

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, August 9, 2022, by Council President Brad Hoaglund.

Members Present: Joe Borton, Luke Cavener, Treg Bernt, Jessica Perreault, Brad Hoaglund and Liz Strader.

Members Absent: Robert Simison.

Also present: Chris Johnson, Bill Nary, Sonya Allen, Crystal Campbell, Tracy Basterrechea, Joe Bongiorno and Dean Willis.

**ROLL-CALL ATTENDANCE**

<u>  </u> X <u>  </u> Liz Strader	<u>  </u> X <u>  </u> Joe Borton
<u>  </u> X <u>  </u> Brad Hoaglund	<u>  </u> X <u>  </u> Treg Bernt
<u>  </u> X <u>  </u> Jessica Perreault	<u>  </u> X <u>  </u> Luke Cavener
_____ Mayor Robert E. Simison	

Hoaglund: Welcome to tonight's regular City Council meeting. For the record it is Tuesday, August 9th, 2022, and it's 6:00 p.m. and to get started we are going to have roll call attendance.

**PLEDGE OF ALLEGIANCE**

Hoaglund: All are present and the next order of business is the Pledge of Allegiance. Please rise as we do the pledge.

(Pledge of Allegiance recited.)

**COMMUNITY INVOCATION**

Hoaglund: Our next item is the community invocation by Pastor Vinnie Hanke of Valley Life Community Church. So, please, join in the invocation or take this as a moment of personal reflection.

Hanke: City Council Members, thanks for having the opportunity to be with you. I hope your summer has been full of rest and refreshment. Allow me to pray for you. God, thank you for this evening. We thank you for the City of Meridian. We thank you for the leadership provided by the Council and we ask tonight as they conduct the business of the city that you might fill them with wisdom, with discernment, you would help them to speak wisely. You would help them to listen to the needs of the citizens and neighbors in the city well and that you would guide their actions according to your will. We ask ultimately, God, that the City of Meridian would be a city that would be full of love and kindness, that you would protect our first responders as they care for us and serve us.

You would be with the students, the families, and the teachers as they prepare for the new school year and that ultimately, God, you would be glorified in this city. We ask this through the name of Christ, your Son, amen. God bless you guys. Thank you.

## **ADOPTION OF AGENDA**

Hoaglund: Thank you. Next item on the agenda is the adoption of the agenda.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: No changes to the agenda as published it appears, so I move that we adopt the agenda.

Cavener: Second.

Hoaglund: Motion and second to adopt the agenda as published. Any comments? All those in favor signify by saying aye. Any opposed? The agenda is adopted.

MOTION CARRIED: ALL AYES.

## **PUBLIC FORUM – Future Meeting Topics**

Hoaglund: Next item is the public forum. Clerk, do we have anybody signed up to speak at public forum?

Johnson: Mr. President, we did not.

## **ACTION ITEMS**

### **1. Public Hearing continued from July 26, 2022 for Community Development Block Grant Program Year 2022-2026 Consolidated Plan**

Hoaglund: Okay. Moving on to the Action Items. Our first item is to continue a public hearing from July 26th regarding Community Development Block Grant Program for the year 2022 through 2026 and it's about the Consolidated Plan. So, with this public hearing I think, Crystal, did you want to give a brief comment before we go to public comments, if there are any?

Campbell: Just a reminder that this is the plan to provide some guidance for how we will be spending our CDBG funds for the next five years and, then, also the action plan is included, which is the specific projects that we will be funding for the upcoming year.

Hoaglund: Great. Thank you, Crystal. We have seen that presentation and so fully understand that. Is there anybody signed up for the public hearing, Mr. Clark?

Johnson: Mr. President, possibly. I have Toni Allison and board members, but this may not be the right topic. Toni here? Is this -- you here for something later? For the Community Development Block Grant? Fantastic. I'm sorry. Come on up. Come on -- come on up. State your name and address for the record and you have three minutes. Thank you.

Allison: I am Toni Allison at 1108 Northwest 4th Street here in Meridian and I'm just representing the Senior Center, along with a gaggle of my board members, and we are just here to support the grant request for a down payment on a new van for the Senior Center and I just want to thank you for your consideration.

Hoaglun: Great. Thank you, Toni.

Allison: Thank you.

Hoaglun: Do we have anybody else signed up?

Johnson: Mr. President, that was the only sign up.

Hoaglun: Okay. Is there anybody in the audience or online who would like to comment? If so use the raise your hand feature and we can bring you in. All right. We don't have anybody online. No one in the audience raising their hand. The resolution is under Item No. 5, so we can do that vote right now instead of having people wait until that order of business, which could be quite later in the evening. So, what's the pleasure?

Borton: Mr. President?

Hoaglun: Councilman Borton.

Borton: Yeah. Just before I close the public hearing, I just wanted to say thank you publicly, again, to Crystal. We have got a crowd here. Everyone needs to know the great work that you do in administering this program every year, providing opportunity -- ample opportunity for the public to see the successes that we have with it and to provide comment on what we do year over year and it's grown and you just do a wonderful job. So, we are pretty blessed to have you administer this program. So, thank you again for that. But with -- Mr. President, with that I move that we close the public hearing on the CDBG 2022-2026 consolidated plan.

Cavener: Second.

Hoaglun: We have a motion and a second to close the public hearing on the Community Development Block -- Block Grant and -- all those in favor of closing the public hearing, please, say aye. All those opposed? The ayes have it. The public hearing is closed.

MOTION CARRIED: ALL AYES.

## RESOLUTIONS [Action Item]

- 5. Resolution 22-2339: A Resolution Approving Submission and Adoption of the Community Development Block Grant Five-Year Consolidated Plan (2022-2026), With its Included Program Year 2022 Action Plan and Analysis Of Impediments to Fair Housing Choice, to The United States Department of Housing and Urban Development; Authorizing the Mayor and City Clerk to Execute and Attest the Same on Behalf of the City of Meridian; and Providing an Effective Date**

Borton: Mr. President?

Hoaglun: Councilman Borton.

Borton: If it's permissible, I would like to act on the resolution that's identified as No. 5. It's Resolution 22-2339. Again, we have -- we have gone over this in detail. Having folks from our -- our Senior Center community, members of the board, we appreciate you taking the time to come out here. It's an excellent example of -- of an important part of our community that benefits from the opportunities that this program provides. So, we appreciate you taking the time to come out and be a part of it. Mr. President, I move that we approve resolution 22-2339 approving the submission and adoption of the CDBG five year consolidated plan.

Cavener: Second.

Hoaglun: I have a motion and a second to adopt Resolution 22-2339. Is there discussion? Hearing none, Mr. Clerk, will you, please, call the roll.

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

Hoaglun: All ayes. Motion carries.

MOTION CARRIED: ALL AYES.

- 2. Public Hearing and Second Reading of Ordinance 22-1988: An Ordinance Amending Meridian City Code Section 1-7-1(c) Concerning City Council Seats; Amending Meridian City Code Section 1-7-1(e) Concerning Staggered Terms; Amending Meridian City Code Section 1 7 11(b) Concerning Duties and Powers of the Meridian Districting Committee; Adding Meridian City Code Section 1-7-11(i) Concerning Modifications to City Council Seat Numbers; Voiding Conflicting Ordinances and Resolutions; and Providing an Effective Date**

Hoaglun: All right. We will go back up to Item No. 2 and thank you, folks. You are welcome to stay for the rest of the meeting if you like, but if you leave I understand. But

-- Item No. 2, a second reading of Ordinance No. 22-1988. It's also a public hearing. Mr. Clerk, do we have anybody signed up to speak to this?

Johnson: Mr. President, we do. One in person, one online. In person is Phil Reynolds.

Hoaglund: Okay. Please come forward. And if you will state your name and address for the record, please.

Reynolds: My name is Phil Reynolds and my address is 6423 North Salvia Way, Meridian, Idaho. 83646. Members of the City Council and staff, I would like to thank you for this opportunity to speak on this item. I spoke before you two weeks ago asking you to, please, keep this agenda item set as is -- as approved previously. I won't go into detail - - or I won't repeat what I talked about last -- at the last meeting on this subject, but what I will say is I hope -- or I'm -- I'm asking you to, please, get your priorities in order and by that I'm saying we have a pressing matter that's impacting our -- our community in an extremely negative way. I'm sure the chief of police is aware of this. There is a growing -- serious growing problem of Methamphetamine and Fentanyl that is in our community and to me keeping our communities and our neighborhoods safe is a much higher priority than political posturing and we are still going to have representation if you leave this item as approved prior. If you change it we are still going to have representation. That's not impacted. But we have spent two meetings and countless hours of staff time on this subject when, as a member of the community, I would much rather have our staff and our City Council working on keeping our community safe. That's a much higher priority to me as -- as a resident. So, I'm hoping that you will think long and hard before you vote to pass this and start thinking about where the priorities are and -- and start working with staff and our chief and -- and our sheriff to keep these drugs out of our community, because to me that's a much higher priority than political posturing. Thank you very much for your time.

Hoaglund: Any questions for Phil? Thank you, Phil. Chris, you said somebody is online?

Johnson: Mr. President, next allowing to talk Jo Greer.

Hoaglund: Welcome, Jo. If you could state your name and address for the record, please. You have three minutes.

Greer: Can you hear me?

Hoaglund: Yes. Can you speak -- get a little closer to the microphone?

Greer: Possibly. It's connected to my camera, which is not on.

Hoaglund: That's all right. We can hear you.

Greer: Okay. My name is Jo Greer. I'm at 4240 West Lovegood Lane, Meridian. 83646.

Hoaglun: Go ahead, Jo.

Greer: I just -- I wanted to take a minute to -- as you guys know I was on the districting committee, that went to several meetings and hearings to lay out the districting per what City Council had asked us to do and we had a lot of Council from -- from city legal. So, we followed all of the guidelines. However, when we did go to number the districts it was arbitrary. We didn't have a rhyme or reason for where the numbers were going. We just did them in an order and so after seeing a -- an ad or article in the Idaho Statesman, which was a little disturbing, I don't feel that anyone messed up. I just don't feel that this was really an issue that anyone was looking at, but I do support changing the districts to align -- align with the current City Council members. I feel that that makes the most sense. It's going to save people time and money as was just stated that we want to be spending our time and money on other things. So, that's really all I had.

Hoaglun: Okay. Thank you, Jo. Council, any questions for Jo? Okay. Thank you, Jo.

Greer: Thank you.

Hoaglun: Mr. Clerk, anybody else?

Johnson: Mr. President, that is everyone who signed up in advance.

Hoaglun: Okay. Anybody else in the audience who wanted to speak to this issue? If not, it will be on the agenda next week for the third reading.

Hoaglun: So, we will move forward to Item No. 3. It's a public hearing for Brightstar Overland, H-2022-0044, and we will begin with the staff comments. Sonya, I guess it's --

Allen: Good evening, Council. Give me just a moment here, please. Alrighty. Item No. 3 on the agenda is -- let me get my hearing outline together here. For a development agreement modification. This site consists of .59 acre of land. It's zoned C-G and is located at 2940 East Overland Road. This property was annexed back in 2005 and included in the Dorado Subdivision development agreement and subdivision plat. The Comprehensive Plan future land use map designation for this property is mixed-use regional.

Cavener: Sonya, sorry, I don't mean to interrupt. I just don't know if you were planning to have a slide that's up. I know sometimes it may be up on your computer, but members of the public --

Allen: I did not share. Thank you. I appreciate that, Mr. Cavener.

Cavener: Sorry, Mr. President. Didn't mean to interrupt.

Allen: I appreciate that. Just a moment.

Cavener: No problem. Thanks, Sonya.

Allen: Try this again. Alrighty. So, the applicant is proposing -- I didn't click over. Just a second. There we go. Provision No. 5.16 of the original development agreement limits uses within the overall Dorado Subdivision to restaurant, retail, hotel, banks and office uses. The applicant is proposing to amend this provision to include residential care facilities as an allowed use. Per UDC table 11.2.B2, residential care facilities are listed as a conditional use in the C-G zoning district and are subject to the specific use standards listed in UDC 11.43.29. If approved the amendment will allow the applicant to submit a conditional use permit application for the proposed use and proceed forward with development. This is a -- excuse me. I'm on the wrong slide here. It looks like I did not get a copy of the concept plan in. It is in your staff report. Single family residential uses exist to the north of this site and across South Loader Place to the west in Overland Way Subdivision. Due to the residential nature of the proposed use staff is of the opinion it would be an appropriate use adjacent to existing residential uses. Therefore, staff is supportive of the proposed amendment and is recommending approval to Council tonight. Written testimony has been received from Jeff Hatch, the applicant's representative. He is in agreement with the staff report. Staff will stand for any questions.

Hoaglund: Thank you, Sonya. Council, any questions for staff?

Bernt: Mr. President?

Hoaglund: Councilman Bernt.

Bernt: Before -- before we have discussion I would like to just let you folks know that I will be abstaining or recusing myself from this discussion based upon I -- I do business with these folks and so I will -- I will -- I will be recusing myself.

Hoaglund: Okay. Thank you, Councilman Bernt.

Perreault: Mr. President?

Hoaglund: Council Woman Perreault.

Perreault: Hopefully we have enough to -- to have a quorum. I will also be abstaining from voting for the same reasons as Councilman Bernt.

Hoaglund: Okay. So, there will be four members, Council, hearing this tonight. So, with that would the applicant come forward and present with your name and address and you will have 15 minutes.

Hatch: Thank you. Jeff Hatch with Hatch Design Architecture. Our address is 200 West 36th Street, Boise, Idaho. 83714. Good evening, Mr. President and Council Members. Thank you for your consideration of our development agreement modification this evening. I do have a -- I do have a presentation.

Allen: Don't touch the mouse, Jeff. Step away.

Hatch: Okay. Thank you.

Johnson: You might hit F5. There you go.

Hatch: Okay. So, the location is along Overland and a street called Loader Place and so as Sonya had indicated, we have some residential to the northwest, we have some residential to the west and we have commercial to the south and east and this particular assisted living center residential care facility is really designed to be geared more towards residents, but we like putting these in a commercial development. We call it a residential, which creates kind of a -- a buffer from the traditional residential use to the more traditional commercial use and we found that to be a -- a fairly effective use of these business parks where you maybe have a remnant parcel that's been sitting there for a number of years, nobody's really doing anything with it. You are usually overparked and nobody wants you to build on that site and so in most cases when we come in and propose this, especially from the commercial standpoint, they are fairly excited about the development, because we are not occupying a ton of parking. It's -- it's pretty minimal parking for the use and, then, from the residential standpoint, single story, low profile, very quiet residents. So, some minimal concerns there as well. As far as our site plan, we did get some comments from the neighbor to the north requesting some additional buffering, so we did incorporate that into our site plan, shifting off of our five foot northern setback an additional ten feet to increase that buffer from the north and be a good neighbor. Since we are on a -- a street to the west, we have a significant buffer to the residents to the west as well and, then, as far as the actual development agreement -- development agreement itself, the intent of it in talking with the -- the COA was that they are wanting to abide by the table that the city had. That city has changed over the years and since they clearly defined the actual written uses, this is more of a formality of just including a use that is allowed in a conditional basis to the development agreement just to -- to clean up this proposed application prior to actually submitting the conditional use permit. With that I will stand for any questions.

Hoaglund: Thank you, Jeff. Any questions by Council? Okay. Hearing none, thank you, Jeff. Mr. Clerk, do we have anybody signed up to testify here?

Johnson: Mr. President, only the applicant.

Hoaglund: Okay. Is there anybody online who would like to testify to this? If so, please, use the raise your hand feature. Okay. We don't have anybody there. So, Mr. Hatch, do you want to close the public hearing -- I mean close your testimony? Have any final comments?

Hatch: I would like to thank the Council for your time this evening and I think Brightstar is really excited about Meridian and that it's been very well received on our last development of this nature, which encouraged us to do another one in Meridian. We are excited about it and we feel that this is a nice product that is a transition from that more



institutional style retirement to something that's more familiar to most people, which is a residential style. So, really appreciate your consideration. Thank you.

Hoaglund: Thank you.

Borton: Mr. President?

Hoaglund: Council, what's your pleasure? Councilman Borton.

Borton: This one might be pretty straightforward, so I'm going to move to close the public hearing on Item 3, H-2022-0044.

Cavener: Second.

Hoaglund: Have a motion and a second to close the public hearing for H-2022-0044. All those in favor signify by saying aye. Any opposed? The ayes have it. The public hearing is closed.

MOTION CARRIED: ALL AYES.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: Mr. Hatch made a pretty strong and clear presentation that this actually is a little more harmonious with the Community to the north. He's wisely made some concessions to try and assist that transition, that buffering, and knowing that this project has to still go through with a -- with a CUP application, there is going to be a lot of eyes and attention to detail. All of those considerations seem to clearly support modifying this DA to allow him to proceed as he -- as he intends and the staff report was certainly supportive of that. So, I will make a motion to approve 2022-0044 as presented in the staff report of Oct -- October. Excuse me. August 9th, 2022.

Cavener: Second.

Hoaglund: Have a motion -- we have a motion and second to approve H-2022-0044. Any further discussion?

Cavener: Mr. President?

Hoaglund: Yes.

Cavener: Sonya, appreciate the staff report. I agree with Council Member Borton, pretty cut and dry. My grandma lives in a facility very much like this. I think it's a good complement use to the existing neighborhood and the commercial piece. So, I'm definitely in favor of this very slight, subtle change.

Hoaglun: So, Mr. Cavener -- Councilman Cavener, is that a conflict of interest if your grandmother lives in one? No. Just checking.

Cavener: She isn't going to be living in this one.

Hoaglun: We don't want to lose a quorum here, so I just want to be sure.

Cavener: Appreciate your diligence.

Hoaglun: All right. With that, Mr. Clerk, would you, please, call roll.

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

Hoaglun: All ayes. Motion carries. Thank you.

MOTION CARRIED: FOUR AYES. TWO ABSTAIN.

**4. Public Hearing continued from July 26, 2022 for East Ridge Subdivision (H-2022-0037) by Laren Bailey, Located at North of E. Lake Hazel Rd. between S. Locust Grove Rd. and S. Eagle Rd.**

- A. Request: A Development Agreement Modification to remove single-level limitation on single family residences within Impressive East Ridge Subdivision No. 2 and No. 3 (Village Product Area).

Hoaglun: Next up Item No. 4 is a public hearing continued from July 26th for East Ridge Subdivision, H-2022-0037. Also on deck for staff comments is Sonya.

Allen: Thank you, President Hoaglun, Councilmen. This was Alan's project, so I'm presenting from him -- for him tonight, since he has moved on. This request is for a development agreement modification. This development consists of approximately 41 acres of land. It's zoned R-4 and R-15 and is located on the north side of East Lake Hazel Road between South Locust Grove and South Eagle Roads. A little history. This subdivision was annexed back in 2017 with the requirement of a development agreement and a preliminary plat was approved at that time as well. In 2019 the development agreement was amended to include additional restrictions proposed by the applicant in response to neighborhood concerns that were inadvertently not included in the original development agreement. The agreement was later amended again in 2021 to include a slightly reconfigured plat, replacement of the clubhouse and swimming pool amenities with a dog park, changes to the elevations and removal of requirements pertaining to fencing type and setbacks that impacted a property directly to the west, which changed ownership. The Comprehensive Plan future land use designation for this property is medium high density residential. The applicant is proposing to amend Provision No. 5.1G in the existing agreement, which requires all product in the village area to be single level, with a maximum roof height of 25 feet, to remove the single level restriction to allow for

bonus rooms on a second level. No changes are proposed to the maximum roof height of 25 feet. The applicant is also proposing new concept elevations for the two level structures as shown that include a bonus room to be included in the amended development agreement. The existing elevations are shown on the left. Staff is supportive of the proposed change, provided that no second story windows face Lots 2 through 20, Block 2, of East Ridge Number One and Lots 9 through 18, Block 2, of Lavender Heights Subdivision No. 2 and those lots that I just called out are indicated on this plan right here. Staff also supports the inclusion of the new elevations with the second story bonus room, with the added provision that houses on Lots 61 through 97, Block 1, East Ridge No. 3, the perimeter lots facing East Ridge No. 1 vary in elevation and home type with no two identical home types on adjacent lots. This is to ensure two story homes built along the perimeter have variation in architecture and roof lines as viewed from adjacent homes to address neighbors' concerns pertaining to monotonous higher rooflines. Staff is recommending approval with the amended provisions that I just mentioned and those -- that amended provision is shown there on the screen. Several letters of public testimony have been received from neighbors and they are in opposition to the proposal. Joe and Donna Hardman, Charles Covolo, Michael Calderon, Debbie Wickham, Jeff Culbertson, Susan and Kevin Twomey and Brandi Weeks. Some of the reasons for opposition include development is geared towards seniors. Few are in the market for two-story homes. Changes to roof lines. Windows, lighting, and noise. Concerned about monotonous roof lines creating an undesirable wall effect next to the estate lots and an increase in home occupants. There are other -- other reasons also listed -- listed in these letters if you have seen the public testimony. Staff will stand for any questions.

Hoaglund: Okay. Thank you, Sonya. Staff, any -- Council, any questions for staff?

Perreault: Mr. President?

Hoaglund: Council Woman Perreault.

Perreault: Thank you. So, Sonya, just want to make sure I understand. The applicant made a proposal to remove the single story. Then staff also suggested a couple more conditions, which would be no second story windows and, then, no two identical homes next to one another. I didn't see anything in the -- in the file as to whether the applicant has -- in writing has agreed to that, but we will hear from them. But my question is with the -- with the proposed elevations that are included could the applicant at a later time change those elevations so long as there were no second story windows or are they -- are they only allowed to use those elevations, because it's -- it's part of the DA or are they permitted to change those out, so long as they meet the criteria that's agreed upon? Because when I think of a concept plan I don't -- usually it's not as detailed as the elevations. It's typically --

Allen: These are concept elevations.

Perreault: Right.

Allen: They -- they could vary slightly. As far as if the applicant's in agreement with the conditions, the applicant has not communicated to me directly if they are or they aren't. Did I answer your question?

Perreault: Mr. President?

Hoaglund: Council Woman Perreault.

Perreault: The -- the first question yes. The second one is is could they change the elevations without an issue with the DA, so long as they comply with the conditions? So, in other words, these four proposed elevations, they don't have to stay with those exact elevations and floor plans; correct?

Allen: Well, the -- the elevations shown on the right -- there is eight of them -- they -- they need to substantially comply with those. I'm unsure -- I was questioning the applicant and I -- I was unsure of his answer, whether he was proposing to add the elevations on the right to the existing elevations that are in the agreement now or whether he was removing the existing ones and replacing them with these. So, if he could get that answer on the record. I wasn't communicating clearly with him. He didn't understand my question I don't think, so --

Perreault: Thank you.

Allen: Thank you.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: Sonya, to be clear, the existing DA allows those structures to be 25 feet tall -- 25 feet tall and this change still keeps that cap height of 25 feet, so there is no change in that. There is only a change to allow a portion of the second story to be occupied, so long as the window faces away from the lots. So, the massing is approximately the same under either; is that correct?

Allen: Well, you are correct in that the -- the building height is not changing.

Borton: Right.

Allen: They are -- they are requesting a second level for just the bonus room, but the massing will change for that. The roof lines are changing, so the massing will change. Whereas the heights before with the single level may not have been 25 feet and that is -- keep in mind that is measured per building code, so that is the approximate midline of the roof.

Borton: Okay. Good. Thank you.

Hoaglun: Any other questions for staff? None. Could we have the applicant come and state your name and address for the record.

Bailey: My name is Laren Bailey with DevCo, 4824 West Fairview Avenue, Boise, Idaho. 83706. Mr. President, Council, thanks for hearing us tonight on our DA mod. I don't -- I don't want to belabor any of the points. I just want to go over -- Sonya -- Sonya's correct, the original DA allowed for 25 foot roof height. We are not asking to change that. As you can see in the -- the drawing she had -- or the slide she had up, the original designs we submitted -- one of those did show a window over the garage. We anticipated doing bonus rooms. What most cities in town that we work with a bonus room is not considered a second story, because it's within the framing of the -- of the roof line. But Meridian's code doesn't specify that one way or the other. So, this -- when we got to building permit we submitted these, the building permit came back and said, wait, we don't really have a designation for this and because it was a condition of the DA they wanted to get clarification. So, in talking to planning staff and the building department, we felt the best thing to do was just come and modify the DA to allow those. But, again, no windows are going to face any of the other homes. They would only face the street and we are not changing the -- the roof height -- the allowable roof height. As to the massing, we would always -- I mean 25 feet was always there and that's what we had always planned to build. So, I don't think anything has changed.

Hoaglun: Okay. Any questions for Mr. Bailey?

Borton: Mr. President?

Hoaglun: Yeah. Councilman Borton.

Borton: Does adding a second story -- let me back up. A single story house, are they -- as -- as intended here customarily 21 feet, for example, and adding the second story requires you to get a little closer to 25? Still under the cap, but it -- apples to apples it's bigger.

Bailey: I asked that question and this particular style of home and -- and what we had always planned to build, we were -- we were close to that range anyway. So, we are just -- we are probably the 23 to 25 foot range, depending on which house plan. But adding this is not changing that height. We are just adding this into the -- the roofline that already would have been there. And we are not doing it on every home. It's about a third of the homes. So, it's not going to be every house that -- that has a bonus room.

Borton: Okay.

Strader: Mr. President?

Hoaglun: Council Woman Strader.

Strader: The DA is pretty clear. It says single story. So, I guess I'm just -- there is a disconnect for me. What other cities do you work in that don't consider a second story a second story? It's just -- to me that's not common sense.

Bailey: They don't consider a bonus room a second story. If it's -- if it's within the roof rafter line city of Boise and city of Eagle both do not have that in their code. They allow for a bonus room without it being a second story.

Strader: Mr. President?

Hoaglund: Council Woman Strader.

Strader: Thank you. Isn't it true, though, that the roof line is going to change? I mean if I just look at Sonya's elevations, like they don't look -- the roof lines don't look the same to me from the first set that you had to the second set. Is the overall mass of the building different?

Bailey: No. I think you are seeing different scale on the slide there, but it's not changing. Those were the -- in fact, a couple of those you see there are the same house plan, we have just done it -- we have done a little bit different architecture, different finishes on the facade, and that's just market -- you know, people's tastes change, new fads, things like that.

Hoaglund: Council Woman Strader, go ahead.

Strader: Thank you, Mr. President. I really appreciate it. Could you just walk me through -- I mean I would like to really go through that in detail. So, if I look at Tempe A -- let's just pick that as an example or Chandler A, how -- which one of the renderings on the left is that compared to and explain to me how -- how that massing is exactly the same. Because it -- it definitely doesn't look the same. It looks taller to me. Maybe not as wide.

Bailey: Sure. I -- you know, like I said, these were the examples we submitted at that time. Things change a little, but I -- I don't -- I asked that question of our architects and the builder and they are telling me that it's -- it's within those couple feet difference. There is not much change.

Strader: Okay.

Hoaglund: Council, any other questions? All right. Thank you, Mr. Bailey. This is a public hearing on this item. Mr. Clerk, we have people signed up I assume.

Johnson: Mr. President, we have many people signed in. Only one indicated they wish to testify and they are representing the neighbors. Chuck Covolo.

Hoaglund: Okay. Chuck, come on up. State your name and record -- name and address for the record and since you are representing the HOA you have ten minutes.

Covolo: I don't have a record, I just want to go.

Hoaglund: Okay. That's good.

Covolo: Okay. I think -- I do have a PowerPoint, I believe. Okay. Great. Thank you. My name is Chuck Covolo. I live at 6269 South Bosch. I do live in the estate lots, subdivision one, and I am here tonight representing the people sitting behind me. If everybody could raise their hand. Okay. So, as you can see, this is a very emotional thing to us. When we bought our homes we were told single story. We were told patio homes. We are thinking two, three bedroom, 12, 13, 14, 15 hundred square feet. But that's not what we have here in front of us. In fact, I don't even see the square footage in this application at all, to be honest with you. So -- so, my PowerPoint -- okay. Okay. Sorry. So, you know, we all understand that this type of density is needed, but when you do something like this it really should require good engineering, smart engineering, smart planning, smart landscaping to meld between one to the other, so when you live in one of these -- it doesn't matter which one -- you are not affected by your neighbors or at least minimally affected by your neighbors; right? So, back in October 2017 at the Planning and Zoning Commission there was four members out of the Black Rock community that stood up and talked about -- or I should say voiced their opinion about additional traffic and density and overall development, feasibility and transition from proposed age-restricted housing transition. Okay. The next month at City Council 38 members showed up stating the same thing and it was passed and in June 5th, following year development agreement was signed. Something that I found in the zoning about R-15. It says residential developments should orient to surrounding uses, including residential -- or excuse me. Residential and nonresidential areas in a way that encourages compatible development patterns, character and appearances. Appropriately addresses the critical issues of site layout that influences the compatible and an integrated neighborhood character, including, but not limited to, vehicular access, pedestrian connectivity building orientations and common spaces. That is in your zoning. What I'm about to show you I don't think really meets that. But we are where we are and now the builder wants more. Before I show you some pictures, I just wanted to point out to you what we are really talking about. If you take a look at Lots 3, 4, 5, 6 on Block 2 there, going up 7, 8, 9 and over to the left 12, 13 and all the way over to 21, that's what we are talking about. Those are the lots that we live in. That's where we live. And adjacent to this is this -- this -- this R-15 zoning that's taking place. Okay. But what is in our backyards right now? That. That is in our backyards. These houses are ten feet off the property line, with an open vision fence. Does that really meet the design considerations for R-15? That layout that these lots are on now occurred after our lots were approved. When we asked the question to city, realtors, builders -- oh, don't worry about it. They are going to be, you know, the smaller homes. They are going to be single story. Patio homes. Now what we are talking about are homes that are -- I don't even know what the square footage is. Two thousand? Twenty-two, twenty-three hundred square feet? I -- I don't know. Here is another one. Ten feet. How would you like to be in your backyard and have that looking at you everyday? There is a wall. From the ground all the way to the top is 38 feet and that could be built all the way around our lots. I don't think this really meets the intent. So, the applicant is wanting to eliminate the single story, so we have issues. Our first issue

is noise. Now, I must apologize, I thought when I looked at this information I thought it -- it showed bedrooms. I thought it showed closets. It looked like bedrooms to me. There was also bonus rooms -- also bedrooms in bonus rooms. It also says draft on some of these things, so I'm not -- I couldn't quite know everything that's going on with what they are applying for here. But we think that there is going to be an increase in noise. There is no doubt about it. Square footage is going up. There is potentially going to be more people in these houses. Do we know for sure? No, we don't, but it's -- it's definitely there, a possibility, and these houses are ten feet from us. This shouldn't be allowed. I mean these houses are staring right down on the top of us. So, we have an issue with noise and we don't think that really meets the design considerations for R-15. Second issue is this monotonous wall effect. Again, where 13 -- the -- the -- the homes are 13 feet above us and we believe there will be a monotonous wall effect, because if you look at these three homes right here, these are the ones that were previously approved. You will see the one on the right has the one that goes -- you know, it's going to be 25 feet high for the whole entire house; right? Okay. But that's only one out of three. And -- and the -- and the developer here or the applicant just got done saying, well, we are going to have, you know, maybe a third of them, but how do you know? Because part of his application said all the lots. Not one particular lot or certain lots, but it could be. There is nothing stopping him. If everybody walked in and said they want a bonus room there is nothing stopping him. So, if you look at the house product, which are the three, the Chandler, the Pima and the Tempe, the -- the Pima is practically the whole entire width and, then, if you take the existing one, because it's not in the application that -- it doesn't say that it comes out, the existing one, Glendale, the one on the right, that doesn't have a bonus room, that's just how it is. You have different house types, different elevations, that could all potentially create a wall effect. So, I did talk to the Planning Department about it. And Alan was great. We talked about it and things. And he did write some things, but I think there is a little flaw in what he wrote and I will show that to you. It says houses with Lots 61 through 97, Block 1, in East -- East Ridge Subdivision No. 3, Lot 17 through 21, East Ridge Subdivision 2. Perimeter lots facing East Ridge One shall vary in approved building elevations and home types, with no two identical home types. So, he's saying no two identical home types and no two identical elevations. Well, what happens if you put a Chandler A, a Glendale C, and Pima A? Those are different elevations. Different home types in a row. You still have the wall effect. That could still happen. If this is going to be put into this application, this needs to be rewritten. Three. At the East Ridge neighborhood meeting on May 5th East Ridge Estate neighbors expressed their dislike about bonus rooms, because it would not allow for people from above to look down on them and bright lights to be seen at night. Applicants representative said the windows can be placed in a way so that no would -- would not be seen, which is not consistent with staff's recommendation. Staff's recommendation says facing. Well, if you look at the orientation of these lots, the only time these -- that these -- these lights would be looking down or these -- or the lights could be seen or people looking down is because the orientation are -- is at 90 degrees and we wouldn't be facing, so the builder could come along and say, well, we are not facing them, but if you look this direction it would. You could be seen. But it's not facing. If you understand what I'm trying to say. Facing is straight on. But if you look at the orientation of these lots and you look at our orientation of our lots, it's like they are faced this way and we are this way, with an opening of



driveways and it can be seen. But it's not facing. The builder told us they would hide them in a way where they would not be seen. That does not match with this. Issue four. Let's talk about fencing. June 5th the development agreement, East Ridge Estates, Exhibit B, as a part of that development agreement, which is the Findings of Fact, Conclusions of Law, Decision and Order, has attached to it Exhibit A, which is a staff report. It's all tied together. In there it says fencing -- all fencing should comply with the standards and it also says applicants shall construct fencing as proposed. It's black and white. It's right in there. Okay. So -- and it -- with the first plat landscape plan shows six foot tan vinyl fencing. That's not what got constructed. I don't know why and I don't know why there wasn't a public hearing to change it. The staff report describes the required revisions to the landscape plan and there was no requirement to change it and it says that it's supposed to be a six foot tan fence and that's not what we have. I called the building department and asked about -- what about the fencing and the permitting and all that kind of stuff and so -- they said, well, yeah, they -- they come in, they pull a permit, they -- you know, they -- they pay their fee. I said does anybody inspect it? Does anybody check to see if it meets any requirements like that are put upon it for development application? They said no. Does anybody inspect it? No. We are emotional. We don't believe here at our meeting -- we were never told this is a part of the development agreement. We were told to sign the sign-in sheet. That sign-in sheet is used as an application and we are never told it was going to be used as an application and also -- I'm sorry. Can I have a minute or two?

Hoaglund: If you can wrap up --

Covolo: I got one more slide after this neighbors were for -- were for -- or told to provide their names and e-mail addresses, so they could get additional information. No additional information was provided. They weren't told that that sign-in sheet was going to be used as a part of the application and an e-mail was sent requesting the information and no information was received. So, we are here tonight to ask you to deny the development application, because as submitted it does not meet the City of Meridian's medium high density residential R-15 design considerations for increased noise, monotonous wall effect and windows and lighting and we ask you -- and I'm just going to make this real briefly. Put up the vinyl fence as per the landscape plan that was approved. That's all we are asking for. That is a key thing. If you look at those pictures, if we had solid fencing it would make our life so much better Thank you for your time and your consideration.

Hoaglund: Thank you, Mr. Covolo. If you would wait just a second. I think they -- Council Members might have questions for you. Councilman Cavener.

Cavener: Thanks. Sure appreciate your presentation. Slides also. I think it helps to paint a picture. Mike, I think there is some -- you touched on a lot, some of the things are outside of the requested development agreement and hopefully we can get some answers on -- on staff, as well as even those maybe aren't pertinent to the -- to the request before us tonight. But your -- your point about the increased noise has got me kind of -- it's got my brain a little wrinkled and so I'm hoping you can give me a little bit more insight.

Is it your belief that just because a bonus room would add additional square footage that that's -- you think it would increase the noise?

Covolo: Yes. We think anytime you add square footage to a house there is a potential to be more people there.

Cavener: Okay.

Covolo: Especially -- and, again, I looked at this that -- I believe it looked like a bedroom to me. It's -- it's a bonus room or a bedroom is the way it looked like they were applying for. So, we are thinking more noise; right? I mean more people and the backyards are only ten feet.

Cavener: Sure.

Covolo: I mean it's like from here to there and this thing is 13 feet high and, then, the roof lines are another 25 feet on top of that; right?

Cavener: And -- sorry, Mr. President. I think that's the point that I'm trying to get to is let's say every one of those homes -- let's say they are 2,000 square feet.

Covolo: Right.

Cavener: And if they are 2,000 square feet without a bonus room and they are 2,000 square feet with a bonus room, is it -- is it -- is it the square footage that you think is the noise or is it the bonus room that's the noise?

Covolo: We think it's another room, which means there could be more people in there. I don't think it's -- the applicant is increasing the square footage as a part of this application. He is not keeping the square footage the same. So, by -- he's adding more square footage, which is another room. We just don't think the intent of when the lots were laid out the way they are right now, it wasn't intended for this. These are regular sized homes. These were supposed to be patio homes. These are supposed to be smaller homes. Now all of a sudden what we are doing is we are taking a regular sized house on a 45 foot wide lot -- I think it's 45 feet and you have placed them ten feet behind, I -- it's going to affect us and that's why all these people are here.

Cavener: No, I --

Covolo: You know, I mean it's emotional. Yeah. I apologize --

Cavener: It's their homes and if they are large --

Covolo: Absolutely. Right. We were told --

Cavener: I appreciate the passion and everyone's attention.

Covolo: Right. And we -- I mean we were told -- this is what we were told by staff, by realtors, by home builders, don't worry about it -- it's -- it's -- it's patio homes. It's small; right? And you think, okay, you -- you are going to meld this thing in, so it will be minimal effects or whatever. Nobody ever thought that these house would be ten feet behind us with these roof lines and now all of a sudden they want more.

Cavener: Yeah.

Covolo: I -- I mean we are -- we are all saying enough is enough.

Cavener: Thank you.

Covolo: Thank you very much for your time.

Hoaglun: Council, any other questions while he's within two steps?

Covolo: I'm sorry.

Hoaglun: Okay. Thank you. Mr. Clerk, is there anybody signed up or online who wishes to testify?

Johnson: Nobody online and that was the only person that marked they wanted to speak. There are others here, of course.

Hoaglun: Is there anybody in the audience who chooses to testify at this time? If so come on up and state your name and address and we will give you three minutes.

Wickham: Just need two or three.

Hoaglun: Okay. We will give you three.

Wickham: I'm Debbie Wickham --

Hoaglun: Debbie, speak right into the -- pick one and go with that.

Wickham; One? Okay. Debbie Wickham and I live at 2616 East Brace Drive in East Ridge and I am opposed to allowing this change and I just want to say that I bought my lot that we built her home with a builder on, but I work directly with C15, LLC, who is now G20, LLC, who is also the owner of the land above us. He owned our lots and in my opinion he profited from selling us our land. He should care about what's also going above us and I think it's rather shameful that we have to come here and beg for you guys to protect us from our own developer. He should care what's going on behind us and about the fencing and the height and I want to also say that as we built our home that DevCo, Conger Group, whoever -- whatever their names are, multiple names, not one allowance was I ever given -- not one change to my floor plan, to my elevation, to my landscape, to my paint colors. They were totally regimented and unwilling to make

changes for me. So, some of us built, some of us bought homes that were already finished. But I think in the spirit of fairness and how they want us now to work with them, I just think that that's not a cooperative spirit of our neighborhood or about what's best for our neighborhood and I hope that you deny the additional bonus room. Thank you.

Cavener: Mr. President?

Hoaglun: Thank you, Debbie. Debbie, don't go too far. Debbie.

Wickham: I'm sorry.

Hoaglun: Councilman Cavener.

Cavener: Thanks, Mr. President. Debbie, thanks for coming up and it -- it's clear from -- from you and -- and the other testimony there is some -- some frustrations --

Wickham: A little bit. Yeah.

Cavener: I think that's maybe an understatement --

Wickham: That's fair.

Cavener: -- in -- in dealing with the applicant and, you know, one of the things that's important -- we hear this is -- this is emotionally led and I think one of the purposes of the City Council -- we are, essentially, kind of hired to separate emotions away from the argument and look at the law and so what's before us today is a request to allow these bonus rooms and I guess for me that's the piece of the testimony that I'm trying to kind of wrap my head around is if the Council were to permit this request and the bonus rooms would be added, how does that impact your quality of life as a result?

Wickham: Well, I agree with Chuck wholeheartedly on the -- the representation of this 55 and older single level neighborhood. I don't know what that -- you know, what thoughts you think of when you hear that, but these are huge elevations and I happen to work in some new construction industry myself, so I very rarely see single level 55 and older neighborhood homes that have 25 foot high roofs to start with. I think that they are kind of playing a game here a little bit with us in the fact that they think they aren't going to really change the height of the homes. I think they are purposely building these homes really tall and, then, squeezing this bonus room up above to give them, you know, more square footage, which lets them sell the homes for a higher price, which, you know, I'm all for everybody doing their thing and making their income. I -- I'm really not that kind of person. I just feel a little bit like it's bait and switch and, you know, choose the words carefully, so that we think it really isn't impacting us, but we are really not stupid and -- and it is impacting our neighborhood.

Cavener: Thank you. I appreciate you testifying.

Wickham: Thank you.

Strader: Mr. President?

Hoaglund: Yes, Council Woman Strader.

Strader: I have a question for staff. Maybe legal staff. So, the six foot tan fence -- if we look at that requirement, was that a legal requirement? Like if they built an alternative fence that met the UDC standards, but that type of fencing was specifically referenced, what is our remedy if we decide that it -- was it legally binding? Was it just an example? I just need to understand that requirement.

Nary: Mr. President, Members of the Council, Council Woman Strader, I mean Mr. Covolo wrote that up, so I -- I couldn't tell you if that's -- the fact that would say a tan fence is a little unusual to me, because I don't think we would ever pick a color of the fence. We normally either say open vision fencing or vinyl. One of the two. So, I'm a little perplexed by that particular I think. If it's -- if it -- if it is a DA requirement they should have checked that when they pulled the fence permit. We don't normally go out and inspect fences. But they normally would check that on a fence permit. But again -- and maybe it didn't say. I don't know. So, I don't have enough information to know if that was a requirement, because if it's in the DA, then, it is enforceable.

Cavener: Mr. President --

Hoaglund: Yes, Council -- Council Woman Strader, follow up.

Strader: Thanks, Mr. President. If the HOA has a copy of the part of the -- part of the DA agreement, do you mind sharing? Okay. Yeah. If -- if you don't mind providing that to planning staff, so they could take a quick look at that and try to evaluate that while we ask other questions. I don't think we are going to get an answer to my question immediately, but I think it would be good for people to get to the bottom of whether that was a requirement. If that requirement was not met I would like to know what the city could do now to enforce that requirement.

Hoaglund: Thank you, Council Woman Strader. And that was a question I had earlier when -- when he was presenting, I was going to ask who -- was that open vision fence their development that put that up or was it the -- the new development and it sounded like it was the new development or the open vision fence was already there and -- yeah, why don't you come up and let's answer that question. Fencing -- I think fencing is going to be an important discussion on this -- this topic, so --

Covolo: The development agreement specifically states exactly what I showed up there, that the fencing is supposed to be installed as per the plan. Okay? And that landscape plan was with the first phase. It was submitted as a part of the first plat. But that's not what they constructed and we don't know why. So, now what we are saying is if we are

doing this amendment can we get the fencing put in as what they were originally supposed to do?

Hoaglund: Chuck, question, then, for you is was that open vision fencing originally part of your development?

Covolo: No.

Hoaglund: Okay. So, that was the new development.

Covolo: No. That landscape plan was a part of -- that is our development and it clearly indicates what the fencing -- and you will see there there is all different type of fencing that are indicated.

Hoaglund: Okay.

Covolo: Open wrought iron fence. Black fence. And it specifically says this is the type of fence that goes along our lot.

Hoaglund: Okay. Got it. Thank you. Any further questions before --

Cavener: Mr. President?

Hoaglund: Yes, Councilman Cavener.

Cavener: Mr. President, not meaning to step on your toes, just seeing eyes from Dean, Chuck, you might want to just reintroduce yourself for the record.

Hoaglund: Oh, yeah.

Covolo: Oh. I'm sorry. Chuck Covolo. 6269 South Bosch Way.

Hoaglund: Thank you.

Strader: Mr. President?

Hoaglund: Council Woman Strader.

Strader: Could -- could we just hear from the applicant really quick about the fence specifically, if they have anything to add about that. It's a pretty big miss if it's misrepresented and not -- didn't come out the way we wanted as a city.

Hoaglund: Laren, if you want to -- make sure you state your name again.

Bailey: Again, Laren Bailey with DevCo. Commissioner Strader. So, as Sonya indicated, we had an original application 2017. We came back in 2019 and amended the DA and in

that those upper lot configuration changed. Part of the first amendment that was required by our neighbor that wasn't -- didn't get it put into the final staff report, city asked us to come back and change that, so we did. But part of that was that they wanted open vision fencing between the western boundary and their property. So, because of that, when we came back to change the lots and make that adjustment, we changed the landscape plan and did open vision all the way around. Not -- not out on the roadway, but we did it around the -- the neighborhood, just so that was all the same. That fence was installed prior to any of the home sales for the first phase and it -- that fence is -- is on those property owner's property. It's not on our property with this second phase.

Strader: Mr. President, sorry.

Hoaglund: Council Woman Strader.

Strader: I'm just going to restate what you just said to me, so I understand. So, what you are saying is you did an amendment in 2019 and you put in the open vision fencing. Okay. So, I guess a question for city staff then. I'm going to turn to them. So, was that -- was there a public hearing as part of that process?

Allen: Council, there -- there was a public hearing as part of the development agreement modification. That is standard process. I'm unsure, since I wasn't the planner working on it, if that was a topic of discussion with the amended DA or whether that was a plan that was not the topic, but the fencing plan or that just got changed as part of that inadvertently or under the radar or however you want to say it. So, maybe the applicant can answer that.

Bernt: Mr. President?

Hoaglund: Yes, Councilman Bernt.

Bernt: I thought that that -- that -- that was -- had to do with the clubhouse.

Bailey: Correct. But we also changed, so that was -- that was later. We changed the layout of the lots, because we -- we did -- if we want to go way back and start over at the beginning. So, our Mavado product we did the four pack units and we designed that same product here. It became a nightmare for the building department staff and our builder at Movado. So, we came back and said, hey, everybody is struggling with this product, even though they love neighbor -- or the owners loved it and it turned out great, it was a struggle for the city. So, we came back and said, all right, we have got to do this different, because it's too hard to navigate. So, we came back with a new layout for the development. When we did that we updated the landscape plan, brought in a new landscape plan, because we had to for everything and in that we changed the fencing. So, nobody was trying to pull anything over anybody's eyes or -- or do anything in the dark of night. It all came to City Council. It was all reviewed. It was all a new application in front of Planning staff and everybody. And, like I said, this fencing was installed prior to anyone buying a home where they are living today. So, you know, it -- nothing was

shady, nothing was -- in fact, that wrought iron fencing costs more than the vinyl fencing. We thought we were doing something nicer. But we did decide to do more of an open vision, because we had to do that on the other side per our agreement with the neighbor.

Hoaglund: We do have an individual who wishes to testify that hasn't testified yet. So, sir, did you want to come on up and -- or if -- I was thinking of the gentleman behind you. Are you going to yield your -- your -- your time to Chuck?

Covolo: Chuck Covolo. 6269 South Bosch Way. I think if you take a look at the landscape plan as a part of the -- the amendment you will see that it says fencing per phase one. May want to take a look at that. That's what I -- that's what I read in the landscape plans, because I went back through the history and I looked at the first plan for this and it said fence -- the tan fence and everything and, then, I thought -- and I could be wrong. I could be wrong. But I believe with the other -- with the amendments and the final plats or whatever there was in there, every landscape plan after that indicated per phase one. Thank you.

Hoaglund: Sir, did you want to say a few words? Name and address and three minutes.

Culbertson: Jeff Culbertson. 2613 East Brace Drive, Meridian. 83642. I appreciate your time. Taking the emotions out of this, I'm new to the area and I did my research contacting the city planner back in April and contacted Alan Tiefenbach -- I apologize if I misenunciate that. To get a copy of what was supposed to be behind the house and a lot that I purchased for seven figures, knowing that this was going to be an age restricted community with patio style homes. So, you talk about quality of life and peace and quiet and serenity -- I don't have a bunch of families running around. No offense. At my age I don't have a bunch of kids running around in the backyard or being loud. Then I followed up again before I made the final payment on July 2nd, because there was a revision, because I was under the assumption that was a 25 foot set -- setback and was very frustrated to hear that it was a ten foot setback after I had already purchased a lot and to find out today that the representative that came up here is trying to make changes and doesn't even have a presentation or facts straight and a lot of what ifs. We are a community of homeowners that are passionate about where we live, but this is also a business and an investment on my part, because I bought in this neighborhood for the quality life, the lifestyle, The home I bought, the lot, based off what you all planned for and that was patio homes, 25 foot restrictions. Thank you.

Hoaglund: Thank you. Any questions? All right. Thank you.

Borton: Mr. President?

Hoaglund: Yes, Councilman Borton.

Borton: This -- this fence amongst the other concerns, this fence issue is a huge elephant in the room. I don't know how we go further without resolving that. If the -- that second amended DA truly tied back to the original landscape plan and some original six foot vinyl



fencing and if that truly was what the commitment was and the contract requires, the applicant would be the first one to say we missed it and let's fix it and if it's not the case, the homeowners would say, okay, as to that point, you know, complicated nuance and let's just clarify it, so -- is that something that can be done in the next five, ten minutes? Can you find that approval and either party or all the parties can acknowledge what the actual commitment was? Take a quick break and find out?

Nary: Well, I -- I don't know, Mr. President, Members of Council, Council Member Borton. I don't know that I can resolve this in ten minutes. I mean the reality is I don't -- this is not part of your application. Your application is to allow a bonus room. There is nothing about fencing. If there is a complaint about fencing it would normally go to Planning. Planners would refer code enforcement out there to review it. They would go do the research to determine if it had ever been decided. They contact the builder and we would work through that process. I -- I'm really hesitant on mixing that into this conversation. If you have an appeal of this denial and it's based on an issue that wasn't actually before you, then, I think that's problematic. So, I really -- I understand the fencing issue. I understand what Mr. Bailey said. I don't know what the answer is. But it isn't in front of you. If that's an issue we can address that issue. We address issues with -- with DA modifications or DA noncompliance often and we do enforce them as contracts. So, we can address it -- if that's really an issue we can address it. But it isn't part of this.

Borton: And Mr. President?

Hoaglund: Councilman Borton.

Borton: As to that point what you are saying is we are on alert that this is a concern. Regardless of what happens to this application that issue is getting looked into.

Nary: Yes.

Borton: All right.

Hoaglund: Okay. And to -- Mr. Borton, to your comment about do we have time, I would like to give staff at least an opportunity to see -- they may not be able to -- if we take a ten minute break and just -- just take a look at the record and see if we have a few things. We may not, but we do need to take a break here anyway. We have been here for -- since 4:30 for us, so --

Borton: Mr. President --

Hoaglund: Then we will come back and take further testimony. Councilman Borton.

Borton: Yeah. I mean to that point, it's not -- it would be interesting to know -- this is a very touchy request to modify the DA and there are concerns with sound, et cetera, and -- and the -- kind of the coexistence of these two communities next to each other and -- and the fencing may -- whatever it's supposed to be might play a role in gaining comfort

with what the request is and so while it is not dispositive of what decision we make, I think it would just be interesting to know to weigh the considerations of this specific application, so --

Allen: President Hoaglund, I'm -- I'm really not comfortable trying to research this in ten minutes and giving -- giving an answer.

Hoaglund: Well, you are -- you are right, Sonya. You are off the hook. We are going to take a ten minute break getting a bio break. So, we will -- we will be back in ten minutes.

(Recess: 7:09 p.m. to 7:20 p.m.)

Hoaglund: All right. I will call this meeting back to order and we have a couple of folks who indicated they would like to testify as well. The public hearing is open, so someone gets to come on up and, like everyone else, state your name and address for the record and you have three minutes.

Anderson: Thank you. I apologize for how I'm dressed. I wasn't really planning on talking. But Matt Anderson. 6281 South Bosch, Meridian. 83642. So, I just wanted to highlight and clarify a few things that were brought up that I think we are going to -- the fence, although important, the fence issue could easily get us detracted from. Adding a second story, whether it's occupied or not, changes things and so if the roof line stays the same and now we occupy what used to be an attic with a space, it's changing the occupancy of the building, which could change the people, the -- the noise, what we see from my lot looking up at something that starts at 13 feet above my lot in the backyard and extends 25 feet above that. My entire backyard lightscape is gone. All I see is that -- is that building and so to have a -- a roof line that stays the same and, then, it be occupied or not is a mute point to me. It's adding space that would be potentially loud, that would be potentially added with people in it and that from a fire department standpoint -- I am a professional firefighter. When you add something into a space it changes the occupancy and what happens in there happens in there. So, it's outside of the realm of what we know. But it's not an attic anymore. That's the point that -- that I think the fence could overlook. And, yes, if we add a fence in there that would -- that would detract from some of that ugliness, but as we added and graded those lots, that six foot high fence is no longer six foot high on that side. I know that if I jumped over that fence behind me it's about five foot, because of the extra dirt. So, whether they are going to remove some of that dirt or not -- but this five foot now fence of wrought iron is completely visible and clear to this giant wall behind me. So, I urge you to -- to do what's right for the people that are currently occupying the buildings and not on the side on a developer that is hoping to get more people in. They should be single story homes. Period. So, thank you. I appreciate it.

Hoaglund: Thank you. Sir, come on up. I think the other two want to testify, so play some rock paper scissors to decide who is next and --

Montag: I just jumped up. Sorry. Mike Montag. 6294 South Bosch Way. Also in the same neighborhood here in Meridian. I just want to step back -- like the fence for now, forget it. We are -- they are here tonight asking for a change. They are going through the process to get a change that's required by the city. I moved in two years ago. I bought a spec home. I went to them and asked for a change. It wasn't taken very nicely. I went in and I said I would like to just plant some more plants, I would like to move a few things. just landscaping. Kind of similar to what we are really talking about with the fence and I was held to a different standard than the builder who built my home. I wasn't permitted changes to make. I asked to move some things and I was, frankly, treated horribly by them and this is how they are doing business and now they are asking you guys for a change and when I said that to them I said, hey, listen, you are holding me to a different standard than you did my builder. I was told abruptly to go back to California. So, these are the people you are dealing with asking you for a change. Thank you.

Hoaglun: Thank you, Mike. We have the winner coming up, but the loser gets to come up, too, so he --

Greaves: I was just faster on the draw. I got up quicker. Roger Greaves. 2445 Brace Drive. I just want to make a couple points. We kind of have beaten the -- the fence issue pretty well, but I would say that the -- the fence line between the development going into our west, which is Lavender Heights, and this new phase of East Ridge that's going in, there is a tan vinyl fence in that location, whereas the rest of Lavender Heights is a brown -- dark brown and black vinyl fence. So, I don't know who put up the fence. I don't know who paid for it, but it certainly looks as though it is the fence that was required under the initial plan that came in. So, take that for whatever it's worth. The second thing I would have to say is, you know, we keep talking about -- you know, we want to put in the bonus room. It's just a bonus room. It's just a bonus room. And in our minds, you know, I -- I have had a bonus room in my house before. It turns into a TV room or -- or the kids -- the kids play their video games up there. It's just -- it's -- that's all it is. It's open space. But from what Chuck is saying from the plans you can't tell if it's going to be specifically a bonus room or if it could be converted to a bedroom. So, now you have gone from a three bedroom, two bath house, 1,700 square feet, whatever, to a 2,300 square foot house with four bedrooms. If you have a fourth bedroom you are going to put somebody in there; right? So, my question to the -- I actually had this question to the Council. Maybe you can answer me. Would it be -- would it be possible for the developer to come back with another development agreement and, let's be honest, they would come back for multiple development agreement amendments. So, that's their mode of business. Could they possibly come back and say, hey, we would like to go from 55 plus community to single family homes? Is that a possibility or are they -- or is that the one thing within their applicant where they would be held to? Oh, no. It's absolutely going to stay 55 plus. Or could they go to single family homes? Could they come in for that amendment?

Hoaglun: We will let the applicant answer that.

Greaves: Well, you are -- you are the City Council. You -- I would think somebody here could say that, yes, that is a -- or maybe somebody from staff could say, yes, they could come in for that amendment or, no, that is something that is not amendable.

Hoaglund: A DA is -- they can always ask for -- for whatever they desire within the DA, so --

Greaves: Okay. So, it's -- it's within the realm of possibility that two months from now, three months from now, the developer comes in and says I would like to change this from a retirement community, 55 plus, to single family homes. It's within the zoning -- it's -- it would -- it would fit the -- the city's master plan for that area; is that correct? Because I mean let's face it, that's -- that's what this developer has done, is like, oh, we are going to put in a pool and a clubhouse. I don't know. Let's go with a dog park. I mean, obviously, that's in their favor financially; correct? And it just seems like they have made these amendments and -- and it's all business. I get that. Sorry. Out of time. That every amendment is in their favor to put more money in their pocket. Thank you.

Hoaglund: Thank you, Roger. Name, address and --

Proctor: Brett Proctor. 6403 South Bosch Way. Appreciate the time. I will go really quick. The only special consideration I have really ask everyone to focus on is that I think usually where there is amendments -- like everybody is kind of on flat ground, but, really, the problem here is that we are -- there is already just kind of like a very large hill. Our entire neighborhood has these large setbacks and there is these very small setbacks above. So, it really is like looking up at this huge wall and that's just what I really want to try to focus on and I just learned this term massing, but I'm really trying to understand it, like if there is no limit on that, I -- if I was building I would try to get as much as I could out of it and I would try to get as much of that as possible, especially since there is no effect from the top. But looking down from the bottom one of those pictures from the presentation is my house and it is already very daunting, intimidating, whatever it is and I would really just -- we are really trying to make sure that it doesn't happen for the entire neighborhood at this point and if there is not a limit there that says, you know, that has to be one in three and if it's -- you can do all of them, I'm guessing it's going to be all of them, so that's just -- I don't know how that works, the regulations and the massing and the designs and all that, but that's where I'm -- my main concern is, so, thanks, guys.

Hoaglund: Thank you. All right. And, then, we will have Chuck come up as representative of the HOA five minutes and, then, Laren will be up for his ten minutes if he needs it for --

Covolo: Chuck Covolo. 6269 South Bosch Way. One thing I -- I -- I did want to bring up is -- as a part of the development agreement it does state in there that a grading plan was supposed to have been submitted with the first phase and it never was. I don't see it and I think that's an important part when we are talking about between, you know, our lots and the lots above us, so you could get an understanding about the vertical component that we are talking about here. It -- it states in there that a grading plan was supposed to be

submitted and I did not see it in there. I'm not saying it wasn't. I don't know. But it never was. I mean I saw conceptual, I saw landscape, I saw, you know, the -- the -- the lot layouts. I saw everything in there, but the grading plan that was supposed to be required and that was never submitted and I just wanted to go on record by saying that. It's obvious this is emotional and, you know, this is important to us and we understand -- like we said, there is a need for this stuff, but it's also been said it just keeps going on and on and on. These things were laid out not with the intent to be two story. Period. The layout wasn't intended for that. There is going to be more occupancy. Whenever you add more square footage, just like it was said, there is going to be more occupancy and it's just going to be more noise in a backyard -- ten foot backyard right off of us. Right -- right above us, staring right down on the top of us. We don't know what else to do, besides come here and ask you for this -- to consider what we are saying. It does not meet the design considerations for R-15. It doesn't meet it. There is noise. There is lighting. There is all those things we just went over -- we just keep going over and over. You know, it -- and even -- even staff's report -- or the staff report talking about the monotonous wall is not correct. Really what it should state is that, you know, maybe one house can have a roof line be that wide, but, then, maybe two more cannot and, then, one more can or something like that. But the way it's written right now it's going to allow it to happen. That has to be changed. That can't be approved like that. So, anyway, I -- I -- I wasn't really planning on speaking anymore tonight, but I think you got our -- I think you got everybody's vibe and you got everybody's thoughts and ideas and concerns. We just ask you to really seriously think about this and we will be available for any questions or future meetings or whatever.

Hoaglund: Thank you.

Perreault: Mr. President?

Hoaglund: Oh, yes. Council Woman Perreault.

Perreault: Thank you. You had mentioned in your first testimony in regard to the staff's proposal for the windows -- the second story windows to only face forward --

Covolo: Uh-huh.

Perreault: -- that there still will be lots where they will face into the -- the lots -- the surrounding lots and so I -- I'm going to ask if Sonya can pull up the exhibit from the staff report. I would like you to show us -- I'm trying to understand where a forward facing -- a front facing second story window would look into the yard of the -- of the lots that are in phase one and, then, Lavender Heights, because I'm not seeing it from the plats.

Covolo: Sure. While she's pulling that up, I also would like to let everybody know, you know, our lots are 85, 90 feet wide. These lots are 45. So, in every one of our backyards there is two of these houses, so -- I may -- I may have a piece of paper that -- I don't know if it could be put up on the screen, too, of --

Perreault: Mr. President?

Hoaglun: Yes, Council Woman Perreault.

Perreault: Thank you. Sonya will be able to pull it up. This is -- she's had to familiarize herself with this entire project and we are grateful that she's willing to take this on, not having been able to, you know, read the mind of the prior planner, but still help I guess answer these questions. So, I trust that she will be able to pull that up.

Covolo: This really comes down to angles is what it comes down to and it's just the way the language is written. It says facing and -- and we will see here in a minute. And then -- so, there is this that we are about to bring up and, then, there is also the fact that the houses are going to be phased over to the park and, then, directly across the street or homes, too, and it's open, so -- so not -- this -- this doesn't occur in a lot of spots. This is just a few areas.

Hoaglun: Chuck, I wanted to ask you about that. The lots where the green shows, Lot 22 through 20, that box and the arrow comes down, so there are two lots there that would face a house that would be the width of the house. The rest are back-to-back. So, on each end of those there is going to have a house that's -- you are looking at the width. See where that --

Covolo: Go down a little with the hand. Who is operating the hand? That's not my plan. That's not -- no, that's not even the correct layout. Yeah. I think -- I think that the red line just goes through the third house. Maybe. I'm not quite sure.

Hoaglun: The screen that you -- Chuck, where the green arrow points to a lot --

Covolo: Right.

Hoaglun: -- that lot and the one above it is actually -- is facing the one lot that is the width of that building and you talked about mass.

Covolo: No. But take a look down below. Go further down.

Hoaglun: Okay. Go farther down to the red --

Covolo: See where the red arrow is. See the lots below the red arrow?

Hoaglun: Right.

Covolo: Okay. There is a private drive right there.

Hoaglun: Okay.

Covolo: Okay. And -- and so, basically, what it is -- if you are in the lower lots, you are looking up, you see the private drive and you see the houses. Okay. It's situations like that. It doesn't occur everywhere. Don't -- don't -- you know.

Hoaglun: Okay.

Covolo: There is just a few spots. It may even occur over on the Lavender Heights side. So, we are like -- okay. We are not facing; right? So, this only occurs in a few areas, so why don't we just write the language where it says we can't see it. Simple. I don't -- I don't see it as a big deal. And that's what the builder told us, too, in the meeting. But for some reason it was written where it's facing. Well, if you own one of those lots -- for instance, if you -- a lot which is -- I think it's 17? Is that what -- I can't tell. Or is that 20 --

Hoaglun: I don't see any numbers on lots.

Covolo: Well, on those lots that were just there.

Hoaglun: Council Woman Perreault, did you have a question?

Perreault: Yes. Thank you. I -- so, I wanted to make sure I understood you correctly. This amend -- I mean we would be permitted to say, hey, this lot, this lot, and this lot you cannot have a second story. We can do that as part of this process.

Covolo: Right.

Perreault: So, I wanted to get clarification from you in terms of, you know -- and -- and I'm not stating this as -- in -- in regard to any particular decision yet, because I'm just getting information, which is that -- is -- is the real concern that you don't want a bonus room or is the concern that the bonus -- that there may be individuals looking into your lots?

Covolo: Our -- our -- well --

Perreault: I want to take these individual -- let me finish, sir. Sorry. And I want to take these individual concerns and address them and make sure that, you know, is it a combination of the three of them that we need to -- to base this decision? Is there room for there to be compromised? I'm just trying to -- to understand that with the three concerns that were brought up, which is, essentially, line of sight issues, occupancy concerns or -- or increased square footage and, then, just concern over the developer not keeping their original intent. Those are the three things that have been presented. I want to make sure I'm understanding your concerns about all three of those things. Which are the most important to you, so that we can truly get to the bottom of the issues.

Covolo: Other than the fencing, our number one concern is we just don't want these bonus rooms because of the occupancy.

Perreault: More people.

Covolo: That's right.

Perreault: Okay.

Covolo: And -- and just to finish that, it's just a -- you know, with this there is a staff recommendation of things to be included as a part of this and in that -- I don't think the way Alan wrote it was really what him and I discussed was the fact -- and it's also not what the builder said. I think with the simple modification to that would meet the intent of not being seen. But we don't -- we just -- we are -- we are really against the whole idea of the bonus room.

Hoaglund: Chuck, I have another question. There was testimony about -- there is a portion that has a tan fence, a portion that has a black fence, and, then, you have the open vision fence. What -- what section has what type of fence? Where -- where is that fence located? You are showing the picture of the open vision fence. Is that on the Lavender Height side --

Covolo: The -- the pictures that I showed?

Hoaglund: Yes.

Covolo: Are between our homes, the estate lots, and the R-15 zoning, which is on the east side and if you notice the builder talked about changes to the landscape plan, there was never any discussion about changes in the landscape plan for this. They were talking about the west side. There was never any discussion about the east side changes that I know of or that I read about. There was always discussion -- and it's written right in there that the -- that the landowner at that time, before I guess he sold it, he wanted changes to the landscape plan for the wrought iron fencing. He wanted a bunch of things. It never got in originally. They came back and they added it afterwards. But I never saw any discussion or anything in any of this stuff about changing the -- the -- the fencing on our side.

Hoaglund: Okay. Thank you.

Covolo: Again, I could be wrong. I could maybe miss something, so that's why --

Borton: We can't talk there. Yeah. Come up and let's -- let's find out where the fencing is if you don't mind. Was it Roger or Mike? I can't remember. Okay. This is Roger.

Greaves: The fencing that I described was on the -- Roger Greaves. 2445 East Grace Drive. Sorry. The fencing that I -- that I was talking about is on -- it would be on the west side of East Ridge. The new phase that's being built and, then, on the -- and it would be the -- the east boundary of Lavender Heights, if that makes sense. So, it's where you have the -- the text in blue, it's -- it's those houses right there and I wanted to add to the



fact that that was open fencing before and it was pulled out, I don't know by who, and replaced with the tan fencing.

Hoaglund: Okay. Thank you. All right. You're good. You're good. All right. I think we got fencing location, different things like that. Laren, you are going to solve it all in ten minutes. No pressure.

Bailey: Again, Laren Bailey. Mr. President, Council, I -- I just kind of want to go back to what Mr. Nary said. You know, we are here to talk about the bonus rooms. Obviously there are plans and the city has people in charge of making sure we do what we are supposed to do and if something wasn't done, you know, we have been here, we will be here, we will -- we will correct whatever that is. I just think we are getting way off topic on things that have nothing to do with what we were asking tonight. That doesn't mean they don't have merit. I'm not saying the neighbors might not have a concern. I -- I get all that. But I'm just asking we refocus on -- back on what we are here for tonight. If you have any questions for me I'm glad to go through any of this history. I can talk to you about that fencing on the west side, but I'm just going to let it stand at that. That, you know, we are just here for the -- the bonus rooms and -- and that's -- that's what's -- what we have applied for tonight. Thank you.

Hoaglund: Thanks, Laren. A quick question for the map we are looking at. Obviously you have some homes constructed. How many homes are constructed from what we see here? Is it east side, north side, west side, everywhere?

Bailey: So, I don't know exact number. I apologize, I haven't driven out there lately. There are some homes under construction. But all the homes under construction are -- do not have a bonus room.

Hoaglund: Okay.

Bailey: So, we are trying to build the ones that -- that -- we weren't going to do a bonus room on first, because we were waiting for this process. So, obviously, if -- you know, if we are approved, then, we can -- we will build those other lots. I don't -- you know, the ones they are talking about on the corner with the -- the common drive, I know the two on the south at -- at the -- where the red arrow -- near the red arrow, I know those two are the ones they showed you pictures of. Those are single -- just single story, no bonus room. The two on the north -- I'm going to call it the northeast corner, I am not sure what those are. If that was -- you know, if we wanted to say those two have got to be single story, I just don't -- I mean that's fine. If -- if that's what the concern is. So -- so, I'm -- I'm okay with that, if that's the direction Council wants to go.

Cavener: Mr. President?

Hoaglund: Councilman Cavener.

Cavener: Laren, when you -- if you were to be approved and -- and added these bonus rooms, what does that do to the square footage of the -- of the housing product?

Bailey: You know, I don't have the exact numbers in front of me, but I think you are four to five hundred square foot additional.

Cavener: Okay.

Bailey: It's not a huge change, but we are building the same product in Eagle and surprisingly a lot of people requested that bonus room. We initially thought 55 and over maybe they wouldn't want that, but we have a lot of active 55 year olds these days. I mean my parents are 73 and they just built a two story home with the master upstairs. I told them not to, but they did it anyway. So, I think we have got a lot of active individuals who still can utilize that space.

Cavener: Mr. President, follow up?

Hoaglun: Councilman Cavener.

Cavener: Laren, just refresh my memory then. Average square footage of the product that you are putting in here?

Bailey: Again, I don't have that in front of me. I think the average is between 1,800 and 2,000 square feet.

Cavener: Okay. Thank you.

Hoaglun: Any other questions?

Perreault: Mr. President?

Hoaglun: Council Woman Perreault.

Perreault: When the amendment was requested to change the plat design the number of lots stayed the same.

Bailey: Correct.

Perreault: Did the lot widths change with that?

Bailey: Well, I mean that's a tricky question, because the lots we had before were square and not rectangular and so the answer is yes, but the square footage size of the lot didn't change. Does that make sense? Because they were in four packs. If -- I don't know if you remember, but they were in four packs, so each lot was basically square in a four pack, instead of rectangular, more traditional layout that you see now.

Perreault: Mr. President?

Hoaglund: Council Woman Perreault. And -- and we weren't on Council at that time, so that's why we don't remember.

Perreault: Yeah. I was on Planning and Zoning then I think. So -- okay. So, you have approximate 40 -- average 45 foot lot with currently an 1,800 to 2,000 square foot home. So, it's long and narrow; correct? And so, obviously, you know, in -- in this world when you have a narrow lot and, then, you have a long and narrow home and you -- and you have multiple side by side, that there does get to be a pattern that is -- is a wall like appearance, two story or not two story. But very much so, you know. So, even if the window isn't facing down into the property you have a taller wall with -- with siding that has -- that doesn't break up -- you know, there is no window to even break up the siding or the look of that. What -- can you share your thoughts with us about this massing concept and you are -- legitimate. I mean give us a legitimate thought on what this is -- how this is going to affect these neighbors, because I -- I agree with this statement that was made by one of the members of the public that said we want the developer to care as much about us because we just bought homes from them in the last two years, as they do about these new homeowners that are going to have these homes that want their additional 500 square feet. So, it's a -- it's a fair statement from a -- from a member of the public that's seeing all of this happen from the outside, that doesn't step in your -- your shoes and have these conversations with the people in Eagle about their desire and, you know, I always feel like it helps me understand the -- when I know the intent of why this ask is happening. So, it sounds to me like you have been requested by -- in other parts of the community for this new type of floor plan and that's why you are attempting to put it here. Can you give us more understanding of what brought about this, you know, requested amendment?

Bailey: Yeah. I mean I think you just summed it up. I mean that's where it came from. We initially -- and, like I said, the original plan -- the original house plans were showed, the one does show a window over the garage. We intended to put a bonus room on some of the units. We didn't realize how big the -- the demand was. So -- so, yes, we are trying to -- you know, that's why -- when we got the building permit we didn't realize this was even going to be an issue until we got to the building department and Meridian's code is written differently, which was our -- our mistake. But the intent -- I mean when we came in with the DA mod and put those new elevations in front of the Council was that some of them would have a bonus room. That was never, you know, a question. But, you know, that -- that's why we are here today. We are here to ask, because code isn't clear on it. We are here to ask if we can -- if we can do that. As far as -- you were -- you were asking about the massing, you know, yes, you have got a wall, but, then, you have got a roof line going away from you. It's not just 25 feet straight up. Some of them have different backs, you know, facing, but most of them have a roof slopping away from you and so, you know, we do have a mix of products, a mix of homes, but, yes, you know, we meet the R-15 ordinance for our setbacks. We didn't ask for anything extra here. We are meeting all the setbacks and requirements of the R-15 zone.

Hoaglun: Any further questions? Okay. Thank you, Laren.

Bailey: Thank you.

Hoaglun: And, Sonya, that was a question I had was the -- they the ten foot setback is -- if my memory is right -- is -- is -- ten foot is -- is allowed for R-15 in the -- in the backyard; is that --

Allen: I believe so. I'm double checking. Just a moment. So, that -- you were asking about the rear setback?

Hoaglun: Yes. Rear setback.

Allen: It's -- it's 12 feet per code. I don't know if this was approved under a PUD. Was this a planned development?

Hoaglun: Hey, Laren, can you -- can we find out? Was this under a PUD, planned unit development?

Bailey: It was approved in 2017 before my time with the company. I don't remember. I don't recall if it was a PUD or not. I don't -- I -- I -- I know we meet the R-15 zone, whether those are ten or 12 feet, I don't have it in front of me, but I -- and I -- I -- yeah. So, I apologize if -- if I'm wrong on the ten versus 12, but I -- I know that we are meeting the -- the zone.

Allen: It does not appear that it was a PUD, so the minimum rear set back is 12 feet is the requirement.

Bailey: I believe we are meeting that.

Hoaglun: Okay.

Bailey: Or we wouldn't be getting a building permit.

Hoaglun: Thank you. All right. Now, we have come to our end of the public hearing. We have had the closing comments by the HOA and -- and the applicant and, Council, would you like to discuss before we close the public hearing or would you like to close the public hearing? Councilman Cavener. No, we have had the closing comments by the HOA and the applicant, so we have reached that portion where we will be talking now.

Cavener: Thanks, Mr. President. And one -- first, I want to thank you, Mr. President. Just for those of you that are -- this is the first time at City Council, normally are Mayor is here to conduct the meeting. Council President is filling in tonight and one of the things we typically don't do is allow people to come up multiple times to speak and I just -- I think because the Council is really wanting to get some perspective from you, the neighbors, you have kind of granted that, so I want to thank you, Mr. President, for doing that and,

then, I also thank Chuck and the neighbors -- for those of you either new to our community or have been here for a long time, I think Council really appreciates when we conduct our business neighborly. It's very apparent there is some frustrations, maybe even some anger from some of you, but I want to commend you for really keeping the discourse neighborly. We don't always see that. So, Chuck, I think you led the way with that and I just -- I want to commend you on that. There has been a lot that was thrown at us tonight and the -- the whole fence thing was really something that I wanted to sink my teeth into. You know, I think as Council we try and see things from the perspective of the residents, while also remaining impartial, and I was really wrestling with how we are going to take on that fence piece, because it's not part of the application or the development agreement request that's before us tonight. I was part of these conversations in 2017 and in 2019 and I clearly remember neighbors coming and voicing some very legitimate concerns that they did not want people in a second floor looking into your backyard and I think that was where the Council said we don't want people peering in the backyard. I understand. I have got neighbors who peer into my backyard, I can kind of peer into my neighbor's backyard. I know -- while I have good relationships with my neighbors, it's -- it's just awkward at times and so I think the Council was correct in saying we didn't want windows peering in. So, when this came before us I was initially a little frustrated, like, well, I remember the conversation with Council. Staff, Alan, Sonya, who is filling in for Alan, I think the -- the recommendations are -- were appropriate that we didn't want windows peering into people's backyards and so for me, then, it's the question of does -- does the addition of a bonus room contribute to the quality of lifestyle for the impacting neighbors and I -- I'm struggling to see that threshold for -- for me. While I appreciate the feedback in the comments of the neighbors, I -- I'm supportive of the request from the applicant. I think that this -- because there is going to be more square footage that somehow we are going to have this overabundance of people that will make more noise. While I can appreciate where you are coming from, I'm just not seeing the nexus with that. So, I'm -- I'm one that I'm supportive of the request that's before us tonight, recognizing the conversation about the fence is going to play out separately from staff -- with staff. Those are my thoughts.

Strader: Mr. President?

Hoaglund: Council Woman Strader.

Strader: Yeah. Just to give a different viewpoint -- so, yeah, I agree the -- the fence issue is tabled, as well as the setbacks, but I think you heard pretty clearly that if you feel that the previous agreement was not followed you have a process to follow up with the city. So, that's a separate discussion. But you have been given advice about that and you could ask staff about that. I am not supportive of this change at all. Maybe I'm a little bit of a DA originalist, just like throw a little -- throw a little fire bomb out there, but, no, I mean like if you read it it says single story. Like it says single story. I take that very clearly to mean, in plain language, it means one story. Our code is super clear. Bonus rooms are not included in a single story. It's not allowed. They can read the code. They know the code. The developer can follow it. It's supposed to be single story. This was a very contentious application back when it happened. It was done under the condition that it

be single story. All the neighbors who bought their homes did so reading it and believing it was single story. I also really was moved by the picture that showed this change is going to change the roof lines. They are not the same. Like you are going to get block after block after block and it's going to be like a big wall and I think following the original renderings would at least give a lot more variety to the roofline. So, yeah, I won't be voting in favor.

Hoaglund: Councilman Bernt.

Bernt: Mr. President, You know, I have -- I have never heard that term used on City Council before as a DA originalist. I really like that. But I -- I -- without getting too far into my statement, I agree with Council -- Council Woman Strader. So, I don't need -- for all the same reasons that she just spoke of.

Perreault: Mr. President?

Hoaglund: Council Woman Perreault.

Perreault: I was on Planning and Zoning when this came through and remember the testimony fairly well, but our -- you know, we have to make our decisions based on what is presented in this hearing. What I remember from that -- from those hearings -- from those meetings was that the -- the applicant was -- the biggest challenge of -- of the entire project when it was originally presented in whole as a concept was -- was the 55 plus area. That there was a lot of concern about that. Was it going to be -- how was the parking going to be? Was it going to be fenced? Was it not? There is -- there is no other 55 plus communities in this whole southern part, you know, so why should we bring that out? Will people even buy something there, because it's so far away from any amenities or so far away from town. I mean the whole entire original conversation regarding this was about that 55 plus area. That was the big unknown and a lot has changed in our community in five years in terms of access to amenities and access to -- and road widenings, because now the road -- the road's going to be widened in front of there. But I -- one thing I do know about 55 plus communities, especially in my industry, is that they are intended to stay on a smaller scale and so I -- I agree with Council Woman Strader in that I -- I think that this -- this does not fulfill the intent of the 55 plus community, whether it's 1,400 square feet or 1,800 square feet, you know, the -- the -- the technical square footage of it is not -- is not the -- the issue. It's that the intent is that we have smaller lots with smaller homes. There is a lot of different definitions of what a patio home is, but, essentially, the -- the idea and the thinking is is that it is a smaller home and if you take an 1,800 square foot house you put a 400 square foot bonus room on it we are -- we are not a 55 plus community with smaller homes anymore and -- and so in -- in my opinion, whether you want to say it's single story or not single story, the intent is that it remain a home that's smaller on a smaller lot and the applicant promised that that would have that feel when it came to be in this area. There was a lot of conversation about that at the time and so in my opinion, in -- in staying in line with what was -- you know, what was indicated to be that style of -- of community that I -- I agree that -- that the DA should not be modified.

Hoaglund: I want to comment that my -- my parents live in a patio home. It was built in the mid 2000s and they went with the single family -- or single floor plan, but it is a 55 plus community where they have sprinkled throughout a two with a bonus room, because active lifestyle -- of course they are much older now than when they were when they moved in, but it is primarily older folks who have grandkids who are visiting or families visiting, they use it for a hobby room and those types of things and my parents downsized and it's -- it's about an 1,800 square foot patio home, so -- and -- and as I thought about it, as I'm listening to this tonight and I'm thinking about where they live and looking at the homes, the second floor on the homes that are -- it's not every other one, they are kind of more scattered about, are front facing and some have a side window that looks down more towards their -- out towards the front and facing the front yards of -- of the other patio homes. So, it's -- it's -- it's doable from that product and they don't seem overly large. They don't look like a two-story home like we live in. That's much much bigger, because of the width, and -- and I kind of look as I was going back and forth, you know, of -- of, okay, what's -- what's two story and to me if you keep it under that 25 foot to me it's less -- okay. Whether you are two story or one story and if you are limited to 25 foot, you are not going to be 38 or whatever our house is and -- and that to me is a big difference. So, I -- I'm comfortable if they are able to do some things that keep the windows towards the front or side and not going out the back and keep it at 25 foot and this -- this is, admittedly, an unusual property because of that hill and that height and I really thought we could get there with the some vinyl fencing and at least require that fencing and that is as -- as -- as Council's pointed out, a completely separate issue that may be addressed in the future and, you know, I -- I know there is a landscaping plan for -- for these homes and -- and it would be good if the developer can make that -- that happen, but it's -- it's -- it's tough to say no to a product that remains the same height and they are making changes internally and willing to accommodate making sure that people aren't being looked down upon, especially at that height. But I would -- I just wish we could do something about the fencing and that's -- that's a little frustrating, because I -- I think that would go a long ways, whether -- because even if we don't do this, that open vision fencing it's -- it's going to be the same, 25 feet with that -- with that view. So, that's -- that's the problem that I have. But I can't fix that.

Borton: Mr. President?

Hoaglund: Councilman Borton.

Borton: I don't have a lot more to add, other than this is an example over the years that you think back to the -- the prior approval of a DA and -- and from the mindset of modifying them with -- with hesitation and reservation and -- and would this project originally have been approved or the prior DA been approved if presented with what came forward tonight and I'm not so certain that's the case. So, if it wouldn't have passed muster before, I'm not sure there is circumstances that warrant changing that now. Sometimes DA modifications make sense. Sometimes a deal is a deal and you will live with it. This is one where I think the latter, frankly, applies. Laren, you do great work, but I just don't think it's cleared the bar to modify the DA as presented.

Perreault: Mr. President?

Hoaglun: Council Woman Perreault.

Perreault: I have one more thing to say about all of this in general. You know, when we have DA modifications that come before us and they are -- and the applicant's asking for a change, because there is a geographic element of the property that they weren't aware of or there is an easement that needs to be negotiated with a neighbor or something, I get that. But when you have a development agreement and a concept plan and you do multiple DA modifications, substantially change the development for what it was originally intended to be, I have an issue with applicants using this process to make a -- a project what it was not originally presented as and so if this had been the only ask from -- from this, you know, that would maybe weigh in my mind differently, but this is the third request to make a fairly significant change to this project, such that I don't think it's going to look like what it was originally proposed and so I just want to put that out there, because it is -- it's not the first time I have seen that happen, but that is for me an element of this decision is how many times there has been modifications made and -- and the significance of those modifications and every single one of the modifications that have been requested have -- have not necessarily been modifications that had to do with an element that the developer couldn't help because of something that was out of their control and I'm not saying that's the only reason that DA amendments should exist, but I do think that it is -- I don't see this as a tool that should be used to change what was originally presented substantially.

Hoaglun: Thank you, Council Woman. Robust discussion as always.

Strader: Mr. President?

Hoaglun: Yes, Council Woman Strader.

Strader: I move that we close the public hearing.

Cavener: Second.

Hoaglun: We have a motion to close the public hearing. All those in favor signify -- signify by saying aye. Any opposed? The public hearing is closed.

**MOTION CARRIED: ALL AYES.**

Strader: After considering all staff --

Hoaglun: Council Woman Strader, go ahead.

Strader: I apologize, Mr. President. Thank you for being patient with me. Didn't mean to interrupt you. After considering all staff, applicant, and public testimony, I move to deny file number H-2022-0037 as presented in today's hearing date for the following reasons:



The DA request results in an inappropriate transition with the surrounding neighbors and is not in line with the original proposal and, therefore, is not in the best interest of the city at this time.

Hoaglund: Have a motion. Is there a second?

Borton: Second.

Hoaglund: I have a motion and a second on East Ridge Subdivision, 2022-0037. We will have a roll call vote. Mr. Clerk.

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

Hoaglund: Four no's. The motion to deny is carried and we are done with Item No. 4.

MOTION CARRIED: ALL AYES.

### **ORDINANCES [Action Item]**

- 6. Ordinance 22-1989: An Ordinance Amending Meridian City Code Section 9-1-16 Concerning Connection to City Water System Outside City Limits; Amending Meridian City Code Section 9-4-26 Concerning Connection to City Sewer System Outside City Limits; Voiding Conflicting Ordinances and Resolutions; and Providing an Effective Date**

Hoaglund: We took action on Item No. 5, resolutions already, under the public hearing for CDBG funding. We are now at Item No. 6, Ordinances. City Clerk, could you, please, read this ordinance by title only.

Johnson: Thank you, Mr. President. This is an ordinance amending Meridian City Code Section 9-1-16 concerning connection to city water system outside city limits; amending Meridian City Code Section 9-4-26, concerning connection to city sewer system outside city limits; voiding conflicting ordinances and resolutions; and providing an effective date.

Hoaglund: Mr. Nary, on -- on this ordinance do -- are we able to suspend the rules if we desire on this? This wasn't controversial. That's something we are moving forward on -- on this.

Nary: Mr. President, Members of the Council, we have included that language about suspension of rules in the caption and in the ordinance itself. Normally we have done those in land use applications where you had a hearing some other time. Otherwise, state code allows you to pass an ordinance on one hearing, two hearings, three hearings. It -- it doesn't matter. So, you have the -- always have the ability to suspend the rules. We have been trying to excise that language out of everything else, just to make sure

