cavener's. I think the difference for me is -- and, again, ultimately I would have to trust my fellow agencies and government; right? At some point. So, if West Ada's approach is we have these tools, this is how we are going to handle growth, I have to trust them that -- that that is the case. I can't second guess the West Ada School District and try to

do their job for them, but, similarly, you know, I'm not going to disregard the letter from the Kuna School District when their testimony tonight was that they don't have the same tools available. It seems like a pretty severe situation. I -- I appreciate the developer's testimony regarding the potential flaws in that school district's approach with mitigation fees and different conclusions. You know, I'm not a judge sitting up here that's seen that, you know, or that can provide I guess feedback on that approach. I haven't seen that, but, again, it's not that often that we are interacting with the Kuna School District. At the end of the day if I have an agency saying our ten year plan is totally dependent on passing, you know, bonds or levies, the legislature's funding for facility needs is totally inadequate, that they don't have the ability to do portables, that they don't have the same capacity and they don't have the ability to redraw boundaries to the same extent that West Ada does. I think there is a difference there and so for me any development that borders the Kuna School District I'm going to have to take a pretty consistent approach with that being problematic at this time. I also feel for all students within the West Ada School District that are experiencing overcrowding and I don't necessarily agree with the approach that West Ada has taken. I think they should be bolder if they need something from us. But, again, we have asked that question like five times and we keep getting the same answer. So, that's where I'm at tonight. I'm a no on this one. I think that we should be consistent in this approach -- at least I will be from a decision-making standpoint with any residential development that would utilize the Kuna School District and, then, if West Ada, you know, provided me similar feedback I would have to take that into account, but they haven't. So, that's where I'm at tonight, just to help kind of explain my decision-making criteria. I applaud the developer for -- it looks like it's going to go your way, but we will see. I appreciate your flexibility in trying to redraw -- you know, removing two lots, et cetera. I think that helped a lot. I don't think this is like a hugely dense development, but, again, it's -- I do consider schools critical infrastructure. It's an important decision-making criteria for me, something that I won't be able to ignore. Thank you.

Simison: Is there further discussion on the motion? Okay.

Allen: Mr. Mayor, if I may?

Simison: Yes, Sonya.

Allen: Just wanted to remind the Council to take action one way or the other on the applicant's request to leave the Farr Lateral open and not pipe it. Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I would make -- I would restate the motion if needed, but given that it's written in the -- it's in here I -- would it be assumed that we are doing -- or do we need to state it? Maybe that's for Bill Nary. Would you like to have it stated -- my motion?

Allen: The applicant is making the request, so if you can take action on it that would be great. Thank you.

Taylor: Okay. Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Withdraw my original motion to make another motion. Am I doing this correctly? Procedurally do I need to withdraw that motion?

Simison: You don't need to. Just -- just --

Taylor: It will be okay? All right. I'm going to restate the motion then. I move that we approve File No. H-2023-0050 with the condition that we waive UDC 11-3A-6B.3A to allow the Farr Lateral to remain open as a linear open space and not be piped.

Overton: Second agrees.

Simison: Second agrees with the change. Is there further discussion? If not, clerk will call the roll.

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

Simison: Ayes are three. No's are two. And the item is agreed to. Thank you for everyone coming out. I would encourage the school districts to get together, because I think ultimately when this is built having the kids go to the same school, if possible, is great for neighborhood continuity. It may take a little bit of work with West Ada, but I encourage you to do so to help figure that out and maybe that will be the solution for you all as a better way to help address the issue, so -- thank you.

MOTION CARRIED: THREE AYES. TWO NAYS.

Simison: We are going to take a recess. We will reconvene at 8:45.

(Recess: 8:29 p.m. to 8:45 p.m.)

22. Public Hearing for Cityside Storage (H-2023-0058) by Peter Stuhlreyer, Designhaus Architecture, LLC., located at 2755 N. Eagle Rd.

- A. Request: Conditional Use Permit to allow for a 4-story self-storage facility and increase the building square footage from 32,500 to 135,000 on 2.08 acres of land in the C-G zoning district.

- B. Request: Development Agreement Modification to modify the existing Development Agreement to allow a 4-story self-storage facility and increase the building square

Simison: All right. Council, we will go ahead and come on back from recess. It is 8:45 by the clock on the computer. So, with that we will move on to Item 22, which is a public hearing for Cityside Storage, H-2023-0058. We will open this public hearing with staff comments. Good evening, Linda.

Ritter: Good evening. Good evening, Mayor and Council. I'm Linda Ritter, associate planner. So, tonight we are here because the applicant is requesting a conditional use permit and a DA modification to construct a 54.5 foot, four story, 135,000 square foot self-storage facility contained in 777 units and 15 exterior drive-up self-service storage units and a climate controlled structure for a total of 792 units with a built-in footprint of 32,500 square feet on 2.08 acres of land, zoned C-G, located at 2755 North Eagle Road. Access to the site is from the existing private road, North Cajun Lane, via Ustick Road or East Seville Lane from North Eagle Road. There is no direct access -- access to the property from North Eagle Road. There is a total of eight parking spaces that are proposed, exceeding the UDC minimum standards as parking is based on the square footage of the office space, which is 862 square feet. There is an existing 20 foot landscape buffer with a ten foot detached sidewalk along North Eagle Road. The property owner is proposing an additional ten feet of landscaping along North Eagle Road, which shall be installed per the standards listed in the UDC. A 25 foot wide buffer is required for residential land use to the west as set forth in the UDC. There is an existing landscaping along the multi-use pathway along the southern property boundary, which was installed with the previous development. There are no existing trees on the site and the landscaping along the pathway, which was not -- which will -- it will not be removed and it will be protected during construction. Per the Parks Department multi-use pathways already exists in the area. No additional pathways are required for this project. Pedestrian lighting along Eagle Road is being required with this development and shall meet the requirements of the UDC post luminaire. Historical type lighting per the Meridian city standard specifications will be installed and the height shall be 14 feet. Conceptual building elevations were submitted for this proposed structure. Building materials consists of metal panels and stone pattern tiles. Final design is required to comply with the design standards in the architectural standard manual and the recorded agreement. The site plan depicts full stucco walls enclosing the property as fencing for this project. There is an existing development agreement on this property, which only allows uses such as retail, restaurant and office. A storage facility is not considered office, nor retail, as UDC 11-1A-1 defines retail as following: The use of a site that offers merchandise to the public for monetary compensation. The uses include, but it's not limited to, convenient stores, food stores, apparel and accessory stores. Both computers and music stores, electronics and appliances, floors, furniture, home furnishings, general merchandise stores, health and personal care stores, hobby, office supplies, stationery, gift stores, specialty stores, sporting goods and used merchandise stores. And the existing DA also has a maximum square footage of one single building and the C-G portion of the project that shall not exceed 32,500 square feet. The

applicant's request is almost four times the square footage for the proposed storage facility than allotted to the existing commercial businesses within this subdivision. The new DA that is being proposed will include the addition of storage facility as use will increase the building's square footage to 1,003 -- 135,000 square feet with a building footprint of 32,500 square feet. Staff is recommending the applicant to enter into this new agreement as there are too many owners subject to the previous disagreement. The new DA should also include the parcel number R9 -- R0945580265, along with the revised concept plans and commercial office building elevations showing feature development of this parcel. A provision in the new DA will limit the heights of all the buildings to a maximum of 35 feet and this was provided to the staff 15 days before this hearing. This is the location of the property. These are the residential units and this is the commercial area in front of the residential units. And this is just a plan showing the zoning in the area. So, the comparison tables here showing the height of the existing buildings in the area is a value tool for assessing the proposed development's impact on the neighborhood visual harmony and overall character. A 64 percent increase in height compared to the tallest buildings in the immediate area is a significant difference that warrants careful consideration. The applicant's request is almost four times the square footage of the proposed storage that is allotted in the commercial business within this subdivision and the applicant stated the scale of the building makes the project more economically feasible and the high cost of land can be spread across more units. The applicant also stated that the proposed height of 54.5 feet conforms with the existence C-G zoning allowance of 65 feet, which was a significant consideration in the developer's decision to purchase the land. Although the applicant has put forth several arguments in favor of the proposed location and building scale, emphasize -- emphasizing the transition with existing residential areas, economic feasibility and adherence to zoning regulations, it is important to remember there is an existing development agreement that regulates the uses and square footage of buildings on the property. It is also crucial to consider the visual and architectural harmony within the surrounding context. So, this picture right here provides a snapshot of the height difference for the existing structures and the proposed self-storage facility. As you can see -- I think is Discount Tire that's here -- has a built in height of 26 feet and this is the proposed building of 54.5 feet. Staff feels that the proposed height will not be harm -- harm -- harmonious with adjacent residential and commercial uses and will negatively impact these uses, as it may lead to overshadow -- overshadowing of neighboring structures or altering the character of the area, which are a concern. So, for the visual impacts the disproportionate height of the building may disrupt the visual harmony of the surrounding area. It could be -- it could potentially create an eyesore or clash with the existing aesthetics. The overshadowing the height of the proposed building might cast shadows over the neighboring infrastructure, impacting the natural light and potentially their functionality. The character of the area. The proposed development may alter the character of the neighborhood or area maintaining compatibility with existing structures is crucial for preserving the overall aesthetics and functionality of the neighborhood. So, staff feels that the proposed storage facility -- it would meet the dimensional standards for the setbacks, landscape buffers and parking requirements. However, the existing development agreement does not allow storage facilities -- facilities as a use within -- without an amendment and there is a staff report that was done in 2006 by the original

owner in which staff stated a development agreement is necessary due to the close proximity of the existing and future residential uses to ensure that the property is developed in a fashion that is consistent with the Comprehensive Plan design and does not negatively impact nearby projects. The language in the development agreement for the maximum square footage was proposed by the developer at the time for the Bienville Square Subdivision and, again, although the maximum height for the C-G zoning district is 65 feet, the development agreement limits the maximum square footage of a single building to 32,500 square feet. Staff finds that the proposed storage unit, if approved at the requested height and square footage, would not mean compatibility with the existing structure, which is crucial not only for the aesthetics, but also for the functional integration of the new development and the community. So, staff recommends that the building height not exceed 35 feet in height, which is consistent with the adjacent structures in the area. Staff is not opposed to additional square footage as long as the applicant keeps the structure at 35 feet in height. So, there was -- there were five written testimonies in support of the project as proposed and one in support with a maximum height of 48 -- 48 feet. Again, staff is recommending approval of the proposed modification to the development agreement and conditional use permit subject to the conditions and findings outlined in the staff report. So, at this time I will stand for any questions you might have.

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

Wardle: Mr. Mayor, Members of Council, Geoff Wardle. My address is 251 East Front, Boise. Suite 310. With Clark Wardle. And you get both Hethe and I here tonight. I'm here on behalf of the applicant and I just want to let you know this application involves no silos, no school children and no ACHD roadways. So, if we can just pull up my presentation. We appreciate the opportunity to be here with you tonight. My client -- my client is here, Mr. Hosac, who represents both the owner and the developer of the application and we agree with staff, except for the fact that this application is about the use, the height and the mass, and I have had the conversation with Mr. Nary repeatedly over the years about the City of Meridian's development agreement application process and this is a prime example. I think when the development agreement was done in 2006 everybody was way too loose on what was the use, just to have this phrase retail, restaurant or office, without actually matching what was in the UDC and the other problem becomes one of site plans. So, we are going to move through this because I know that time is a precious commodity. So, the design team has put a lot of effort into this application and has done a lot of work and it is impressive -- and I appreciate my client's work with his neighbors for the fact that you have nothing but positive comments from the property owners and the HOAs in the immediate vicinity and specific design elements were undertaken to address and minimize the concerns. Fundamentally, our objection with staff's response and staff's height concern is that the standards that staff articulates with respect to visual, with respect to shadows, with respect to height and impact on the neighborhood, A, are divorced from the original 2006 development agreement and, B, have no basis in our code. If the City of Meridian wants us to look at the issues of shadow due to height there was a mechanism to do that, to adopt a

standard and make it something that is objective. That's not what we are faced with here tonight. So, our request is to approve the DA modification, approve the conditional use permit, approve the site plan as we proposed, approve our height at 48 feet with an allowance for necessary architectural features to comply with the design standards of Meridian City Code and approve the design with the massing proposed. So, staff indicated that this is part of the -- the Bienville development agreement from 2006, southwest corner of Ustick and Eagle Road on the west side. The application before you tonight involves two parcels owned by my client, but the CUP is the southern one, the -- the somewhat uniquely shaped parcel there on the south. To the south is an existing drain and an existing park pathway with a significant setback to be on annexed properties to the south. Now, access is solely from Seville and Cajun to the site, so we don't have any other public streets to worry about. The property is currently zoned C-G and service commercial is our larger scale and broadest mix of retail, office, service and light industrial uses. That is the purpose of the C-G zone. That determination was made when the Bienville Subdivision was annexed and the development agreement adopted. It has a maximum height of 65 feet under our code and you will see in a moment that the development agreement acknowledged a 65 foot height limit in the C-G zone. The future land use map, more importantly, is mixed use regional, which also is an intensive use contemplating a mixture of uses that were satisfied originally with the Bienville application, with the integration of medium and high density residential, plus commercial fronting Eagle. The mixed use regional is all of the Eagle corridor and it's intended to be that type of use. So, you have seen the site plan. What is proposed is a four story conditioned storage facility that is L-shaped, that is placed up on the northern boundary up against the northern border, which is where Discount Tire is and allayed across Eagle Road. We initially proposed 55 feet. Staff insisted on 35 feet. I note that the C-G zone permits 65 feet and at Planning and Zoning, after much conversation amongst the commissioners, plus neighbor who commented, plus my client, 48 feet is appropriate if we have the ability to work with the necessary architectural modulation above 48 feet. But much like you have heard tonight on some of the residential applications, it's important to let our comp plan and our zoning ordinance work together and support the type of development that applicants can look at the map and go we can build X in this location. This is a commercial use with a 65 foot height requirement. So, staff relies on this text from the Comprehensive Plan and we don't disagree that uses should minimize conflict and that there should be compatibility, but I think the question that's being posed by staff is wrong on the issue of compatibility. The compatibility decision was made when eight acres of C-G zoned property on Eagle Road were integrated into the larger mixed use Bienville Subdivision many years ago and to assert that the height is appropriate -- I don't like fighting with your staff. I know people think that's what I do and that's how I get paid. I really don't. I value staff. But there is absolutely no basis under the Meridian UDC or the Meridian Comprehensive Plan for the type of analysis that staff insists that we satisfy here. This is the type of analysis that you see being utilized in larger jurisdictions that want to oppose any type of development by insisting that we do shade studies and that we do evaluations of visual acuity. That's not what we do in Idaho. You don't have a right to have view. We do have an obligation to comply with design standards and the important thing is that the next two policies in the comp plan tell us what to do to meet

that and we looked at site development, we looked at site selection. We have looked at how we landscaped and provide buffers and setbacks. That's how we ensure compatibility. We don't do it by just arbitrarily going, well, under the current DA you have the right to build the 65 feet, but if you want a modification you are going to have to lower it 30 feet and give that right up. So, what do we know? The mixed use regional contemplates intensive use and this is a use that is totally compatible with the existing zoning and the Comprehensive Plan. The C-G zone permits intense development and contemplates heights up to 65 feet. Now, what do we know from the Bienville Square development agreement in 2007? Well, first we know that when the property was annexed that there were three parcels that were zoned as a result of that. There was a C-G portion, an R-8 and an R-15 and that a conditional use permit was required at that time, because having a mixed use required a conditional use permit. I have no qualms about coming in front of you with a conditional use permit for a slightly more intensive commercial use because that's appropriate. But I do disagree with the assessment that this wasn't considered and that this is a significant deviation from what was originally improved, because, in fact, the original Bienville application acknowledged that the C-G elements were largely to be determined, including height and massing. As we go through the Bienville DA we note that when it talked about the nonresidential square footage it said to be determined, 44,000 square feet shown. Proposed building heights were to be the C-G limit and the percentage of the site coverage or floor area ratio or massing of the building was not defined in the development agreement. All contemplated returning with a more refined site plan and application. We also know that the Bienville Square DA defined the transition, that you put C-G zoning out on Eagle Road. You had R-15 as a buffer to the more intensive -- to the less intensive residential development to the south, to the commercial uses and to the others. We also know that the CUP was required to construct retail, restaurant and office uses and that I don't think -- I think if we look back to 2007, Mr. Nary, I don't think any of us would do a DA with that description of uses. So, the transition was adopted and addressed in the original DA by designating this property as C-G and having it buffered by R-15. Now, the R-15 site plan is interesting, because here is the site plan, it shows the R-15 there in the middle, and what it shows is it contemplated that those R-15 units would be townhouses that were alley loaded and oriented towards the resident -- to their -- the commercial property, with two large office buildings potentially on the corner there. That's not what actually developed and we will get to that in a moment. But what I want us to really note is that when we look at this zoning, when we look at the Comprehensive Plan analysis, how has the city evaluated it? Well, immediately across the street, across Eagle Road, with identical zoning and identical land use designations, adjacent to identical residential zoning as we have here, the city has had no qualms approving multiple applications that have the type of height or more than what we are talking about. We have seen applications for 40 feet in height approved, which were, then, modified to 41 feet and four stories. We have seen applications approved with 45 feet and four stories immediately across the street from less intense residential. We have seen 49 foot multi-family approvals that are immediately across the street from low density residential and on Eagle Road itself we have an approved similar use that proposed the building height of 42 to 50 feet for a similar storage product that they came back and asked you to modify the multi-family and that was

rejected. So, this body has repeatedly approved site plans and development agreements that have had the type of height and massing that we are asking for. Same land use designation, same zone, same proximity to residential zones, similar height. So, how do you address the impact? Well, you address it through buffering, screening, transitional densities, site design practices, your vegetation, your berms, your other elements. We have done that. We have oriented towards the arterial. We have pushed the mass of the building away from the residential development. We have used a use that's compatible with the parking and access limitations that exist on this site. We have paid attention to minimize the mass by breaking it up in an L-shape and pushing it out towards Eagle Road. We have located it to be compatible with adjoining us. How do we know that? Well, when we look at the site I would direct your attention to Cajun. Those are the townhouses that staff has expressed concern about this project overshadowing. Those townhouses were revised from what was in the site plan, so that the front of those face an internal MEW. This is Cajun and they all take access with their garages off Cajun, functioning much like an alley. What you don't see there are living room windows, bedroom windows, any type of active space oriented towards Cajun. Why not? Because Cajun sits 350 feet off of Eagle Road. That's not where we want people to be oriented and focused. My client has taken attention to that, has designed a buffer and designed the setback with landscaping and other elements that are required. There you can see the original design with the office buildings and with those Cajun townhouses, which have now been reversed. Thus the design elements that have gone through from the 2007 implementation of this development agreement all focus on the reality that this was intended to be an intensive use. The properties to the south are not a concern either, because you already have the buffer staff described, plus you have larger lots with mature landscaping. To address that my client has indicated we will construct the requisite wall with the requisite landscaping and this middle image right here shows what that looks like from one of those properties on the south, one of the larger lot unannexed properties. So, Discount Tire, yes, is 26 feet high, but it's not impacted by this as we are setting it farther back. Height is like density. We plan for it. We provide for it. We show up at public hearings and we get told there is too much of it, even though it's compliant with what is there. And when we give mass up you never get it back and, then, we end up with sprawl and we end up with all the other things that we are concerned about, because we give in and we take that off the table. You have a code that says C-G permits 65 feet. You have a development agreement that says it permits 65 feet. We are not looking for 65 feet, we are looking for 48. Now, I'm normally -- you know, you have all -- many of you have seen me many nights and you know that generally when it comes to applications I will just bulldoze neighbors. My client did not do that in this case. My client has spent years working with the adjoining property owners and this is the result of that. We one hundred percent unanimously approve. We support the project. We support a height of 48 feet. I support the proposed project. Our HOA supports the project as proposed. Therefore, our ask. Approve the DA modification. Approve the conditional use permit. Grant us a height of 48 feet, plus whatever you feel is appropriate so we can have the necessary architectural interest that's required under your development code. Approve the design with the massing and site plan has approved. And I stand for any questions.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Just -- when your client acquired this property as part of the due diligence process were they aware of and reviewed the existing development agreement?

Wardle: Mr. Mayor, Commissioner Strader, absolutely. My client's sophisticated, aware of that development agreement, also aware of the fact that the original development agreement left a lot of issues up in the air that would be addressed and need to be addressed in future applications.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Plus necessary architectural features. Help me understand that. What kind of architectural features are we talking about? How big are they?

Wardle: How much modulation of -- Mr. Mayor, commission -- Council Woman Strader. It's how much modulation do you want over the roof deck? I mean that's -- that's ultimately the question. We would like four stories. Would like a top roof level of 48 feet, but we know that there needs to be additional architectural attention, modifications and details that address the requirements of your code.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I assume if you have gotten to this point in the process, though, you at least have plans or an idea of what architectural features you are proposing; right? I see renderings. So, what -- help me understand how -- what you have proposed exceeds 48 feet and where and by how much.

Wardle: Mr. Mayor, Council Members Strader -- if I can go back. This is an early rendering, but you did have the elevations that staff showed you, that there is modulation, that we are not talking about straight flat walls. You can address that type of screening. We can address that type of modulation. We can address a parapet height. But I just wanted to be clear, because far too often when we have conversations about height and what the roof height is, we need to also address what your screening requirements are above that parapet. So, if you want to say, you know, 24 inches above the elevation of the roof at 48 feet with, you know, multiple changes in plane, that's totally understandable and we can do that. If you are telling us that we can't put

mechanical equipment on -- above 48 feet, even if we screen it we need to know and understand that.

Strader: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Well, it's nice having you here. It gets me energized after a long meeting. Appreciate your passion. What's the maximum height you are proposing?

Wardle: Mr. Mayor, Council Member Cavener, our ask is 48 feet, with 36 inches -- 36 inches? Thirty-six inches for screening and parapet.

Cavener: Mr. Mayor?

Simison: That's 51 for those that aren't good at math.

Cavener: You answered my question for me. Thank you, Mr. Mayor.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Mr. Wardle, it sounded like you accommodated some neighbors to bring the height down. Did you lose a story, a layer of development there or where did you lose that or -- help we understand that kind of reduction.

Wardle: Mr. Mayor, Council Member Taylor, this is where I'm going to ask my client up, because I don't understand conditioned storage.

Simison: Just state your name for the record, please.

Hosac: Ken Hosac. 3676 North Harbor Lane in Boise. And, yeah, on the -- in terms of the neighbors, we had -- in the staff report they had said 35 feet. So, we came into the meeting with -- trying to get it as low as possible and so in the meeting we proposed a -- a compromise of 48 feet. Public testimony -- there was a -- a woman that testified that she did not -- she opposed the project height of 54.5. We round up to 55. At the end of the meeting she came up to me and said I will support 48 feet and she -- she is right across the street -- one of the townhomes she owns and so that's where that came from. And in terms of modulation, this does not have to be uniform around the entire building. I think there is certain treatments we might elect to do together with staff as we work through this to have more modulation on the side of Eagle Road where it's not sensitive to that residential transition and perhaps try to do less on the back, because, you know, if we are 45 and the townhomes are 35, you know, we don't want to add, you

know, too much more above the 45 next to the townhomes. But at 35 you could actually stand on the roof of the townhomes and look down on the roof of the 35 foot self-storage, if that were the case and I want to also add that Planning and Zoning, when they addressed this issue of height, their specific thing -- they basically modified the staff report in their recommendation and said that it would be less -- they approve less than 54.5 subject to this discussion at City Council.

Taylor: Mr. Mayor, a quick follow up?

Simison: Yes.

Taylor: Just in terms of the design structure, I think, if I remember correctly, I was reading in the Planning and Zoning meeting minutes that -- to make this property pencil out you needed the height and the mass to get as many units in there in terms of making the financials work. What's -- what are you looking at rent per square foot on this? There is like a dollar like 90 cents a square foot, \$1.50 a square foot? Do you have any rent projections?

Hosac: Yeah. So, market right now in -- the market is softening for self storage right now. So, I think -- but it was -- it's not necessarily the height that drives the financial model and I have a massive pro forma that 60 is -- excel spreadsheets. It's -- it's the number of stories and so what we are -- what we really need to do is just maximize the stories. But in terms of revenue -- right now I had a financial analyst that did a market study who said it would be \$1.32 a square foot and -- and right now that's going down in Boise, but I think by the time that this gets built -- let's say we start in spring of '25, which would probably be the earliest we would be able to do it based on interest rates and other considerations. We would finish the project in spring of '26 and, then, it's three years of stabilization. So, we really -- probably in the first three years of stabilization the market rates would be a little bit less to stabilize it to fill up the project.

Taylor: Right. Because if I -- quick follow up. I think, you know, a lot of the market rent right now -- if you look around it's about a dollar a square foot for a lot of stuff, give or take five or ten cents, from what I have seen currently on the market rate rents and if you have got about a hundred thousand people or so within three -- three square miles of a storage unit it's going to take, what, three to four years on average to maybe fully lease it up. So, do you think -- because my question is kind of on the financial side, making it pencil out, because I like that it's more dense. I don't like storage units that take up, you know, three or four acres or whatever and so I think it's -- I think it's a product that's needed and seeing it a little bit more in the valley I think is a good thing. But my -- just in concerns of where interest rates are, it is softening. There is a lot of self-storage that's coming online. The market rate -- you know, \$1.30 per square foot is kind of high considering some of the other ones close by around 90 cents or a dollar a square foot. Obviously, we are looking at several years down the road before that comes to fruition, but are you comfortable with the financials of this project, that it's -- you are not going to be left with a building built, but not fully -- you know --

Hosac: I'm putting my own money on this, so I'm very comfortable. One thing about self-storage -- and, you know, offline I will tell you how I ended up selecting self-storage. That wasn't what I really went into. I was trying to do office, retail or residential, but without access to Eagle Road it's not feasible. But in storage, as I have been learning this over the last three years, there are -- there is street rates and in-place rates and so what you are seeing in terms of rates are the offering rates that storage units are putting on their website and, then, they are getting people in there for one or two and, then, raising the rents and what you don't know is what the in-place rents are and there is a company called RD Matrix that just did a -- you know, an hour long market analysis of this and I was paying very very close attention, but a lot of times those teaser rates or those street rates are 40, 50, 60 percent below the in-place rates and so when I do my pro forma I have to be very careful to reflect the street rates for a portion of that stabilization, but the value of the building is based on in-place and it's a lot higher.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Look through the renderings again, so we can see the different perspectives.

Hosac: I think we need to switch to staff's --

Strader: Linda, is that possible, please? Thank you.

Ritter: So, Mayor, Council Woman Strader, which one did you want to see?

Strader: Just to -- can you just spin through them really quick? Particularly I'm curious about the view from Eagle Road and, then, the view from the back from where the townhomes are.

Simison: While that's being pulled up, play stump the chump. If you know. What's our zoning height for single family residential? Any idea?

Wardle: Mr. Mayor, Council Members, it depends on your zone. The R-15 here, when it was originally approved with these townhouses, the DA provided and contemplated a 40 foot height, but I think in most of the residential zones that are less intensive than the R-15 it's 35 feet.

Simison: That's what I assumed. I think, you know, from that standpoint. And modulation within -- between a one story and it's -- well, in my immediate area we have three homes which are two or three story and one home which is one story. My guess it maxes out at 17 roof pitch, because pretty square, pretty flat roof. I'm guessing at worse 18 to 19 feet difference within our residential zone, which is not uncommon. I don't know about the exact building, some go higher, some go lower, but just want to get some perspective that residential -- single family residential zone use is unusual.

Wardle: So, Mr. Mayor, Council Member Strader, I think here is your site plan with -- okay. With your site plan. The one with Discount Tire in the upper right is what that looks like from Eagle Road and that's the facade that has the most significant modulation of the facade, most significant modulation of the height. In this -- the picture that is in the -- below that in the lower right-hand corner, that is from the southwest corner of the site looking back from the intersection of Cajun and the other road that goes to the south and so you see the -- the wall, the fencing that we have proposed there, as well as the landscaping and that's the existing path.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, what view is the lower left-hand side then? Is that from Eagle or --

Wardle: Mr. Mayor, Council Member Strader, that lower left-hand side -- that is from Eagle where the pathway comes out on the south side of the existing drain.

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

Wardle: Thank you. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, yes. And I apologize if I mispronounce it. Jeff Vrba.

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

Vrba: Good evening. My name is Jeff Vrba. I live at 3005 North Leblanc Way in Meridian, Idaho. And that's just part of the -- just south or east of Venable there, so it's in the single family homes that are over there. Overall we are happy that something might be going into that area there. I personally am happy something's going in there. But the problem I have is if you get down to Eagle Road -- just drive down Eagle Road, all of the buildings we have that are on Eagle Road are within 20 feet from Eagle Road with the sidewalk and everything else -- are all single story buildings or maximum two story buildings, except for two that I saw from Eagle -- from the interstate all the way down to where this facility is being proposed and that was Portico and there was another water -- Water Rock and Water Creek Hotel -- or long-term stay, that's the only two buildings that are on Eagle Road that's over 35 feet tall. I am against the 35 -- I want to try to keep it around 35 feet if they put it in there. The 40 to the 48 feet, plus or minus a little bit, because of everything else going in, how are we going to maintain that? They are going to say, well, we need the extra to cover up the stuff, so it might end up being 52, 53, 54 feet and to be able to check that all the other buildings they were talking about with the other apartment complexes that were multiple stories, three, four stories tall, they are all off of Eagle Road. They are further back, over a hundred feet back from Eagle Road. They want to put theirs within 25, 30 feet from Eagle Road. So, that's going to be a solid wall. The landscaping, yes, looks nice there with the

renderings, but the buildings and plants they are going to be planting at that time are not going to be the tall plants that they are looking there. They are going to be shorter plants. So, you are going to look at nothing but wall -- a flat wall going up there and that's where my main concern is. The aesthetics driving down Eagle Road -- I got to drive there two times every day, six days a week. I like to look out when I'm driving, see some of the trees, see some of the bushes. You look at the facility of -- my mind just went blank. You got the Blue Cross right there and right across the street from Blue Cross they have got a lot of beautiful landscaping out in front that are blocking your view of the buildings. If they could do that I would be all for -- a hundred percent for that building going in there, but right now with it being proposed at that height that they are trying to request and more of a solid wall on Eagle Road, I'm against it for that reason. Thank you.

Simison: Thank you. Council, any questions?

Vrba: Thank you.

Johnson: That's all, Mr. Mayor.

Simison: Okay. Is there anybody else who would like -- let's -- we are going to go through the public testimony.

Johnson: Mr. Mayor, Mr. Hosac did sign in a maybe.

Simison: Okay. All right. Council, would -- he will -- he will wait with you for closing? Okay. Is there anybody else from the audience who would like to come forward and provide testimony on this item? Or if you are online use the raise your hand feature. Ma'am, want to come forward. State your name and address for the record.

Ure: I'm Cheri Ure. 232 -- you know my address.

Simison: No, we don't.

Ure: 23 -- what is my address? 2343 East Skokie Court, Eagle, Idaho. 83616.

Simison: Thank you.

Uri: The Hosacs have such an amazing reputation and they do beautiful, beautiful things. Like I love -- everyone wants to look at beautiful things when they drive down the road. I wish I was looking at the ocean when I drove down the road. Like that's so silly. This development is great and I -- we have lived here a long time. My children grew up here. We cry when we see things being gone on Star Road. Like I love all of that -- and I love the heart of that and the people, but like it's so much better here. Everything is so much better here because we have developed and grown and I just wish the community would stop crying about things changing. It's wonderful. And -- and it's sad. It's sad. I'm sad for a lot of things that aren't here anymore, but these are

reputable -- these are great people. They have done great work all over Boise, all over everywhere, and -- and I just think you guys need to be at peace with what's coming and not worry about bushes. We have reputable great people. They need to be considered more than landscaping and the people you are working with are amazing and that's valued. Thank you.

Simison: Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader. Ma'am, I think there is a question is for you.

Strader: Hi, Cheri. Thanks for being here. Help me understand your perspective. So, you live in Eagle.

Ure: Uh-huh.

Strader: Were you invited to this public hearing? Did you just find out about the project and you were concerned about it?

Ure: I'm actually here for something else, but, then, I ran into someone I know that's here talking to you guys. So, yeah, I have an opinion, because I live here. I live in Idaho and it's a small town.

Strader: Sure. No. I understand that. I just wanted to help understand the context, because you have testified on a couple of different applications, but you live in Eagle.

Ure: Well, I did by accident. You guys called me up for something else --

Strader: Oh.

Ure: -- and I spoke and we are last, so I absolutely want to testify on what's last, but like you hear the same thing over and over and over and over again; right? We have all lived here. It's changing. That's sad. It's so frustrating. Just get on with it already. It's too long. Let's just develop. Let's just move on. Not everyone is crying about development and yards. I lost my view from my farm. It's Sterling I think. There is a whole bunch of homes there. It's a bummer. But it's so great that we have more than one high school for our children to go to. Mine went to Meridian High School. I went to Eagle High School. We are so thankful there is more choices here.

Strader: Uh-huh.

Ure: Like I just -- you know.

Strader: Interesting. Okay. Thank you.

Simison: Is there anybody else who would like to provide testimony on this item? Okay. Then would the applicant like to come forward to close?

Wardle: Mr. Mayor, Members of Council, I'm not going to take a lot of your time. This application, obviously, is a unique use that was not contemplated in the 2007 development agreement. That's why we are here. With respect to the height and with respect to the development agreement I mean Council Member Strader raised a valid point, there is a development agreement and because of the way we do development agreements here, you all know, unfortunately, about half your items seem to be us coming back ten, 15 years after the development agreement has been adopted asking you to modify it, because the economics of whatever the designs were just don't work. In this instance you have a use that is a very low intensity use in terms of traffic generation that is in a corridor that you have said should be an intensive corridor and I disagree. I understand that gentleman's concern, but I disagree. We should not be forcing the buildings off of Eagle Road, we should be putting the buildings up to Eagle Road. That's why we have the C-G zone. That's why we have a 65 foot height limit and why do we do that? We do that because we don't need to have parking lots defining our community, especially on a significant arterial where this Council and councils before and Planning and Zoning Commission said Eagle Road is an intensive corridor that we are going to designate as a regional mixed use corridor on our land use map and we are going to put our most intensive commercial zones there and our most intensive residential zones. So, in this instance I appreciate what my client has done to work with the neighbors in the neighborhood. We are not asking for 65 feet. We have come off 55 feet. We need four stories, with the top deck being 48 feet. We want to be able to give you the modulation that we have shown there. If we need to address the Eagle Road frontage in the design process, that's why we have your design standards that we comply with and go through. I disagree with staff and I have had this disagreement with staffs throughout the county and I have also had the disagreement with individuals who come and testify and talk about, oh, we can't have height, because height adversely affects the adjoining properties. Well, if that's the case, then, let's adopt the relevant standards. But what we have is a wild west where people go, oh, there is going to be shadow. We don't know what the objective requirement is. But in this instance all of the residence -- residential properties that staff identified as being adversely affected, either are a functionally alley loaded with no visual orientation towards this property, because that's where their rear load garages are, or they are houses on the other side of a drain on the other side of a landscaped buffer, with mature landscaping, that are not here to testify in opposition tonight. We have set the massing back away from all the residential uses and oriented it towards the commercial uses into Eagle Road. So, for that our request, again, is approve the DA modification, approve the conditional use permit, grant us the ability to go to 48 feet with whatever appropriate limitation for the modulation above that, so that we can get four stories and approve the site plan with the massing as proposed. And with that we stand for any other questions and want to -- I recognize you get to hear from my partner next. So, just trying to make it quick.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question for Linda. Linda, do you know approximately what the height is at the Regency at River Valley or the Village Apartments that are across the street off of Eagle Road? I need to catch up. I shot you an e-mail what I was going to ask, but I -- I don't know if you got it, because you were probably paying attention to the meeting, but I'm curious.

Parsons: Mayor, Members of the Council, the applicant had it in his slide. I think the Village Apartments are 40 feet and -- I'm sorry, the Regency at River Valley are 40 feet and the other one is approximately 55 feet, if I recall.

Wardle: Mr. Mayor, Council Member Cavener, their first phase -- Regency is 41 feet. The next set of apartments was 45 feet and four stories and the third set was 49 and a half.

Cavener: Appreciate it. Thanks, Linda.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Unless anyone has any further questions, I think I would make a motion to close the public hearing.

Cavener: Second.

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

MOTION CARRIED: ALL AYES.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Make a couple of comments on the project. You made a compelling argument. We haven't had the occasion to meet. You are clearly an attorney. I appreciate the history walking us through that. I think that was helpful. I'm particularly drawn to the idea of objective versus subjective requirements. However, had you been here a little -- a few hours earlier you would have heard this body with Planning and Zoning discuss the value of subjective analysis from our staff, for which we would take some -- appreciate their input on that. So, that is something I think that this body values is some subjective analysis on -- on applications as they are day in day out engaged on these

matters and do their best to make sure that the city is not only developing in a way that's helpful and productive, but aesthetically pleasing and of value. That said, Eagle Road is, in my mind, a hot mess. All kinds of developments. It is a very intensive development. I don't have any real concerns that -- I don't think a real argument has been made that this shouldn't go here. I think a compelling argument was made that followed all the things that we have outlined and asked any applicant and I think we make a mistake if we say here is the rules and, then, everyone puts capital and effort and energy into developing according to the things we have outlined and, then, we would say I don't -- I don't like it. I also think it's -- there is some value in having the residential neighbors, who is close by -- not all, but it seems like a majority of those that have engaged don't have a problem with that. I actually agree with putting larger buildings right on the roadway, as opposed to further setback and closer to some of the residential. So, however, I do have concerns. I do study the self storage market. I think \$1.30 a square foot is -- is -- I'm a little concerned about how that would work, but I also believe you -- you are putting your money in it. You are going to do what you can to make it work, but it is -- I just -- I don't want to see big projects get part way there and, then, financially fall apart, as we have across the road from City Hall right now. So, that is a real concern that I have is you are looking at \$1.30 a square foot, it's going to take you four or five or so years before you would maybe lease it up and given the growth and interest in investors in self storage, as a -- as a good product type. It's going to be very difficult. So, that is my biggest concern about is just the financials, but that's -- you know, I do think he could probably make it work, but I think that is a challenge. So, I intend to be supportive of the application tonight.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I was definitely a no on this from the outset, but had been trying to remain open minded. I think what's interesting here -- transition is really important to me in general in the city. To the extent that, you know, we have proposed some change to our Comprehensive Plan to try to define what transition means and that's a difference of no more than one story in adjacent uses. Understanding that this property was purchased before that thinking bubbled up and, you know, at that time you did your due diligence you understood your existing development agreement that was in place. Maybe, you know, you found some areas that -- that you have disagreement. I do think staff's analysis is important regarding the height, the character of the area, I don't -- that's not something that I dismiss. What I think is interesting here in this case was that you demonstrated that the residential that directly abuts this property doesn't really interact with this adjacent use, like they are truly oriented away from the building. That does make me want to give an exception to my normal thinking and grant this one, but I just want you to understand how I would normally approach this, like with an adjacent residential use and a difference in height that I think is significant. I normally would not be in favor of it. In this case I think you demonstrated that the impact to surrounding neighbors would be very low and I appreciate you working with the neighbors to reach an agreement on it. I think as a takeaway I do think we should talk about heights on a

city-wide basis for different uses in different areas of the city. I think that that might be a good way for us to help avoid these -- these situations, so that it's a little easier for staff to point to something that's a little more objective. I thought -- I thought staff did a good job of highlighting the issues on this one. I will vote for it, but knowing that this isn't a type of thinking I would normally go for from a transition perspective. Thanks.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Mr. Mayor, Council Woman Strader said that extremely well. I was on the same path as far as coming in thinking that was a no until I saw the orientation of the houses, because I think our transition periods are so critical and can make a big difference and so you have done your homework, made your case. I'm honestly not sure I'm excited about driving down Eagle Road and seeing it, but you have dotted your I's and crossed your T's and have worked with the neighbors, which I greatly appreciate. So, I will be supporting it.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I might sound like a broken record, but Council Woman Strader brought up some good points and I absolutely came into this evening not in favor of this, but the way it's been presented, the way it sits on the lot, the way it actually is going to work as almost a buffer to the residential behind it that doesn't have to look at it, it becomes much more appealing to sit where it sits on Eagle Road. We have approved other projects on Eagle Road, one right up by Fairview that was going to be multiple stories. So, this is not a first time, this is not a second or third time. What I like about this is it's not going to draw a lot of traffic. This is going to be quiet. I think it's going to have very little traffic involved other than people wanting to do business with it and I changed my mind. I'm in support.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Councilman Overton touched on the piece that was critical for me and Bourbon, Cajun, Picard, it's a mix of public and private streets and that to me was the biggest concern. Anything that we are going to get off of Eagle Road typically is going to generate a lot of traffic, is going to want to access Centrepont Point to get out of there. So, what is the best use that's going to have the least impact on those existing residents? It's a hard piece of dirt. This is a good project. I appreciate the concern and the correct feedback from staff and for me I try and look -- it was my question about the apartments kind of holistically what the whole area is. So, unless there is any other

conversations or comments to be heard, I'm happy to make a motion. All right. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: After reviewing all the materials related to Item 22, I move that we approve Cityside Storage, H-2023-0058, both the conditional use permit, as well as the Development Agreement modification, capping the building height at no more than 50 feet. I think 50 feet will give the applicant enough to get their 48 feet and do some creative architecture to make it look nice. Not seeing any concerns from staff that would be my motion as presented.

Taylor: I would second the motion. But would like to hear staff.

Simison: Have a motion and a second and comments from staff.

Ritter: I was just clarifying. So, the top of the building is 48 and, then, the 36 inches for the parapet was what he was --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Linda, my motion is that a -- will not exceed anything more than 50 feet and developer has got their creativity and flexibility to make it work. I appreciate asking for clarification. But 50 feet will be the max.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I know it's getting late, but I just think it's important to note for the record that Mr. Wardle stated tonight that he is not known for being a steamroller and I -- I'm surprised to hear that, but it's nice seeing you here nevertheless.

Simison: I think he said he's used to steamrolling people. If I heard that -- when I heard that. But we will -- we will let you take it up with him afterwards. Any further comments? If not, clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

Simison: Councilman Cavener?

Cavener: Mr. Mayor. I know it has been a long night. I know we have got a lot of people here. For those that are in attendance Council has traditionally not engaged in large scale public hearings after 10:00 o'clock. We find that our motions can be clunky, the process flawed. We know that people are here, but we also know that people want a clear headed decision, but I will -- I will leave it to the Council. We have got one more item on our agenda tonight. It is ten until 10:00. I want to be sensitive to all of your time and ability to do the job. We can continue this out for a couple of weeks if you want or we can proceed. I'm open to feedback and discussion real quick.

Simison: And maybe by a raise of hands how many people wish to testify this evening? I mean we do only got a handful of people wishing to testify and traditionally we try to allow people to testify when they come, even when the developer is -- even in situations where we have a problem we try to accommodate those people and we do have a few minutes where I think we could at least get to that point. If it feels like it's going on further come back and --

Cavener: Mr. Mayor, I merely wanted to facilitate the conversation before we got into it. I didn't want to stop the process. I think it's -- whatever our decision is, whether we want to extend until 10:30, we want to take public testimony, but not do deliberations, I just -- I think it is important that we also be up front with those that are here about our intentions for the rest of the evening.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I think I would agree. Be respectful of the people that have taken time to come here and many of you have been here for four hours as well. I would be open to starting the process, taking the testimony, with the intention that I don't think any of us maybe want to deliberate and make a decision on the property tonight, but take public testimony and, then, leave the hearing open to allow for any more and find a date for which we can have a continuation and conclude the matter.

23. Public Hearing for Burnside Ridge Estates (H-2023-0055) by Kimley Horn, generally located on the south side of W. Victory Rd and the west side of S. Linder Rd., in the NE 1/4 of Section 26, T.3N., R.1W

- A. Request: Annexation of 123.28 acres of land with R-2 (11.91 acres), R-4 (89.55 acres) and R-8 (21.82 acres) zoning districts.
- B. Request: Preliminary Plat consisting of 263 building lots, 33 common lots and one (1) other lot, which is a holding area for future re-subdivision, on 121.31 acres of land in the R-2, R-4 and R-8 zoning districts.

Simison: Applicant, sound good? Okay. We will go ahead and open this and we will, hopefully, be at a place by 10:30 where we can call the evening with that. So, with that we will move on to Item 23, which is a public hearing for Burnside Ridge Estates, H-2023-0055. We will open this public hearing with staff comments as soon as staff is ready.

Allen: Thank you, Mr. Mayor. Just a side note, there is not a City Council hearing on May 21st. So, you are probably aware of that, but just wanted to remind you of that. If this gets continued.

Simison: At least one person -- one Council Member that's here this week will not be here next week. Okay.

Allen: So, the next applications before you are a request for annexation and zoning and a preliminary plat. This site consists of one point -- or excuse me -- 121.31 acres of land. It's zoned RUT in Ada County and is generally located southwest of the West Victory Road and South Linder Road intersection. The Comprehensive Plan future land use map designation is low density residential on the eastern 41 acre portion and medium density residential on the western 80 acre portion of the site. The applicant requests annexation of 123.28 acres of land with R-2 zoning, which consists of 11.91 acres of land; R-4 zoning, which consists of 89.55 acres of land and R-8 zoning, which consists of 21.82 acres as shown on the zoning exhibit before you for the development of 263 building lots. One of the five existing homes is proposed to remain on a lot in the subdivision at the northeast corner of the site and that is right here in that location. The other existing homes will be removed prior to development of the phase in which they were located. The low density, the R-2 zone, and the medium low density, the R-4 zoning, is proposed around the perimeter of the development as a transition to rural residential properties in the county and the medium density R-8 zoning is proposed internal to the development and overall gross density of 2.62 units per acre is proposed for the subdivision. The low density residential future land use map designation allows residential development of three or fewer units per acre, while the medium density designation allows three to eight dwelling units per acre. As is the gross density of the low density designated area is 2.81 units per acre, which is consistent with the desired density. The density of the medium density residential area is 2.27 units per acre, with the conceptual lots in the holding area, which is slightly below the desired density. The holding area is this portion that's shown in a lighter color here at the southwest corner of the site. The comp plan allows for adjacent abutting future land use map designations when appropriate and approved as part of a public hearing with the land development application to be used with some caveats. The applicant proposes to use the abutting low density residential designation to the west and the low density residential designation on the eastern portion of this site toward a portion of the medium density residential designated area on this property as shown on the exhibit before you. With the proposed application of the low density residential designation, the gross density is 2.4 units per acre, including the holding area and the gross density of the remaining medium density designated area is 2.64 units per acre, which rounds up to three and is consistent with the desired density range for both designations. Staff is supportive of

the applicant's proposal for decreased density and the areas proposed as it allows for larger half acre lots along the west boundary of the subdivision, adjacent to large rural agricultural lots in Stetson Estates Subdivision for good transit -- good transition in density as desired in the Comprehensive Plan. The proposed preliminary plat consists of 263 building lots, 32 common lots and one other lot, which is the holding area I mentioned for future re-subdivision. Two collector streets are proposed in accord with the master street map. A north-south street from Victory and that is this one right here and an east-west street from Linder Road. Sorry. I lost my place here. It's getting -- it's getting too late for staff, too. Average lot sizes -- average lot sizes are as follows: Half acre lots in the R-2 zone, quarter acre in R-4 zone, and .17 acre in the R-8 zone. The subdivision is proposed to develop in four phases as shown on the revised phasing plan on the right. The first phase located on the northeast portion of the site includes the northern portion of the north-south collector street and access via West Victory Road and a local street access via South Linder Road. This phase is proposed to include all of the street buffer improvements, including sidewalk, along Victory and Linder Roads. The second phase is located on the northwest portion of the site and includes the southern portion of the collector street, which stubs to the holding area. The third phase is located along the southern portion of the site and includes the east-west collector street, access via Linder Road, which stubs to the holding area. The fourth phase is the Kelly property that is located along the east side of the development between phases one and three and fronts on Linder Road and that is the -- the green part -- portion right here. The holding area is not currently serviceable by city sewer and won't be for quite some time until the temporary lift station on Ten Mile and the 15 inch trunk line to the lift station is constructed. At staff's request concept plan was submitted for that area showing how future development will integrate with this development. A total of 40 building lots are shown in that area, with the extension of local and collector streets. This area won't develop until services are available to serve this site. The City Council should determine if it's in the best interest of the city to annex this property before services are available to serve the entire site. The existing Jackson home that is proposed to remain is required to connect to city water and sewer service, take access internally from within the subdivision and change their address. The property owner at 3801 South Linder Road, Coleen Kelly's property, requests Council approval to remain on well and septic until her property redevelops with phase four, as utilities will not be accessible until at a minimum phase three. Retention over existing access from Linder Road is also requested until such time as the property redevelops. She is amenable to install -- installation of the Linder Road street improvements, -- the frontage buffer improvements, except for the area where the driveway is located, including sidewalk being installed on her property in the interim. There are five existing driveways from Linder Road and four from Victory Road that will be closed with development of the proposed subdivision. A new north-south collector street, South Farmyard Avenue, is proposed from West Victory Road, which will extend to the southern boundary of the site with development of a holding area. The right of way for this street should extend to the east property line on the northern portion of this site as required by ACHD for future access to the collector street for the Coleman property. A new east-west collector street, East Holstein Drive, is proposed from Linder Road along the southern boundary of the site, which will extend to the west boundary of the site with development of the

holding area. Another local street access, East Pivot Drive, is proposed from Linder Road to the north of the collector street. Internal local public streets are proposed for access within the development. The development is required to comply with the subdivision design and improvement standards in the UDC. There are four block faces that exceed the maximum block face standard and they are highlighted in yellow. The applicant is requesting a Council waiver to the standards to allow the block faces as proposed. This one here is 1,507 linear feet. This one here is 1,281. This one was 1,340 and this last one is 1,422. The very maximum that our code allows under certain circumstances is 1,200. Typically the maximum is 750 feet. The justification for such is included in the staff report and will be addressed by the applicant tonight. The Council should consider requiring traffic calming measures and/or additional pedestrian connections as provisions for such waivers if you choose to approve those. A 25 foot wide street buffer is required along Victory and Linder Roads and a 20 foot wide buffer is required along internal collector streets, landscaped in accord with UDC standards. Staff is recommending ten foot wide detached sidewalks are provided along all collector and arterial streets within and abutting the site for public safety. The Pathways Master Plan depicts a ten foot wide pathway along the internal collector streets and along the north side of the Calkins Lateral. The Calkins Lateral is this green area that runs through the site right here. Based on the area of each zone, excluding the holding area, a minimum of 12 -- 12.59 acres of qualified open space is required to be provided within the development. The revised common open space exhibit submitted by the applicant depicts 13.36 acres, which is .77 acre above the required amount. Qualified open space areas consist of open grassy areas of at least 5,000 square feet in area. The linear open space along the Calkins Lateral easement that includes a ten foot wide multi-use pathway and associated landscaping. Linear open space, enhanced landscape buffers along collector and arterial streets, a community garden and eight foot wide parkways along local residential streets. An abundance of site amenities are proposed exceeding UDC standards by more than double. Based on the development area, excluding the holding area, a minimum of 20 site amenity points are required to be provided, some from each category. A total of 42 points are proposed, which consist of a clubhouse, commercial outdoor kitchen, outdoor fire ring, public art, two picnic areas and a fitness course from the quality of life category, a swimming pool and spa, tot lot and two sports courts that are proposed to be pickleball courts from the recreation activity area category. 1.25, approximately, miles of multi-use pathways from the pedestrian and bicycle circulation category and a bicycle repair station from the multi-modal category. The holding area will be required to comply with the minimum UDC standards for common open space and site amenities with re-subdivision. Staff recommends as a development agreement provision that the use of common open space and site amenities is shared throughout the development area between the holding area and the development proposed with this application. The Williams Northwest Gas Pipeline crosses the northeast corner of the Jackson property within a 75 foot wide easement and that is this property right here. The Calkins Lateral crosses the southwest portion of this site within a 60 foot wide federal easement, 30 foot each side of the centerline. The Boise Project Board of Control has agreed to a lesser width of 40 feet if the lateral is piped as proposed, but will not allow any improvements or landscaping within their easement other than gravel. Therefore, a 20 foot wide area is

proposed within the common area outside of the easement for a ten foot wide pathway, with five foot wide landscape strips on either side. The Givens Lateral is piped and runs off site along the west boundary this site. A seven foot wide easement exists on this site, which is proposed to run along the rear of abutting building lots. The board will not allow the easement to be located on building lots, therefore, the plat will need to be revised to include this area in a common lot. Staff recommends a 20 foot wide common lot is provided. The applicant is requesting only a seven foot wide common lot to accommodate the easement. Approval of this request will require a modification to condition number 2-H in the staff report. Conceptual building elevations were submitted. I will just run through these real quick on the amenities. Very nice amenities proposed with this development. Conceptual building elevations were submitted as shown for the proposed one and two story single family residential detached dwellings and two different barn style concept elevations were submitted for the clubhouse. Architectural style of the homes will be a mix of contemporary forms and modern farmhouse styles. Building materials range from stone to stucco and board and batten siding with natural colors. Home sizes are planned to be 2,200 square feet or larger, similar to homes in the surrounding developments. Because the homes on lots that face collector streets, South Farmyard Avenue and East Holstein Drive, and arterial streets West Victory Road and South Linder Road will be highly visible, staff recommends the rear and/or sides of two story homes on these lots incorporate articulation through changes in two or more of the following: Modulation. For example, projections, recesses, step backs, pop outs, bays, banding, porches, balconies, material types or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public streets. The Commission did recommend approval of this application. I will go through a summary of the Commission hearing. The applicant's representative, Hethe Clark, Clark Wardle, testified in favor of the application. No one testified in opposition. Paula Connelly and Darcie Dille commented on the application. There was no written testimony submitted. Key issues were concern pertaining to smaller lots and higher density developing -- developing in the future on the holding area lot. Key issues of discussion by the Commission were as follows: Desire for the applicant to leave the Calkins Lateral open as linear open space and for wildlife. Another Commissioner felt it was better to pipe the lateral to reduce evaporation of irrigation water and for efficiency. Preference for phase four to be included in phase three and that was the lot that the existing home is on. Appreciation of the transition and density proposed from large rural -- rural parcels and they were in favor of the proposed amenities and farmstyle theme proposed for the development. The Commission made the following change to the staff recommendation. It was a modification to development agreement provision A-1-F to clarify that the holding area on Lot 11, Block 7, shall only be developed when municipal services are available to the site as requested by the applicant. The only outstanding issue for Council tonight is the applicant's request for City Council approval of a waiver to the maximum block face standards that I previously mentioned in UDC 11-6C-3F for four block faces as noted. Several letters of testimony have been submitted since the Commission hearing that are included in the public record. Staff will stand for any questions. The applicant is here to present tonight.

Simison: Thank you. Council, any questions for staff? All right.

Clerk: Hi, everybody. It's been a long night. My name is Hethe Clark. 251 East Front Street in Boise. Of the two partners I'm the one with less volume in terms of both voice and hair, but maybe we will get this PowerPoint going here and, then, get going. Here we go. Okay. And I will try not to talk too fast, but try to keep things moving here. So, this is an application that we worked really hard on and I think that it comes before you tonight in very good shape. It's an application that's consistent with the planning for the area. It's an application that's consistent with the investments that the city has made in utility services for the area and, as I mentioned, one where we are largely in agreement with staff. Again we have these three applications. We do believe that we presented a development agreement that's very close in terms of what -- where we are with the discussions with -- with staff and a preliminary plat with densities that are consistent with the city planning. It's a little laggy tonight. It's feeling like everybody else. So, the project is on 121 acres between Linder and Victory. As you can see the residents will have excellent access to two freeway interchanges in an area that is the subject of active development. As to the path of the development in the project's relationship with the rest of the city, this is against city limits. It is within the area of city impact. The square mile that's immediately to our east is entitled, other than the commercial area that's down on the southeast up against Victory -- or, excuse me, against Meridian Road. Brundage Estates, which is immediately to our east, has been annexed and pre-platted and you granted an extension on their pre-plat in September of 2022 and some of you will remember that a few months ago I was before you with the Windrow Subdivision that is just to our southeast that completed this block and that was approved just a short time ago and I wanted to show you this on a non-topo map, as I think that it helps illustrate a few things. First you can see that we are well within the area of impact. You can see Kuna sneaking up on us there from the south. But if you look at the project boundaries there is a wall of county parcels to our north. There is a wall of county parcels to our west. Now, the other point that I would make is that there is a different sewer shed on our south. This is the reason for the holding area that we mentioned before. So, really, what we are talking about here is not a foothold or, you know, the floodgates being opened. What we are talking about is a pocket that's available for city development at this time where utilities have been built to service that development and I'm going to spend some -- a fair amount of time going over that. So, there is -- when we come to services the project is served by utilities recently extended by the city. We are within the phase two sewer expansion project that was done with the south annexation from a few years ago. The project has sewer service via the eight -- existing eight inch line on Linder. You can see the manhole locations on the slide. Flow is committed. Domestic water is also at the site. You can see that there are water mains on both Linder and Victory Road with existing hydrants shown on the map. With regard to fire we are 1.4 miles away from Station No. 6. Police service is available within 4.3 miles from the Meridian police HQ. Schools. So, I didn't get to make the same promise that Geoff made to not talk about schools. So, I will take a second here. So, we have investigated the schools. We have had conversations with West Ada. Our students will be attending Mary Mac, which has capacity. Meridian High School has capacity. Victory Middle School is tight. We spoke with West Ada and asked what the

plan is for West Ada and for these middle schools. So, the school -- school district already has a site for a new middle school over at Hillsdale. I'm sure you guys are all aware of that. Spoke with Miranda, you know, is that -- is this going to be something that's going to be built soon? Is there a need for it? She said no. And that's because there is exist -- there is capacity at all of the remaining middle schools within the district. So, we went and looked and just put this on the record. Victory Middle and Star Middle are the only middle schools within the district that have increasing capacity -- or increasing enrollment over the past three years. Sawtooth Middle, Meridian Middle, Lowell Scott, Lewis and Clark, Lake Hazel, Heritage, Eagle, Pathways and Crossroads have all seen drops in their enrollment over the past few years. What that means is is that West Ada is not going to run a bond for a new middle school, because they are going to do exactly what they have explained to you guys and what I have talked to you guys about over the past few years. They are going to make sure that that bond makes sense and it's a good use of taxpayer's money and in the meantime they are going to adjust boundaries, they are going to bus and take advantage of the capacity that they have at the other middle schools. So, this is one where, you know, we feel confident that this is where that -- that service is -- Council Member Cavener spoke to is available. Next service is traffic. I left this -- I didn't do a slide here, but if you review the ACHD report it's clear that the project's been reviewed. It was reviewed before. It's reviewed now. All area roadways are expected to operate at an acceptable level of service. So, talking a little bit about our opportunities and constraints. We have some topographical constraints. So, we have the pipeline that's on our northeast corner that we have to deal with. We also have the two irrigation laterals that Sonya mentioned. We also have some -- some opportunities and constraints with regard to what has happened around this. So, we have large lot county parcels on our west. We have got more dense city development on our east and we needed to transition across and, essentially, be the bridge between those two and we have done all of that with a project that uses only existing city infrastructure. This does not require new city infrastructure. So, this is -- show you -- shows you where the fuel pipeline is. The Calkins is in blue. The Givens runs north-south on our northwest boundary. So, here is the -- the future land use map was actually where things got a little bit interesting for us. As you can see the property is planned for both medium and low density, but the densities are flipped as to what you might expect; right? We have got the medium density on the outside, with the low density on the inside. So, Sonya walked you through this and I won't belabor that point. But we worked with staff to use the Comprehensive Plan's language that allows you to slide those densities -- density designations across to -- you can't go further than the collector street and you can't take up more than 50 percent, but when we did that exercise we arrived at a solution that does meet all of the comp plan designated densities. This is that same map that -- that Sonya showed you a few minutes ago. With regard to zoning, zoning is consistent with the area, does provide the transition. This is the same drawing you saw a second ago. So, we have got R-4 against R-4 on the east. We put a wall up of R-2 on the west to help provide that transition buffer to the county lots. Then we put our R-8 in the middle, so that we can make sure that we met our density obligations. So, here is an overview of the project, but I do want to explain that holding area now. Just one more comment on that. So, it is 21 acres. It is not included for immediate development. I can't say that strongly enough. When we were

coming in to make this application I was planning to leave it out, because I didn't want to have anybody say, hey, well, this isn't ready for development, because you can't sewer that part. Had the conversation with Bill. Bill was very strong in saying, hey, we think you should include that and the reason was is that if we get approved and that's not included, that could create a county enclave if that piece didn't ever develop. So, we did that, because we are good sports and I always work with staff and so that -- that piece is there. But, again, we -- everyone recognizes that it is not ready for immediate development at this time. It's brought -- it's there because staff asked us to bring it there. I will kind of skip all that. So, access and transportation. With regard to the roadways, we are closing nine existing driveways, which I think is important. We are doing the -- the improvements that one would expect along Linder and Victory and you saw with our phasing plan that we have got all of that included within phase one, all those roadway frontage improvements. So, that will happen at the very beginning of the project. Regional pathways are being provided along the outside of the project and on the internal collector roads and I want to point out that while this is not a code requirement -- code does not require the multi-use pathways on both sides of the internal collectors, staff asked for it and the applicant agreed to that. So, that's why you see the double lines along our north-south collector and the double lines along our east-west collector. We exceed the open space requirements. We have -- since the Planning and Zoning Commission meeting we have worked with staff to qualify all of the open space and I will just note that we have the -- the pathway along the Calkins Lateral. There was a note from our neighbor asking if we could put up a sign saying, hey, this is where it ends, don't trespass any further and we are happy to do that and we would love to have that added as a condition of approval. So, the amenities. Sonya mentioned this. This is a really standout element of the project. I haven't had any of these in front of you guys, but I have done several -- several thousand unit planned communities throughout the Treasure Valley and beyond. Those planned communities include a placemaking exercise, so you are bringing in thousands of people, you are building a small city, you want to create a city core that people want to come and visit. So, for regular subdivisions we don't usually see that; right? It's -- it's something less than that. In this case that planned community style level of placemaking has actually occurred. You know, you have this -- this central area of the project that people are going to be invited to, that they are going to want to be a part of, that it has a theme, it has this farmstyle feel to it. It's going to be something that's really special for that area and it's going to make sure that this is a very high end amenity -- or high end community. And speaking to that, you know, with this placemaking -- and it looks like maybe our graphics are not loading very fast. But we are talking -- we would like to focus on that placemaking concept and use pieces of the farmyard equipment and all of that in the -- in the construction of the -- of the amenities within. So, hopefully some of these will start popping up here, so you can actually see it. There is a network issue you think or -- yeah. Okay. Well, you have seen -- these were in staff's presentation. Yep. That's too bad. That's okay. I think -- and you saw the entry signage on -- on Sonya's presentation with the windmill concept. Very -- very nice looking. The home designs, mixture of contemporary and modern farmhouse styles. So, let me try to wrap this up, because, again, it's getting late. So, as we were looking at the project we had a number of competing thoughts, competing items that we needed to satisfy. So, again,

we have the large county lots on the west side. Those are unlikely to develop. That's that wall that I was talking about that suggests that annexation probably doesn't go past there. We have bridged from the more dense city development to the less dense county development on the west. We are using utilities that are available to us. Frankly, you know, the -- the question of whether the floodgates open on this is something that the City Council has within its control, because you are the only annexation that's going to come from here would be to the south once the city decides to open up that new sewer shed. But there is not sewer capacity to go south from here. Again, that's the reason why we have this holding area. Since the last meeting, as I mentioned, we agreed to the qualified open space percentages. We got the Calkins Lateral plans updated to show the 20 foot with ten foot pathway and the five foot on each side. We agreed to fix the Guernsey Road sections and work on the block face lengths and, then, we have the ten foot pathways on both sides of the internal collectors and this is what that Calkins Lateral looks like. We can meet -- because we have the ten and five and five we can meander that and make it look nice. We have agreed on all the conditions. I'm not going to go over this, because of the time, but just want to emphasize, again, the ten foot pathway on both sides of the collectors and the arterials. And we are in agreement with the conditions of approval, with the exception of the one that Sonya mentioned. And so, again, this has to do with the northwest corner of the project where the Givens Lateral is. So, that area is already graveled. You know, it's -- it's an active working area. The irrigation district's out there pretty regularly. That extends seven feet onto our property and so our suggestion is to make that seven feet a common lot, because the irrigation district is just going to require us to gravel it. Otherwise, if you -- if you expand it to 20 feet you will have seven feet of gravel, 13 feet of landscape and it's going to look a lot like a pathway and that pathway is going to be something that's going to be against the irrigation district's working area and it's also something that our neighbors to the west have asked us not to do is to not connect in there and so that's the reason why we don't want to give folks the wrong impression. We think it actually makes the most sense to just have the seven foot common lot, gravel it, HOA takes care of it, set it and forget it. So, with that I appreciate everybody hanging in there with me, but I'm happy to answer any questions.

Simison: Thank you, Hethe. Council, questions for the applicant? I know we are in a hurry. I'm just going to ask one. I don't want you to answer tonight. We can save it for your closing when you come back -- is you are a smart guy, do your homework, do your research. Just wondering from your perspective what's changed since the last time this application has been before Council and the reasons for the -- the work at that time in your mind, besides the obvious fact that we have three different Council Members since the last time it was considered and we will have potentially a fourth. But save that for the next time.

Clark: You don't want to hear tonight, because I'm --

Simison: Not tonight, because I don't want to open up a can of worms of conversation. I just note that's something I'm going to want discussed at some point in time --

Clark: Okay.

Simison: -- from the applicant's perspective, so -- okay. All right. Thank you very much. Mr. Clerk, who do we have signed up on this?

Johnson: Mr. Mayor, we have three on this sheet. First is David -- I apologize, I can't read your last name. It looks like it starts with an M.

Moorhouse: Moorhouse.

Johnson: Moorhouse. Thank you.

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

Moorhouse: David Moorhouse. 3536 West Ryder Cup, Meridian, Idaho. Thank you, Mayor. Thank you, Council. I am -- I'm a Meridian graduate when there was only one in high school in '81. I built my first home here in 1987. So, I'm an old timer I guess. And I live over north Meridian in the Spurwing neighborhood and have built 19 homes and custom homes and -- just in that area alone and I have been waiting for the next subdivision that allows me to serve a pent up demand. We in the city here are struggling to develop subdivisions that accommodate a need that's immense. I get a call a week saying where can I build a custom executive home and we are approving a lot of homes and there has to be a mixed development to serve all people. I have a son that just bought a starter home and -- we call it a starter home. It's half a million dollars now. The -- I'm here to support this development, because I can't find developments to work in, so I'm building in McCall, I'm building out in Caldwell an acre lots. I'm building in east Boise that's struggling to support the community I live in with the homes that I need and so I am here to support this development. Stand for any questions.

Simison: Council, any questions? Thank you.

Johnson: Mr. Mayor -- Mr. Mayor, next is Tina Dean.

Dean: Good evening, Mayor and Council Members -- or tomorrow. Whatever it is already. My name is Tina Dean. I live on Rustler Place, but for privacy I will give you my mailing address, which is 100 West Overland, No. 202, Meridian, Idaho. 83642. I reside in one of the homes that would back these half acre lots and last time this project came to Planning and Zoning and the City Council I asked for you to approve it, because we actually have a developer here who has worked very long and hard with the neighbors to make sure that what they were building backed up to what we already have in our lifestyle with cattle and other farm animals and farming. They have met almost every request that we have made of them. The -- I don't know why it wasn't approved before when there were other subdivisions approved farther south of us. I know that this land will be developed one day and I would like to have it developed in this standard, rather than something else that we might see there. My two requests would be that the holding area, if it is approved with this development, is approved with

consistent lot sizes for those lots that are on the western edge that back Rustler and that Calkins Lateral, we really would like some -- besides signage I would like that to -- to -- for you to approve that with the seven foot common space. Don't enlarge that to 20 feet, because I actually own some of that land back there and even though it's an easement I have to care for it and remove trash and take care of the weeds and I really don't want it to become an attractive trespass opportunity for the kids that will be living in this area. So, I would prefer to see some sort of blockage there, as well as a sign. And I think that's it. Are there any questions? Thank you.

Simison: Thank you.

Johnson: Mr. Mayor, next is Paula Connelly.

Connelly: Good evening, Mayor and City Council Members. My name is Paula Connelly. I live in the Rustler community as well. 3878 South Rustler. I stand before you. I have very mixed emotions. I know this is going to develop at some point and I know not all of you were here in 2019 and 2020 when the Comprehensive Plan was redone. I think you guys absolutely missed the opportunity when this land was changed from medium -- or changed to medium density from rural density, because what happened is it created an instant for our community where we will absolutely be an island. It's hard to watch when you have lived and grown up and been in an area for a long time to know that Meridian High School is the only one with an FFA program left. What's going to happen with those kids when we have no land left that will be agricultural. We will be sandwiched in between mixed use and medium density and when you saw the one slide that showed that there is an L-shape, I highly appreciate that they have taken the opportunity to try and mix in and flip some of the densities to accommodate us and put half acre lots against our community. For those of you who are on City Council that were not here, our community has attended every meeting. We have attended every City Council meeting, as well as the neighborhood meetings. We have stood before you and we have said a lot of the same things. For those of you who were not here, you do need to realize, yes, we are county. We do have farm animals. I slaughter our cows every year. I didn't bring my pictures this time. I promise. But it's hard, it's heartbreaking that -- you heard Mr. Moorhouse say that he gets a phone call every week wanting to build on one acre lots. Unfortunately, they can't accommodate one acre lots, because, then, they can't meet that density. So, we are left with being an island. I originally appreciate the fact that they are willing to do things to give a nod to the City of Meridian. My biggest -- my biggest thing is the holding area. Councils change. What happens with that holding area when they have to come back before City Council to approve the platting of that? Thank you.

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

Johnson: That was everybody that signed up in advance.

Simison: Is there anybody else who would like to come forward and provide testimony at this time?

Hayes: My name is Chris Hayes. 348 West Cub Street, Meridian, Idaho. Mayor, Council, I appreciate the opportunity as a business owner and a member of the Meridian Chamber of Commerce -- to me this is a no brainer. This was a good development a couple years ago. It's a good development now. This is what we want in Meridian. What could be here would be very different. So, I am in favor of this as a business owner and also as a longtime member. I don't know -- I might have you all beat, because my family has a named -- a street named after them. Anybody got that? Rackham Way. So, I understand Meridian. We have been here our whole lives. We know that this is important. And this is -- this could be a crown jewel in the area of this transition that we are talking about and I also know the other side of it as a construction worker as well what's going up and popping up everywhere and what people are really flooding in here like. But it's interesting to me that the people that are testifying tonight are already in their million dollar homes, in their one acre lots, telling others that they should do something different. While this is a land of opportunity, this is a land of freedom and this is a place where people want to be. So, I commend you. I think you are doing a great job. And I think it's a -- it's a wonderful opportunity for Meridian. Thank you.

Simison: Thank you. Council, any questions? Is there anybody else present that would like to come forward and provide testimony at this time?

Langlois: Good evening. Julie Langlois, but I would prefer not to give my address though.

Simison: Mr. Nary, if someone doesn't want to give their address.

Nary: We need something for the record, ma'am.

Langlois: Rustler. Rustler Place.

Nary: That's fine.

Langlois: Thank you. I sent in a letter, but I felt like -- I was hoping I didn't have to speak, but I saw Ms. Bernard's letter and so I wanted to address that. So, I agree with Ms. Bernard's assessment that the current design will create a public safety issue in the area highlighted. Do you have the -- she will get it up there.

Allen: I don't have her letter that I can show you.

Langlois: Okay. The current design will create a public safety issue in the area that's supposed to be highlighted between -- as the pathway terminates at Stetson Estates property owners easement. So, that comes down -- I think it's Molina. So, the Calkins comes up and hits our property easement. So, from I think it's Farmyard along the easement, those are the back -- those are going to be the backs -- backs of houses. So, the pathway to nowhere is -- not only creates easy access to the easement area between Burnside and our private property, with time and the filling in of vegetation will

create an area which will be difficult to monitor. I have asked for a barrier and signage -- not just signage, but something that will stop people from entering, because it's going from a pathway to private property. So, it needs something to stop people. A barrier and signage at the end of the pathway and that be added to the DA. Ms. Barnard points out -- and I think correctly -- that from South Farmyard to the west, especially at the west end point, there is potential for problem. I have personally experienced with a similar design a dark cul-de-sac with -- the things that happened I hesitate to mention here. The current design invites such unwanted activities. Her -- Ms. Bernard suggested that South Molina straighten and comes across the lateral. So, that -- that's not a closed area. Does that makes sense? With respect and concern for public safety we request the design of the path to nowhere be reconfigured in order to mitigate potential problems and that a barrier and signage is placed at the western edge of the regional pathway. At the end of the day we would like to see the project move forward without creating adverse outcomes and experiences for both our current neighborhood and our new neighbors to the east. It's a large project, let's take the time to get it right. Any questions? Okay. Thank you.

Simison: All right. Thank you very much. Was there anybody else that would like to provide testimony at this time? Council, we have reached the end of those who are present wishing to provide testimony. Do you have a date that you would like to --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Council, I will throw some dates at you and, then, I think it's important we invite the applicant or the representative up to discuss. So, next week, 5/14, we have one public hearing, which is a continuance from about a month ago. We have got I think one Council Member who may be unavailable. On the 21st and 22nd, that's election day and Public Works Week Expo is on the 22nd, which is going to make getting in and out of City Hall really challenging. It's like we don't want to have a City Council meeting that day. So, then, the third option in the month of May would be the 28th. We have no land use public hearings scheduled for that night. I just -- I'm the one who likely may be gone next week. Appreciate good Council Member Strader is going to fill in and run our meeting for us. I don't want that to stop, but I'm going to try and participate remotely, but I just don't have a schedule yet if I'm going to be available for that or not.

Simison: And for the -- no, I will not be here as well. So, if there is two of us gone you would have four. If in case you need a tie or different -- just practicality.

Cavener: So, my recommendation would be that we move it to the 28th, but I want to give the applicant and the representative opportunity to respond. I know this has been a long process for you. We don't want to belabor it any longer, but --

Clerk: Yeah. Mr. Mayor, Council Member Cavener, the 28th works for us.

Cavener: Great. Seeing head nodding. So, Mr. Mayor, what I would like to do, then, is go ahead and continue item -- get my notes. Item 23, Burnside Ridge Estates, application H-2023-0055, to May the 28th.

Strader: Second.

Simison: Have a motion and a second to continue this item to May 28th. Is there discussion on the motion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is continued. Appreciate your flexibility around that tonight. Thank you.

Clark: Thank you.

MOTION CARRIED: ALL AYES.

ORDINANCES [Action Item]

- 24. Ordinance No. 24-2052: An ordinance (Linder Storage Condos – H-2022-0091) annexing a parcel of land being Lot 4 of Heppers Acre Subdivision, Book 19 of Plats, Pages 1298 and 1299, records of Ada County, and a portion of North Linder Road, lying within the southwest quarter of the southwest quarter of Section 12, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described in Exhibit “A”; rezoning 0.98 acres of such real property from R1 (Estate Residential) to I-L (Light Industrial) zoning district; directing city staff to alter all applicable use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.**

Simison: With that we will move on to Item 24, which is Ordinance No. 24-2052. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's related to Linder Storage Condos, H-2022-0091, annexing a parcel of land being Lot 4 of Heppers Acre Subdivision, Book 19 of Plats, Pages 1298 and 1299, records of Ada County, and a portion of North Linder Road, lying within the southwest quarter of the southwest quarter of Section 12, Township 3 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, more particularly described in Exhibit “A”; rezoning 0.98 acres of such real property from R1 to I-L zoning district; directing city staff to alter all applicable use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this

ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.

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

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Move that we approve Ordinance No. 24-2052.

Cavener: Second.

Simison: Motion and second to approve Ordinance No. 24-2052. Is there discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics or do I have a motion to adjourn?

Cavener: Mr. Mayor, I move we adjourn the meeting.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 10:42 P.M.
(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT SIMISON	_____ / / DATE APPROVED
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ATTEST:

CHRIS JOHNSON - CITY CLERK