

A Meeting of the Meridian City Council was called to order at 6:09 p.m. Tuesday, November 6, 2024, by Mayor Robert Simison.

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

Other Present: Chris Johnson, Bill Nary, Bill Parsons, Linda Ritter, Clint Dolsby, Berle Stokes, Kris Blume and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Brian Whitlock
☒ Anne Little Roberts	☒ John Overton
☒ Doug Taylor	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call this meeting to order. First just want to say thank you to those in attendance for giving us a few minutes in between to take care of some business and be ready for the evening. But with that we will call this meeting to order. It is November 6th, 2024, at 6:09 p.m. We will begin today's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Mr. Clerk, I assume we had no one signed up for the community invocation?

Johnson: You are correct.

ADOPTION OF AGENDA

Simison: And anyone -- well, that will come next. Next up is adoption of the agenda.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we approve the agenda as published.

Overton: Second.

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

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, anyone under public forum?

Johnson: Mr. Mayor, just one. Laren Bailey.

Simison: Okay.

Bailey: Good evening, Mayor, Members of the Council. My name is Laren Bailey. I represent Devco and Black Rock Homes located at 44824 West Fairview Avenue, Boise, Idaho. I'm here tonight -- I want to clarify some statements that were made at a City Council hearing earlier this year. Over the past few months our development team has submitted two preliminary plats within the mixed-use zones. During this process we were surprised to discover that the Comprehensive Plan had been updated in March of this year. Although we participated in three to four preliminary application meetings with city staff during the period of time when these comp plan changes were being introduced, the significant change was not mentioned or discussed until we received the staff report for a hearing approximately three weeks ago. As we investigated these changes and consulted with others in the industry, including our attorney Hethe Clark, and developers Dave Jorgeson and others in the BCA, it became clear to us that many stakeholder -- holders were similarly unaware of the scope and impact of these policy changes. While early drafts of the plan circulated, they lacked many of the substantial changes later included in the final version. In reviewing the public hearing we were struck by the limited public input for such a substantial policy shift. To our knowledge there were no stakeholder group meetings, Comprehensive Plan meet -- committee meetings or meaningful public outreach. Additionally, property owners within the mixed-use areas were not informed -- excuse me -- or notified of the changes. We believe this is why there was little to no turn out from the public at the hearings. Moreover my name was referenced in support of these amendments without my knowledge or consent. At the January 9th City Council meeting Councilman Strader asked about the process behind these changes. Staff responded by listing businesses and mentioning my name specifically as someone who had reviewed and updated and -- reviewed the updates and provided no additional comments. I was taken aback as I did not receive -- or I did not recall receiving or being asked to comment on these updates. Although I had heard of the potential changes and had seen some graphics intended to be replaced by the -- replace the existing visuals, I had not seen the document or reviewed it formally. After checking my e-mails I found a notification from Brian McClure on the 8th of March of this year, two days after the comp plan was updated, forwarding a previous e-mail from

November 7th, 2023, an e-mail that I was not included on. I'm here tonight to clarify publicly that I did not review or endorse these changes to the Comprehensive Plan as they were not provided to me. I wonder if it was truly the city's intent to implement such changes -- I'm almost done, Mayor. Sorry. On this manner. If the intent was clear and well considered I respect that. However, I question why the process did not include the transparent public engagement that typically accompanies substantial policy updates in the City of Meridian. We have not seen policy changes of this magnitude handled in this way before. A particular concern was the number of times the words -- the words like should were changed or replaced with shall or must. We counted over 27 times. This is a significant policy shift. This is one change of many that was not vetted by stakeholders. I lack the time tonight to address these issues individually, but I want to reiterate our severe disappointment in the process, lack of transparency and the fact that my name was used when I had not ever seen the documents. I'm hopeful that in the future there will be more inclusive process for change of this magnitude. Thank you for your time.

Simison: Thank you, Laren. Can I have your statement -- your copy of your statement. And congratulations on the promotion. Thank you. Anybody else, Mr. Clerk, sign up?

Johnson: Mr. Mayor, that was everyone.

ACTION ITEMS

1. Public Hearing for Proposed Winter 2025 Fee Schedule of the Meridian Parks and Recreation Department

Simison: Okay. With that we will move on to tonight's Action Items. First item up is a public hearing for Proposed Winter 2025 fee schedule of the Meridian Parks and Recreation Department. Mr. White. Open this public hearing with staff comments.

White: Mr. Mayor, Members of Council, thanks for having me tonight. In front of you are the fees for our next activity guide for all of our classes and programs we plan to offer. All these fees are set to meet all of the cost recovery philosophies that we are -- have adopted, so that -- that works and, then, you will see also on there that there is some increases, some decreases, some stay the same and, really, like every time I come and talk to you guys that's based on number of classes offered in that session, based on the number of days in the month and so on. So, really, with that I will stand for questions.

Simison: Thank you. Council, any questions for staff on this item?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. White, thanks for being here. You look very very similar to a model that we saw on a presentation in our earlier meeting, so it's nice to have you here. My only question for you was SNAG, starting new at golf. That's exciting when we offer new programs. Is this for young people that are trying golf, old people like me that want to try golf, everybody in between? Do you have any insight to share about what with this new program is?

White: Councilman Cavener, Mr. Mayor, great question. Thank you and thanks for noticing that picture in the previous slides that Steve showed. Me as a younger with my younger twin. So, that program is primarily for kids, but I'm sure Ryan and his staff Pete and those guys would implement something like that with adults and any -- really any age. The idea is to get people out there starting golf whether you are great at it or not or just want to learn it. So, that's kind of the intent behind it. So, to answer that question I would say it was for all ages.

Cavener: Great. Thanks. Appreciate it. Appreciate these updates.

Simison: Thank you very much, Garrett. This is a public hearing, Mr. Clerk. Do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody -- you can sit down, Garrett. You are good. Is there anybody present who would like to provide any comments on this public hearing item, either in the room or online? If you are online you can use the raise your hand feature. Seeing no one raising their hand or no one coming forward, do I have a motion to close the public hearing?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Move we close the public hearing for Agenda Item No. 1.

Overton: Second.

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

MOTION CARRIED: ALL AYES.

2. Resolution No. 24-2485: A Resolution Adopting the Winter 2025 Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date

Simison: Next up is Item 2, Resolution No. 24-2485, resolution adopting the Winter 2025 fee schedule of the Meridian Parks and Recreation Department. Authorize the Meridian Parks and Recreation Department to collect such fees and provide an effective date.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I move we approve Agenda Item No. 2, Resolution No. 24-2485, resolution adopting the Winter 2025 fee schedule for the Meridian Parks and Recreation Department.

Overton: Second.

Simison: Have a motion and a second to approve Resolution No. 24-2485. Is there discussion on the motion? If not all in favor signify by saying aye. Opposed nay? The ayes have it and the resolution is agreed to.

MOTION CARRIED: ALL AYES.

3. Public Hearing for Briar Ridge Subdivision (TECC-2024-0003) by Kent Brown, Kent Brown Planning Services, located at West side of Meridian Rd. between W. Lake Hazel Rd. and W. Amity Rd. directly south of the mid-mile point.

- A. Request: For a second time extension in order to obtain the City Engineer's signature.

Simison: Next item up is Item 3, a public hearing for Briar Ridge Subdivision, TECC-2024-0003. We will open this public hearing with staff comments.

Ritter: Good evening, Mayor and Council Members. So, tonight we are here for a time extension for Briar Ridge Subdivision. This site consists of 14.14 acres of land. It's zoned TN-R. It's located on the west side of Meridian Road between West Lake Hazel Road and West Amity. So, the final plat, which was H-2022-0011 for this project, was approved by City Council on September 14th, 2021. The plat consists of 59 single family residential building lots, 24 townhome lots and 35 detached single family lots and 15 common lots with approximately 24.82 percent qualified open space. So, the request here is for a one year time extension on the final plat in order to obtain the city engineer's signature. The developer has received final plat approval for the first phase of the project, which was FP-2022-01 -- 0011 and work has begun on this phase. So, staff is not requesting any new conditions to be placed on the application with the time extension. The reason the applicant is requesting the time extension is that the developer stated they have experienced major delays in getting permits from the transportation department to bring sewer down the roadway to the site. We had no

written testimony on this project and so at this time staff will stand for any questions that you have, but the applicant is also here to answer any questions.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Linda, this is the second request for a time extension. Was the first time request for the same reason?

Ritter: Yes. They went through the director for an extension, yes, and it was due to ITD.

Cavener: Okay. Thanks.

Simison: Would you like to come forward?

Brown: For the record Kent Brown. 3161 East Springwood is my business address. Linda, can you put up that little slide I put together? So, from the very beginning when we did this preliminary plat in 2021, the landowner to the north of us where the city stubbed the black track -- Black Cat trunk line to has not wanted to grant access to the property. In speaking with the city engineer today apparently others have made that similar request. He has received a preliminary plat approval on that property and as I understand he wants to sell his property and not let anything go on before then. There is people to the north of him that have also tried to get access to that sewer. I don't know if many of you are familiar -- when the city did annexations out in that area this was one of the major trunk lines that you put together. You brought up the road about two and a half, three miles, you went through what I have always called the chicken farm storage unit place that Simplot owns and, then, up the hill to this property. What's interesting is on the east side the developers over there, the landowners, have worked together and there is sewer past Discovery Park and it's worked really well. On this west side we have been frustrated as trying to make this happen. When we did our preliminary -- or our final plat we submitted the plans, we had already had previous discussions before we ever brought the preliminary plat and ITD had said that they would grant us approval to run sewer line down the shoulder of the road. When we were in our third review, final review of the plans, ITD came back and said, no, we don't want that in our right of way and we are not allowing those things to happen anymore. What's interesting for you to get the trunk line there you had to run it up the shoulder of the road also. It's been something that they have done for many years. There is a number of places in west Boise where Chinden has the same kind of thing. They -- they ran the sewer up the side of the state highway. We were told by the city engineer before we could move forward that we needed to exercise all of the effort that we could to make sure that it wasn't just someone saying no, even though we had had the same thing them saying yes and a person changes, then, they said no, so we went through an

appeal process. It took over six months and we -- we got finally just recently a denial to run the sewer. The major comment that came back in -- in that discussion was the depth of the sewer along the shoulder of the road. So, we have been in discussions with the city engineer about using a temporary lift station. Temporary lift stations have been used throughout the valley. There is a number of areas in southwest Boise where some landowners lived along the major trunk line and they decided that they wouldn't have to put up with any growth if they just didn't allow the sewer through. So, lift station there worked for about three or four miles of taking this -- this pressure line, which is a much smaller line, and, then, pushed past that point. So, we are in the process of starting that negotiation with ITD. Got a tentative approval and it's very tentative, because there is no reason for -- for the city to approve that until ITD says that we can't. As you look at the sketch that I put together, it's -- you can see a green line where it talks about the sewer stub. That's the piece of property that you -- you stubbed the sewer to and that's where the main trunk line is there and, then, our property is to the south. You see development that's on the -- the right side or the -- the east side of the highway there that has sewer and so, you know, I -- I would say the worst case scenario is that if they don't allow us to go north up that way, that we might be able to go straight across, but all of those things have challenges and each one takes a different aspect of that. As I have been trying to prepare for this meeting tonight I started looking at this and going, oh, the last time we did this it took six months for us to get an actual denial for trying to do the sewer. I'm looking at me asking for a year and I -- I would like to amend that to at least a couple years. On site if you look at the drawing you can -- or the aerial that you can see we have saw cut all of the sewer lines and water lines in the entire subdivision. There is a mountain of rock out there that we have got sitting on site. We have taken the McBurney Lateral that runs through the site, we have tiled it. If we could get access to sewer we would probably have two phases done during the time that we have been messing around here and we want to move forward, but it is -- in the 34 years that I have been doing this, both as an employee of city -- the city of Boise and on the private side, ditch companies, the state and the federal government are omnipotent, at least in their mind, and so what they say goes and so we are kind of at their mercy. We have a development agreement on this piece of property. This is the only thing I can build on this and we have spent pretty close to seven, eight hundred thousand dollars already in what we have done and so there isn't any advantage for us to have the subdivision die and to turn around and come back and submit basically the -- well, I have to, the same exact thing. So, I'm here asking for two years and, hopefully, you can understand the -- the difficulty that we have in trying to get to the sewer. Any questions?

Simison: Thank you. Council, any questions?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: So, Kent, if -- if I understand you correctly, the time extension is so you can review two possible solutions. One is still going down Highway 69, but much deeper, or

bringing that line across Highway 69 from the other development to the east. Am I understanding you are correct?

Brown: So, we are -- we are looking at using a temporary lift station and only being four foot deep and putting in a small line, pressure line, doesn't have any openings and manholes in it, that kind of thing, and, then, dumping into the manhole that is where the sewer's been stubbed across. We could install that in two or three days where we would be maybe two -- two weeks at doing it the other way. I think that that's part of their problem and, then, when they -- they talked about depth. We -- we have -- obviously sewer flows so it -- it has to do that. When you do a pressure line you don't have to worry about flows, you just follow the contour of the ground and -- and the city standard requires four foot of cover, so that's why the depth is there or we could almost lay it on top of the ground, so --

Overton: Mr. Mayor, follow up.

Simison: Councilman Overton.

Overton: Kent, have you had conversations about a lift station with city staff?

Brown: Yes, we have.

Overton: And were they in agreement with the solution?

Brown: They are unwilling to grant an agreement until they are sure that we have a path. What's interesting is that this area is gravity flow, but to the south of us that all has to go into lift stations and further to the west a number of those areas, on the master plan again, they have to go into lift stations and when you think about it, the water tank is just to the north of the development that's on -- the city water tank is on the east side of the road, the future site for the water tank, it sits on the highest point out there and so having sewer go uphill usually means that you go deeper and so the -- everything is looking at, you know, for the future, other than this little area, which isn't a very little area, but it's littler than what's on the other side of the road, but the rest of it has to be done with lift stations. And Clint -- Clint's here to -- to smack me if I say something wrong.

Overton: Mr. Mayor, follow up.

Simison: Councilman Overton.

Overton: This is a question for Clint. Clint, if you could enlighten me on city staff side.

Dolsby: Thank you, Council Member Overton, Mr. Mayor. So, we have had discussions with Kent and his group for the last couple years -- probably going back to when they first started this. Originally, of course, we wanted him to go to the property owner to the north and negotiate with them. We saw they had a preliminary plat. We thought, oh,

good news, but -- and they have tried and tried with that property owner and they have gotten nowhere. So, the next option is that we would have really liked to have seen a gravity sewer that would go along the road -- along Meridian Road, Highway 69, from their development up to the manhole. So, they very diligently worked on that for -- I think it was over a year before ITD denied the gravity line, which was the deep line that Kent mentioned. So, now just about their -- the option they are looking at now, which seems like it's about the only option left, would be to put in a temporary lift station in their development, which would pump up to the manhole that ITD denied the gravity sewer going through, but we -- Kent seems to think there is a better chance that they will approve -- and I agree with him -- there is a better chance that they would approve a pressure sewer, because it's very similar to a water line as far as depth goes. It's not near -- it can get constructed a lot faster as Kent said and another option, which we haven't explored yet -- we haven't fully explored this one, but he had mentioned going across Meridian Road. We haven't really looked at that yet. It might work. It might not. I mean, honestly, we are not real excited about a temporary lift station, but we see the dilemma they are in and how long they have been working and how diligently they have been -- they have been working on this.

Overton: Thank you.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Maybe a question for Clinton and staff. I'm not sure who is to answer this question. But if I'm understanding and tracking this correctly, ITD could potentially grant you what you are seeking, assuming that the city was okay with that; is that -- I mean they want to see the city act first in order to get them to feel comfortable or -- I'm just trying to follow a line of sequence of what needs to happen at what point to get you what you are looking for.

Brown: We have to take to them a proposal and they have to grant us approval. The city doesn't want to go through that process of saying that it's okay if it's not going to happen and so that's generally doable. I mean when we first approached ITD it was way -- way before we ever did the preliminary plat. I mean I have been asked -- because I have been doing this for so long I always get asked, you know, where -- can you tell me where development is going to go. Well, the development is going to follow the sewer and realistically when you guys did that trunk line and you brought that trunk line, if you imagine the obstacles of a developer doing what you did to negotiate with -- with Simplot, which isn't easy, to go through their property and bringing it through all of those properties to get to somebody, the parcels that were the closest were little tiny parcels. There is -- there is no way a small developer would -- would have the ability to pay for that. I -- I don't know how many millions of dollars that you guys spent to do that, but in the end what you are looking at is that you can make this -- this area viable, it's within your impact area, you are trying to serve it and Boise's been having to deal with that, too, and so they have had to do lift stations to go around obstacles. We will

just call them obstacles. And it's worked in the past and so we are hoping that ITD is going to be willing to -- to do that, so that we can get past this obstacle and, then, I believe when this landowner doesn't have the leverage that he currently has, he -- he might start allowing people to get access. But that's -- that's kind of difficult. I mean I look at -- you know, you guys not extending us, I still have a development agreement, which is in a contract between the two of us that I build this and that's the only thing I can do on that ground. Well, we are -- we are trying to do that and right now the obstacle we are trying to get around it one way or another. We are not trying to get out of the responsibility of doing it, it's just the other properties around it are also getting more activity and so maybe we have to go another direction. But for right now there really isn't any added value for me to come back with a -- not getting a time extension to go back and bring back and resurrect the same preliminary plat and ask you to approve it again. There just isn't any advantage to you, us or the city and if I go two years, what that helps me do is that your requirement for a time extension, coming before you in a hearing, I got to have a neighborhood meeting, I have got to post the site for a time extension and that just is kind of difficult when I don't know how long it's going to take with ITD.

Simison: Clint, just if we are -- if we are okay with him doing this, if ITD says it's okay, why are we not willing to say it's okay before he goes to ITD?

Dolsby: Mr. Mayor, that's a really good question. We -- I think we are pretty amenable to doing this if ITD is okay with it.

Simison: So, why not say okay first and let him take that to ITD? What's -- what's the -- is it work? Is it money? I'm really -- how do we be -- how do we be helpful to help the project move along so we don't have to have these conversations more than we need to? What's the rationale?

Dolsby: I think there was just some hesitation on the city engineer's part to give a formal approval before ITD approved it. But given the circumstances I think we are okay with it.

Simison: Yeah. And if -- if he's okay with it after they approve it he should be okay with it before they approve it.

Dolsby: Correct.

Simison: So, it would be great to at least get that issue off the table, so it's not part of the process, but -- okay. Council Woman Strader.

Strader: Thanks, Mr. Mayor. Yeah. I kind of had a question for staff. I -- I just kind of wanted to understand the request and like I'm not opining today on whether a temporary lift station, for example, is an acceptable alternative or not; right? Like I'm not the person who has expertise to do that. I don't know how long they last. I don't know what that investment looks like; right? I'm not sure what all the factors are that go into this

other agency's approval and what the factors are that they need to consider. So, all due respect I'm kind of trying to take some of that noise out. It feels to me like you are just asking for a time extension because you have a regulatory issue with a different agency. You need two years because this is taking forever. I'm sympathetic with that. But I don't really want to get into a position of having to opine on like this is the methodology we should use. I'm also a little bit nervous, because there is always two sides to every story; right? You are here. I don't know if the property owner to the north is. I guess we will find out. Considering that, you know, there -- it -- it is a public hearing, so they have a right to be here. I'm a little nervous, though, about sometimes sewer doesn't get extended because somebody's not ready yet. It's supposed to go to and through. I don't necessarily want City Council to have to be in a position of being in a dispute between, you know, two different property owners regarding the extension of the sewer. So, I kind of just wanted to frame how I'm looking at it. You are just asking for a time extension; right? That's how I'm looking at.

Brown: We are asking for a time extension and -- and I'm trying to give you justification for asking for two years. I mean it -- the comments that were made by Commissioner Cavener -- Councilman Cavener before the hearing -- well, did -- did they use the same thing when they asked for a one year? Yes, we did. And the -- the biggest part of the -- the change is that they changed their mind. The ITD changed their mind. Now, they have a new engineer is what the city engineer told me earlier today for ITD and maybe it's going to be a little easier for them to change. The less impact on ITD, which doesn't -- I mean we are not asking to do anything on our neighbor's property. We -- we are really clear that he doesn't want any access. In my discussions with him before he ever got his subdivision approved by you was that he didn't want it to disturb his farming activities. He farms that ground. His house is there. He -- he does not want a line that's out in his farm field that he has to worry about and so I mean we did approach him about that, that we would put it on the edge of his property where it shouldn't have affected this farm field. But that -- that was his justification and he -- if he's -- he is going to have sewer running through his property he -- he -- he wants to not be there. So, he -- he wants to sell it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a question for staff. Is there a precedent for giving a two year time extension, instead of a one year time extension? I typically see one year time extensions, but is there a precedent for doing that? Is there anything in our code that prohibits us from doing so?

Ritter: Councilman Strader, Mayor, no, there is no -- you can give a two year if that is what you choose.

Strader: Okay. Thank you.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Just real quick. Cover the bases with legal. Bill, is there any issue that we are dealing with a request for a one year and now as we stand here it's a two years? Are there noticing issues or is that something that we can change right here?

Nary: Mr. Mayor, Members of the Council, it's -- it's within your discretion. So, that's fine.

Simison: Council, any additional questions for the applicant?

Cavener: Yeah. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Kent, first I think you know I'm not a big fan of time extensions. I don't like going more than one. I am really sympathetic to the kind of pickle that you have found yourself in. In terms of your engagement with the state on a temporary lift station, assuming the city's in support, what is a timeline before you would get any thumbs up from the state?

Brown: I -- I really can't answer that effectively. I -- it -- it could be immediate and we could move forward and -- and, then, I really don't need the two years. I mean we are to the point where we have saw cut and done what we have done, that we -- we could really start laying pipe and -- and -- and moving forward. We would have to go through -- and a temporary lift station requires approval and it has to be done and even though it's temporary, it's -- temporary is kind of a tongue-in-cheek word, because it could be there eight years. I mean that landowner doesn't really have to -- and so it's built to be permanent and, realistically, it's basically a big manhole that they use as a storage facility and, then, when it gets to a certain point a pump kicks on and pumps the sewer out. That's what a lift station does. And it lifts it up to a different height and under pressure it then dumps into a gravity line and so there is some mechanics there that -- that take place, motors and so forth that make that happen, and --

Cavener: Mr. Mayor, real quick if I may.

Simison: Councilman Cavener.

Cavener: Sorry. And, hey, Kent, if you would do me a favor, I apologize, since I'm remote it is sometimes hard to hear you, so if you wouldn't mind just picking a mic and sticking with it, that way I can follow your very eloquent responses, so -- which I appreciate you providing.

Brown: Okay. Thank you.

Cavener: I wanted maybe just to give you some perspective on where I'm coming from and -- and you -- you touched on this; right? You do a time extension request. You have got to do, you know, neighborhood meetings. You have got to post. You know, for the -- for the vast majority of our residents they don't always understand what is being proposed and I'm always trying to find that right balance of keeping our citizens informed, but often they see a sign and -- and, again, that part of town is growing, people may see a sign and feel like that it's a -- it's an annexation request and so they come and participate, only to find that the things that they wanted to come and testify about aren't necessarily what's up for consideration of the Council. So, I'm -- I'm also trying to find that balance, which is why I'm -- I'm always reluctant to these time extension requests. Kent, do you think a -- a continuance to give you time to work with ITD based on the feedback tonight would get you closer in the next 90 days?

Brown: No, I don't.

Cavener: Okay. Thank you. I appreciate it.

Brown: And if I could come back to his discussion about the time extension, I -- I struggle with time extensions. Your process is different than some of the other cities. Nampa, if you get the first phase in, then, the subdivision is called vested and, then, you don't have to ask for time extensions and anytime the codes change where the zoning is different or the construction standards change, then, those -- those take place and developers understand that generally with a -- even asking for a time extension, all those things kick in. So, what -- what I have here is that we -- we were required to enter into a development agreement that says this is what I'm building and the value added of as Elder Cavener talked -- or Councilman Cavener talked about --

Cavener: I will take it.

Brown: You are definitely not elder yet, but -- is the -- the headache to the public about, well, that they could change something or the headache to -- to everything else. I mean it's not like they are going to reduce the number of lots or change something, because we have a contract that says this is what you are going to build and so, realistically, the only thing is that -- that's expired is the plat and so everything else is in play. I -- it's just kind of an exercise, because we are going to do the exercise. So, that's -- that's my feeling about it. If we didn't have a development agreement, then, it would be -- it would be a lot different. Maybe we would only have zoning. But we have a development agreement that's real specific, the number of lots, the amount of open space I have to have and those kind of things, so --

Simison: Council, any additional questions for the applicant? Okay. Thanks. Mr. Clerk, did we have anybody sign up on this item?

Johnson: Mr. Mayor, no.

Simison: Is there anybody present that would like to provide testimony on this item or -- either in person or online? We do have someone raising their hand.

Johnson: Mr. Mayor, Cody Black.

Black: Hello. Can you hear me?

Simison: We can. If you can state your name and address for the record, please.

Black: Yes. My name is Cody Black. My business address is 16155 Northside Desert Street in Nampa. I -- I represent the property owner directly south to Briar Ridge and I reached out to Kent, because we were looking to see what he was doing with his sewer situation, because we have had similar issues with getting utilities and services to our site and I guess I'm just here today to chime in that normally with neighboring developments we -- we try to work together and see if there is some sort of mutual benefit that we can bring and, you know, whether it be a temporary lift station that helps service this site and ours or his or anything to kind of bring more services south to the properties that don't have it and won't probably for a while, because of the gatekeeping up north, that's, you know, something that we would like to do and like to see and, you know, cooperate with and hopefully the city can be in support of that.

Simison: Okay. Thank you. Council -- go ahead. Sorry. I thought you were done.

Black: No. That's fine. That's -- that's pretty much all.

Simison: Okay. Council, any questions? Okay. Thank you very much, Cody. Appreciate it.

Black: Thank you.

Simison: Anybody else that would like to provide testimony on this item? Would the applicant like to make any final comments? Applicant waives. Council, what's your direction?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: If there is no further public comment, I move we close the public hearing.

Taylor: Second.

Simison: Have a motion and a second to close the public hearing on TECC-2024-0003. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: ALL AYES.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I believe the situation is different for some of the time extensions we normally see. This is due to a changed rule or a changed decision by ITD that's limiting their abilities to develop. I think it was the intent of the City of Meridian when they put that sewer line in that this part of the city would be able to be developed and it's leaving this applicant in a position that he can't fulfill that development. He's not trying to change it. I don't think he is trying to delay us because of market conditions, I think he is trying to find a solution so he can begin to build the development that is outlined in his development agreement and with that said I would like to move for approval -- after considering all staff, applicant, and public testimony I move to approve File No. TECC-2024-0003 for a two year time extension on this application.

Taylor: Second.

Simison: Have a motion and a second. Do I have discussion on the motion? If not, Clerk call the roll.

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

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

MOTION CARRIED: ALL AYES.

4. Public Hearing for Raising Cane's Council Review (CR-2024-0002) by Lynzey Uechi, East River Valley St., LLC., located at 2700 N. Eagle Rd.

- A. Request: Council Review of the Planning and Zoning Commission's decision of the Conditional Use Permit of a drive-thru establishment.

Simison: Next up is Item 4, a public hearing for Raising Cane's Council review. CR-2024-0002. We will open this public hearing with staff comments.

Parsons: Mayor, Members the Council --

Simison: I'm sorry. Go ahead.

Parsons: Mayor, Members of the Council, before we -- staff gets into their presentation tonight I just wanted to let everyone know in the room and online and, of course,

Council, that we were in front of you about a month ago talking about potentially looking at our drive-thru standards and addressing some of the concerns that you have seen in the public testimony. I can let you know that that is on the docket. I will be scheduling a UDC focus group meeting here -- at least setting up a poll to send out and getting that date scheduled so that we can begin those talks, so that we can have something in front of you here in the near future. So, for tonight's application I know that code isn't in effect today, but we do anticipate having something to present to you in the near future on when we have these types of -- maybe even differentiating the different drive-thrus from one another. Don't know what that looks like yet, but at least just want to let you all know -- I think you all remember that conversation giving us -- gave me very clear direction. So, I just want you to know that is in progress. Thank you.

Ritter: Good evening again. So, this application is for a Council review for an approved conditional use permit for a drive-thru. So, this is for -- this site consists of 1.46 acres of land, zoned C-G, and is located at 2700 North Eagle Road. So, the findings were approved for a conditional use permit on September 19th, 2024, to construct a drive-thru restaurant with food and drink services, including an indoor-outdoor seating area. The drive-thru restaurant will be approximately 2,862 gross square feet overall. It's one story in height with landscaping along the perimeter lines. Again, a conditional use permit is required for drive-thrus within 300 feet of an existing drive-thru. The proposed hours of operation that were being requested through the conditional use permit were Sunday through Thursday with a closing time of 1:30 a.m. Friday and Saturday, with a closing time of 3:30 a.m. or as restricted through the CUP process. As proposed both the Commission and staff found that the applicant met the requirements for the drive-thru establishment based on the specific use standards set in UDC. So, conceptual elevations were submitted for the proposed restaurant. The proposed building design has been going through a review through the certificate of zoning compliance and the administrative design review. So, we are working on that and it has been put on hold until after this hearing. The Idaho Transportation Department requested trip generation information to determine what mitigation, if any, the applicant may be required to complete. But, then, the Transportation Department resubmitted an e-mail stating that no additional mitigation was required as a dedicated right turn lane was constructed with the plat of Sessions Parkway. The Sessions Parkway -- Sessions Parkway Subdivision was approved with the conceptual plan that was anticipated to use such as drive-thru. Therefore, the property is well into its entitlement process. So, these are pictures of the dedicated right-hand turn lane that were put in for this project. So, this diagram is what ITD had stated that they were close enough from of the existing access points along Eagle Road once this project, Sessions Parkway, went in, so they removed the access point that is here to this property and I think this is Copper Canary right here and, then, they took away the access points along these properties at Sessions Parkway. So, your entrance is here and entrance is here. So, these access lanes have already been provided with the subdivision, so they are currently in. So, the written testimony -- so, prior to the Planning Commission meeting there were no written testimony, but we did receive testimony at the hearing, but the -- they were -- the comments were that they -- they were in opposition and proposed drive-thru establishment stating it would create safety issues along Eagle Road. The applicant stated during high use hours they will

have the employees with the tablets walking, moving traffic along very quickly and efficiently. The proposal has multiple drive-thru lanes open to help speed up the ordering process. The applicant also stated if needed Raising Cane's does employ off-duty officers who are used for traffic control, although they do not anticipate that with this location, but they -- they do try to move everyone through efficiently and keep things from being clogged. So, this is the proposal -- this is a development that is being proposed in this location. So, these are the apartments that are there and this is the hotel and this is Raising Cane's and, then, there is a loop Take Five that has been submitted here and, then, another commercial development along here. So, there are a number of ways to get into this development. You have Records back here. You have this road that comes through the development that comes out along here. This is another angle. So, you have this access road and, then, there is another one here. So, there are several ways to get into this development. So, during the Planning Commission meeting they discussed the hours of operation. The applicant stated that they would see -- they wanted to test the hours to see if there were issues and if they there were -- became an issue they were willing to revise their hours of operation. So, at this time I will stand for any questions that you guys may have on this.

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

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: If I can just state for the record that the person that filed the appeal, Perry Coles, him and I had several phone calls and even met on site prior to him filing the appeal. Since the appeal has been filed and it's a recorded public hearing we have had no contact and discussed this matter until tonight and I do have a follow-up question for staff.

Simison: Okay.

Overton: Linda, did you give a number or is there a number in this plan on how many vehicles are going to be able to stack in the drive-thru before it would back up onto the private drive? So, right now, so the applicant has a slide show that will show you how they are going to manage the cars. The drive-thru can hold 20 cars. It is double lane. And, then, they show that it has room to move eight more cars forward to wait for orders if needed and, then, they have another way -- it will show that there is another way to maneuver cars around through their parking lot to come into the drive-thru. So, I will let the applicant explain that to you.

Simison: Thank you. Are there any other questions for staff? Okay. Would the applicant like to come forward?

O'Reilly: Mr. Mayor and Members of the Council, thank you for having us. My name is Michael O'Reilly. I'm with Kimley-Horn and my address is 1100 West Idaho Street, Ste.

210, Boise, Idaho. 83702. We are here before you tonight to present on the Raising Cane's conditional use permit for a drive-thru. From the outset I would like to mention that the -- we are part of a final platted subdivision or the northwest parcel of lots. All entitlements have been approved and the only outstanding item for our use is the drive-thru, which is why we are here. But we are in compliance with all zoning and other dimensional standards. Also in attendance with me today as part of the development team is Mr. RV Van. He is representing Raising Cane's and he will be available to answer any questions you might have as we move through. So, since we had the appeal of the Planning and Zoning decision we want to tailor this presentation very much toward that. So, we are going to focus mostly on traffic and queuing. If you have other questions, please, feel free to let me know about the -- about the project as a whole. So, there were several main grounds for Council review that we found when reviewing the applicant's -- or the appellant's application and the first one was the safety and mobility on Eagle Road and the adjacent service drives that will be negatively impacted by this project to the likelihood of backed up drive-thru patrons on the service drives and Eagle Road resulting in residents, visitors and business patrons unable to access adjacent uses. So -- so, that was the -- the claim in the appeal -- and we just wanted to take a moment to address some of that. So, I'm going to skip ahead to the site plan and just to talk you through that real quickly. So, this is our site plan. The same one that was submitted to the Planning and Zoning Commission for review. In it you can see that we are proposing two drive-thru lanes already with a bypass lane on the north. That bypass lane is designated with the yellow arrow and the two drive-thru lanes are the blue arrows. You can see the order boards are set well back from the pickup window, which helps facilitate speedy service times and that will come into play later. You can also see that we are honoring a 35 foot landscape buffer on Eagle Road and a ten buffer on the northern access and that we have well over-parked the site per code. We only need seven spaces, but in an intent to make sure that there is enough space for everyone who wants to use the establishment we have provided 35. So, in response to the appeal we wanted to walk you through a few items as -- regarding queuing. The first is that the proposed site allows for 45 vehicles to queue on site. I have a diagram that I will show you on that in a moment. We also want to point out that Raising Cane's average service time for an order is two minutes and 28 seconds and given the site configuration with 15 vehicle spaces between the order board and the window, if you do the math on that that would allow for about 360 orders in an hour to be served from this site without excessive queuing. This is going to well exceed the total peak hour demand calculated at about 115 trips in the peak hour. So, we wouldn't expect excessive queuing. And I'm going to walk you through more of that in the following slides. In addition to that there is crew members deployed on site with tablets, like you have seen at other establishments, that efficiently move traffic through. Like I mentioned before, we have included a second drive-thru lane for the sake of efficiency. If the level of business warrants it Raising Cane's often deploys off-duty police officers to control traffic at points of ingress and egress and to manage on-site parking and if it's warranted Raising Cane's would install no parking or no loitering signs as needed. So, here is the queuing plan that was prepared for the site. There -- this plan has three phases. The first is the green phase, which is a business as usual kind of phase; right? So, you can see that from the -- the pickup window, which is roughly here, if you can

see my mouse, back to the order boards, which are right there. The northern drive-thru lane has eight spaces, eight cars queued and the southern one has seven. That's where you get the number of 15 from the order board to the pickup window. In total phase one has 21 cars that could queue. So, substantial amount. In phase two if -- if it became busier there is a space for cars to pull forward and there is eight pull-through spots where customers could be served after they pull through to wait for their food. I would like to point out in this phase we are not blocking the bypass lane on the pull through, so that would remain free all the time and, then, in what we are calling phase three, demonstrated in red, there are 16 additional spots for customers to queue through the site in a high demand time, such as at the opening or -- or a different demand time where that would be anticipated. As part of this we could cone off the entrance on the north of our site. You can see that it's -- it's fairly small here, but that's designated right there and have officers directing traffic through the site. I think you can appreciate that we didn't max the site out on queueing. Even in this exhibit we left all the drive aisles clear and tried to make it very functional while still showing 45. It could certainly queue more if -- if required. So, the city doesn't have a requirement for queueing right now. In conversations that we have had we have heard that that might change and we have heard maybe a number of ten thrown around, but we don't know. But even if they did 20, 30, you can see we have room for 45, which is a large amount combined with Raising Cane's speed of service that allows for a very efficient and high volume site if needed. The second grounds for review that the appellant had was that the traffic was already committed to other developments. So, we wanted just to address this, because this traffic has been planned for through an already approved TIS, but we can certainly see the concern if you are not aware of that and so we want to walk through that so they mentioned 120 room hotel that's directly to the east of us, part of the Sessions Parkway Subdivision. A 340 unit apartment complex, which is also to the east of us. Four hundred sixty unit apartment complex, which is southeast and, then, a pending lot to the south and they requested that a traffic study be required by a licensed engineer or an internal traffic study be conducted on Eagle. So Kittelson and Associates performed a traffic study. Kittelson is a well-known traffic engineering firm here and they do studies all over the place. So, they did one for the Sessions Parkway Subdivision and that was approved back in 2022 and amended with fresh traffic counts in 2023 to make sure that additional mitigation would not be required. I -- we submitted that as part of the public record and I think it should be in your files. Here I want to walk you through just an overall site view of the project and the surrounding area. So, you can see just to the east of us there is the hotel that's mentioned. We will dig into that in a little bit. But that traffic is -- is planned for in the approved traffic impact study. There is The Village Apartments further east and you can see on there they take their main access off of Records right there where those two arrows are and they have some secondary access off of the -- the two access roads north and south of our site. One is there and one is down there. Furthermore, there is the Regency at River Valley Apartments. That was the one -- the other apartment complex that the appellant mentioned that we only found that that had 300 units. I -- I don't know where the discrepancy is, but the main point on that is that it has an access onto Records and two accesses -- full accesses onto East River Valley. Both Records and East River Valley go to a signalized intersection at Records at Ustick and Fairview and East River Valley

at Eagle. So, far and away the -- the -- the easiest way to get out of this Regency at River Valley would go -- be to go to Records or East River Valley where you could get a full access or get to a signal to get access onto Eagle Road. The cross-connectivity to our site, which is right here, is mostly for emergency access so fire doesn't get stuck and -- and considerations of that. Certainly it's open to the public, but it would not be an efficient way to travel and our site here is in this corner and we are served by those two main access points and so we want to take a second just to walk through the traffic study history of the area. So, The Village Apartments had a TIS performed and accepted by ITD and ACHD back in 2017. It was revised in 2019 and accepted again and that was part of their improvements building out some of those access roads and drives onto Records Way. The Sessions Parkway TIS, which would be the development that we are a part of, was prepared and accepted in 2022 by ITD and ACHD and, as I mentioned before, it took into account the 336 unit multi-family development, 23,000 feet of retail, which we will dig into, but ultimately the hotel replaces the retail and, then, two 3,500 square foot fast food restaurants with drive-thru lanes. So, those were anticipated as well. As far as mitigation, they found that that northbound right turn lane should be provided on Eagle, which has been installed. And, then, furthermore, they updated that traffic study in 2023 with current traffic counts. Here is an excerpt of the trip generation from that traffic impact study and I will try not to bore you with -- with traffic numbers, but since that's why we are here we will -- we will just dig into them a bit. One thing I wanted to point out is that shopping center that was contemplated originally has largely been replaced by the hotel and off to the side we have provided the estimated traffic for the hotel. That's from the ITD trip generation manual. It's what all the trip generation software uses. And so you can see that the hotel has an estimated max trip generation per day of 921, compared to the shopping center, which had about 2,213 and it's boxed there and it has a peak hour in the a.m. of 55 and in the p.m. of 64, which is less than the a.m. and the p.m. of the -- of the shopping center before. So, that was a reduction in traffic and from the plan. Then you can also see that there is two fast food restaurants here considered for 7,000 square feet total. The square footage is important, because that's how you calculate traffic generation is as an -- an approximation for how it will generate. So, that's for two 3,500 square foot fast food restaurants with drive-thrus. Ours is only 28,168 square feet, so less than -- than what one of those was considered to be and as such should generate less traffic. Here is just a diagram showing the northbound right-turn lane. So, just to show that it's been installed per the TIS that was accepted by ACHD and ITD. We also wanted to address what we thought was the third point for review, which was just to require changes that might lighten or mitigate concerns. For example, additional stacking lanes or overflow. Just to show the site plan again, we have -- we have already done a second drive-thru lane as I mentioned, which is one thing that the appellant mentioned he thought we should have to do, as well as the bypass lane. That combined with -- with over parking on site and the ability to queue we think we really have addressed that concern from the outset. Regarding the staff report we are in agreeance with the conditions there and are willing to comply with all of those. Our next step for this site, should we be approved tonight, would be to pursue certificate of zoning compliance, which we have worked with the city fairly extensively on already and are very close on. We also just wanted to point out that ITD and ACHD approved the traffic impact site for the overall site and had no

comments on this site once we had clarified that item with them. Our request for you tonight would be that the Planning and Zoning Commission -- Commission's unanimous approval from September 5th, 2024, of which the findings were adopted on September 19th, 2024, would be upheld. At this point that concludes my presentation and I would stand for any questions.

Simison: Thank you. Council, any questions?

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Michael, thank you very much and I need to -- give me a moment to explain. You are here because your restaurant is highly successful. If this was a drive-thru that was not successful or not one that has as many raging fans as you do, which is a good thing, we probably wouldn't be sitting here tonight. We have a situation where we have a balance in our city where we try to make our system efficient to help developers and take some of the process away from being in front of City Council and in this case right here we approved a land use for a drive-thru and, then, we lose control of what goes in. Now, part of that was, again, to be efficient, not to constantly have steps in government that slow the process down. But what's happening is we are having some of these drive-thrus now coming in, very very popular restaurants. We already have a couple in our city. The difference between them and you is they are in a large development that's on private property. So, when they get stacking issues that are huge it affects that private property. It does not go out and affect public roadways where your location could and that's kind of why you are here today to answer those questions. I feel responsible for not just your application, but there is a future application or two that are coming that are going to have the same issues as that. I expect you are going to have lines of cars when you first open this establishment for a very good reason. Again, you have a history throughout this country where you open your restaurants and people really like what you sell. How will you deal with over 45 vehicles when you open?

O'Reilly: Uh-huh. Yeah. Councilman Overton, thank you for that question. We certainly appreciate that. Cane's is a popular restaurant, maybe not your average drive-thru, and so we can appreciate your concern with that. A few items to note. It's just that Cane's also -- they only have one item on the menu, which is just chicken fingers. That's all you can get. So, it does allow for that much faster than average service time and so it can move -- they can move vehicles through very quickly. You know, regarding a grand opening or something of that nature, which I -- I think we are concerned about here. I would mentioned two things. One, they will make a -- a grand opening traffic control plan and -- and plan for that. I mean that's part of that phase three if you will and I'm sure they will have projections and if that's required to be more they will plan for that. Can certainly understand -- I -- I live in the area, you know, I live on Cloverdale and Ustick, so I -- I know what you are talking about with -- with some of the other establishments and can certainly appreciate that. One thing that I think was reasonable to consider is the -- how the business operates as usual and not the potential two days,

although we need to mitigate that and, you know, be concerned about it, I -- I hear you on that and I think Cane's is very concerned with their impact on the community and their image in the community. This would be the first Raising Cane's in Idaho and I can tell you it's getting a lot of scrutiny from -- from the company in a good way; right? But that's -- they -- they don't want bad press; right? And so they are as concern about that I think as -- as you are. As far as a specific plan I don't have their specific grand opening, you know, two or three day plan with me now. I do have Mr. RV Van here if you would like to -- to add to it. He is more familiar with the ins and outs of their operation, but we would like just to emphasize that this is a company that wants to be here for 20 or 30 years serving the community and doing a good job and I think the site plan more than accommodates that and -- and keeps traffic from queuing on a regular basis and it being a continual nuisance or anything of that nature. It is hard to plan a site for a burst of excitement, but we would work to mitigate any of those concerns for a day or two.

Overton: Mr. Mayor, quick follow up.

Simison: Councilman Overton.

Overton: As you go through this process of getting prepared I mean we haven't built a restaurant yet, but when we get to that point where you are going to be working with any of the local businesses on what they can expect and what your reaction's going to be if your traffic exceeds expectations.

O'Reilly: Yeah. And this is where I call Mr. Van if you are okay with that, to just chat about how that the Cane's operations would -- would work with local businesses. While -- while he is coming up I would say that we are part of an overall development and partnered very closely with the overall developers and so, you know, there would be continued partnership there and -- and even with the appellant who is, you know, to the south, right, very impacted by anything that might happen, that there would be collaboration there I'm confident.

Overton: It would be great if he could come up, because I would like to see you guys be successful, but I don't want it to be something that's not, making the others successful around you. So, that would be great.

O'Reilly: Understood. Thank you.

Van: Mr. Mayor, Council Members, my name is Robert Van, but I go by RV. I'm with Raising Cane's, 6800 Bishop Road, Plano, Texas. 75024. First and foremost we always want to be a good neighbor and we all understand the concerns here. I would like to assure you that we are used to dealing with this. We do it all over the country. We would be prepared to bring in staff from other locations that are familiar with this type of issue, as well as what Mike has already said, you know, we are willing -- fully willing to hire any off-duty police officers that -- that we would need. The traffic does move through the drive-thru lanes quickly. Like Mike said, we are about two and a half

minutes on our service time. We only sell five items and so we always -- we always know what people are going to order when they come in. We utilize a camera system on the restaurant. That as people start pulling in we start cooking chicken. They call it dropping bird. And so we are ready, we know that they are either going to buy two, three, four, five piece, you know, and maybe two or three of those. We have kind of got it down to a science and knowing what's going on. But we are ready for those people. There is nothing precooked sitting there waiting for them and as soon as they order -- I mean that order is getting ready and packed and it's usually handed to them at the window almost immediately. We have got alternate plans as you saw there. There is another scheme we feel like we could add to that to get more than 45 cars, but this one would probably be the most efficient and, again, if we needed to we would shut down whatever entrance into our parcel and to be able to control and direct that traffic. You know, like I said, we -- we -- we get it. We understand. There is -- there is going to be a honeymoon period. There is no way of telling you how long that period is going to be. Sometimes they are a week, sometimes they are two or three weeks. But I think that it will -- you know, at this location it -- it shouldn't be that bad. We haven't -- I haven't seen anything that's telling me that. But we are prepared to do whatever we need to do to make the traffic situation flow, get everything settled down and, then, if it's needed again to get somebody else out there, we are willing to do that. I mean that's -- and it will -- it will settle down. It will -- people will get used to the pattern, they will get used to the entrances that they want to come into and, then, things like that. We don't want any -- any safety issues for -- for neighbors or ourselves, so that's why we employ and put the people out there to manage the traffic until it gets settled down some. We are prepared to do that.

Overton: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Overton: Mr. Van, thanks for joining us tonight. I'm sorry I'm not there in person. Could we -- can we go back a slide to the -- the queuing map? That would -- that's going to be the basis of my question. And while we are doing that, Mr. Van, I -- I want to commend you, you have done something that has never happened in my entire 11 years on City Council, you have my 17 year old very excited about a City Council application. He is a self-professed Caniac and I had to explain to him about ex parte communication that I could not talk to him about this despite his insistence. So, thank you for that. My -- my question, Mr. Van, is when you look at your queuing map, I -- I see kind of what the plan is for queuing within your complex and while I -- I commend you, your speed of service is faster than the national average, I -- I share Council Member Overton's concern about the roadway safety element. So, help me understand from your perspective the 46th car that wants to come get some chicken strips, where are they and where's the 47th and the 48th and the 49th car, where -- where -- where are they going to be situated?

Van: Well, we -- we believe that we are going to keep people moving through. They are going to be pulling into the -- into our parcel and it's just not -- it's not ever going to be stacked up out there. It would certainly never be stacked up on Eagle -- Eagle Road. If -- if it -- I mean I'm guessing -- I don't know how people are going to come in, which direction, but, you know, if -- if need be it would be out there on the access road, but it's still not going to be a static situation. It will be constantly moving.

Cavener: Okay. I -- I -- I hear that is certainly the intent. Help me understand what should the city be thinking about or what action should we take when to -- to Council Member Overton's point, you are very successful and I have got now a stack of cars that are on this access road backing up, do you shut down access, then, from -- from the access road to your facility? Do we cite your potential customers for impeding traffic? What -- what should the city be doing?

Van: Well, if we get to the -- to the phase three, if you can see -- I don't know -- I don't know if you can see it on there. We are shutting down the northern access point into our property where they would have to come further south and, then, come in and, then, as I mentioned, there is another plan that could -- we could stack more cars in the site. I don't have a count and, please, don't quote me on this, but I think we would end up getting upwards of 60 -- 60 vehicles and -- on the site that will be moving around and, like I said, we would have police officers or staff guiding people through and I -- I just -- I don't anticipate that being the case. If -- if it -- if it really, really, really got crazy -- we have a great relationship with the overall developer here, we might be able to see about some other off-site stacking -- you know, across the drive and things like that, but I just -- that would be don't kill me for saying this, but that would be like California stuff, because they tend to have a lot of cars and I just don't see that happening here.

Cavener: Well -- and, Mr. Van, I will -- I will just provide some perspective from what I see on the ground. We have got a -- a national hamburger franchise that's down the street from this location that's been open a year and our wait times for that location are longer than the one in Boise. I have some familiarity working with Dutch Brothers Coffee, which they shoot for a one minute per order and we have seen vehicles regularly stack up on our roads as a result. I'm less concerned with what I think is pretty impressive, which is your speed of service, and more trying to figure out how we manage the high demand for this product -- to your point that will be the only one that will be available within our state and, yes, likely less of a problem 15 years from now, but my concern is is what we are -- we should be -- expect to see from this facility in the next one to three years and that's where some of my hesitancy's coming from.

Van: Sure. Under -- understood. That's a good concern. The -- but just remember we only sell five things. People are ordering a two or three or four piece chicken box and that's -- that's it. They are not sitting at an order board trying to decide, you know, what they want, if they want, you know a -- a pita bread or a flat bread or a pizza or chicken, you know, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. This is helpful. You know, so just from a -- just a philosophy standpoint like I -- I do think it's important to make land use decisions long term and not about your opening weekend, so that's where I'm coming from. But I do think having a really good plan is really really important. I'm intrigued by your off-site stacking possibilities within other areas of the development. Has that been flushed out at all? Where would that be? Do you have any ideas around that?

Van: We haven't flushed it out with Trevor yet, but it's just something that we have done elsewhere. And, again, I just don't -- I don't see that happening here.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Please don't take this the wrong way. I know you don't see that happening here, but we have just seen it happen; right? Like that's where we are coming from. Like we just saw this happen with -- with a different establishment. So, we are a little bit -- I'm speaking for we -- I should just speak for myself. But I'm a little bit concerned about -- just a solid plan for your opening. That's where I'm coming from. I just really want to hear that you have flushed it out and -- or that, you know what, when it's full we are committed to using our traffic control to shut down access and there will be no queuing --

Van: A thousand percent. But keep in mind I think I know who you are talking about. Their drive-thru lanes go down to a single lane. We have got two lanes with a bailout that's always open. So, we are not -- we are not funneling cars down to a single -- to a single lane.

Strader: So Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to like put a fine point on it, though, would you be willing to agree with the City of Meridian that if you go over the 45 cars, unless you have a different off-site area for queuing, that you will use your traffic control to shut down the queuing on this access road?

Van: I would like to go from the 45 to the 65, because that's another plan that we are not showing here.

Strader: Uh-huh.

Van: But, yes, if we had cars spilling out and interrupting traffic we would do whatever we needed to do to appease the city and make you guys happy until that problem went away.

Strader: Okay. That's helpful. Thank you.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Michael, you mentioned the workers with the tablets coming out. Just from this image here I see the order boards. Where would -- where would the employees be? How far into the queuing do they go and does that help in some of the stacking?

O'Reilly: Council Member Whitlock, thank you for the question. Yeah. The employees with the tablets, like you have probably seen at other established -- establishments can walk down the queuing line and take the orders well in advance, which helps with wait times, obviously., I mean if your average service time is about two and a half minutes, it's really the critical time is when that order is placed; right? And so what I think might be -- need to be emphasized in all the discussion about queuing is actually the rate of service, not -- not the two and a half minutes, but the -- just the rate that vehicles can be processed through the site, even without the tablets. Like I said, it's about 360 meals an hour -- or orders an hour if you crunch those numbers and if you go back to the TIS, which, you know, I know the TIS is theoretical; right? But it had a peak demand of 115 for a store of our size. So, you are looking at almost three X what a standard drive-thru could do and that's just in the green; right? That's just the green queuing. So, although the stacking is not the same as we have seen at other locations might be required, I -- I think the speed of service is what keeps the queue from building up; right? And if -- if an establishment has to funnel down to one lane and the order times are longer you are going to see an exponential ripple; right? Just like if, you know, when you see traffic on the Interstate and there is a trash -- a crash, right, it backs up miles and miles. If those lanes are open it doesn't back up; right? And so that -- that question, although pertinent, I think we are missing the -- the speed of service and the two lane aspect of -- of keeping some of that queuing substantially down.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: RV, a quick question for you is -- is this sort of vehicle queuing -- is this unique to this store or is this part of your business plan that you have -- you have like flushed this out, you have developed it, you know how it's going to flow in terms of your other locations?

Van: Thank you. Certainly every site is going to be a little bit different depending on the layout of the traffic pattern and how it works. So, to answer your question, yes, this is

unique to this store, but we almost always have -- well, we always have two lanes and where we can we put in the third bailout lane to keep it going through. One thing to point out a little bit, I guess, is on a normal -- I was going to say normal operating day we will only utilize one of these traffic lanes. As business increases and gets busier, then, we will go to the second traffic lane and, then, it -- then it's pretty logical as it goes on through these phases we will increase things. Mr. Whitlock, to answer your question, the -- most of the time the people with the tablets are going to be prior to the menu boards. So, they will be getting people's orders prior to them even getting theirs. So, they are -- they are not even stopping at the menu boards. They have already placed their order and they are going on through. Does that answer your question?

Taylor: It does. Thank you.

Van: And yours, Mr. Whitlock. Okay.

Simison: Something that sort of came up. Did you look at any other configurations on this piece of property? Because you turn it 90 degrees, you put the building down in the lower left-hand corner, you can stack --

Van: We went through multiple iterations on this and part of what we do is operations. We look at not only just the traffic pattern, but what do we need to do to get a trash truck in there? What do we need to do to get our delivery trucks in there? So, that's all got to work for us and so this -- this plan is -- is where we have -- we have settled on.

Simison: So, what were the challenges with -- if you were to -- if you looked at a 90 degree turning and putting down the lower left-hand corner where you could stack all the way around the outside edge of your property, what was the fatal flaw?

O'Reilly: One concern on that -- and it's hard to speak to all of them, Mr. Mayor -- is that there will be a user to the south and so if you push all of your exit traffic out that way there is -- there is more of a concern with -- with the -- the development directly to the south with the conflicts there and so with -- especially during standard operating procedures with it located in the north it separates that traffic a bit with our on-site traffic and their on-site traffic and it would just allow those to operate a little bit more independently.

Simison: So, you -- I guess I haven't looked at it. So, basically, you are saying another business will be butting up into this area and that's the part of the challenge.

Van: We -- we don't know who is going to be there and -- and looking at our site plan, obviously, everybody wants to be on the hard corner; right? Tucked up in there. I -- if was a business, whoever is coming down to the south, I would appreciate having some distance between the two, just some -- for some own identity.

Simison: Do you think they would prefer to have you blocking their road to get to their business or keep everything on your site? I'm asking a serious question. Which one do you think that they would -- would prefer in this case?

Van: Well, keep in mind there is another -- this isn't showing. This is only half of the -- or a little piece of that part. There is a whole other site and another road down there that I think most people are going to use the northern access road up here anyway to get to us, but -- I mean we don't -- we are not interested in blocking their site and they are not interested in --

Simison: That -- that was my point is -- what I have heard is trying to get as much of the traffic onto your property so it doesn't block other people. To be honest with you, I have never heard of Raising Cane's. It's like brand new to me. Didn't know you were that popular. But if you are that popular being on the hard corner doesn't matter. You know, when Five Guys came to the area I didn't care that they weren't on a hard corner, I went to them, but that was what it was about. So, I think it's just about -- are you maximizing the property that's the best to accommodate, you know, the challenges that are being asked by the community. You have mentioned you only need seven parking spaces. You have got a lot of other parking. I don't know if people come in or they drive-thru if it's a 50-50 mix, but I just want to make sure you have looked at all other options and -- and they won't work, because there is fatal flaws, not because it's your preferred way.

Van: We have and this has gone through the Raising Cane's corporate real estate team that, you know, approves the site plans and we feel like this is the best one for us.

Simison: Best for you? Best for --

Van: Well, for -- for the -- for the traffic. For everything, not just us. I mean -- yeah, that's what I mean.

O'Reilly: Excuse me, Mr. Mayor, if I could add in just a little bit as well. The delivery trucks -- Raising Cane's does fresh deliveries every day and so the delivery truck navigating the site is, you know, critical to it being able to operate and the further north toward the northern access road we push our access, it -- it makes that turn unfeasible if we push it much further north, because, then, a delivery truck would have to be making somewhat of 180 degree turn in -- in short order and so we -- we did run a bunch of truck turning templates on this site with different size delivery trucks and -- and all of that -- and trash trucks and -- and everything and so that -- that was one of the reasons as well why having those entrances pushed more toward the center of that access road was useful. Council, any additional questions for the applicant? Okay. Thank you very much.

Van: Thank you all very much.

Simison: Mr. Clerk, who do we have signed up on this item?

Johnson: Mr. Mayor, first is Perry Coles.

Simison: Can you state your name and address for the record, please?

Coles: Perry Coles. And I'm the property owner at 2590 North Eagle Road, the Copper Canary building. Good evening, Mayor and Council Members. I want to point out just a couple of items here and -- and the reasons why I brought this in in front of the Council and the Mayor.

Simison: Perry, just one second. Is this a three minute or ten minute?

Nary: So, Mr. Mayor, in our code -- Mr. Mayor, Members of the Council, in our code. what this hearing is is a redo of the hearing that was done previously. So, the applicant gets the -- gets the bulk of the time and everyone after that gets three. If -- you certainly as the Mayor can --

Simison: I just wanted to -- I just want to make sure we all understood the time element from that standpoint, so --

Coles: Is there a chance I could extend that three minutes? Because I'm the one who made the application and I have quite a bit of information to bring forward.

Nary: It's up to the chair, but I'm trying to be consistent with the code and the code basically treats this as the same level of hearing as it was previously. So, that's why everyone else is granted the three. If there are questions that will always extend your time. So, if there are questions about it you will have additional time, but it's up to the chair. Beyond just the questions.

Simison: Start with three minutes and let's see how far we get.

Coles: Okay. Thank you, Mayor. I just want to identify the Unified Development Code, which is your code, UDC 11-4-3 and it says a site plan shall be submitted that demonstrates safe pedestrian vehicle -- vehicular access and circulation on the site and between adjacent properties. At a minimum the plan shall demonstrate compliance with the following standards: Number one. Stacking lane shall have sufficient capacity to prevent obstruction of driveways, drive aisles and the public right of way by patrons. Could you put on -- oh, you -- okay. You have it on there. Very good. On our aerial. And you can see by the aerial photo taken over the site that, basically, once the cars go beyond the existing site that we are talking about there is nowhere for the cars to stack along, except for the right turn lanes, which are the north right turn lane and, then, the south right turn lane, which is -- which is right on -- just around our -- our particular property and, then, once the cars do back up on that street there is no way to pass them safely. So, they will back up and -- and the reason we know this is we have seen several people that have stopped their cars, we have seen a lot of construction vehicles park on that street. So, we have kind of watched to see how people maneuver around them and it's really difficult, because they can't see past it and it's dangerous if

somebody's coming the other direction. The road is only 25 feet wide and that's been my contention from the very beginning when I brought this up in front of Planning and Zoning. If the road was at least minimally wider -- ten feet or 15 feet, then, there could be a stacking lane and it wouldn't affect the traffic coming and going on that particular lane and, of course, on that -- on that one -- on that one same 25 foot wide road, which only extends north-south for those two lots, you have -- you have a hotel that's going in, too, so you have that also that's going to be on top -- you know, on top of that same road. We have also noticed, too, that with the Regency Apartments that we are now seeing -- with the access it was just granted onto that same road area we have got moving trucks, we got cars going as fast as 40 miles or more an hour and they are coming and going and so that's all coming on there and they are also moving from those apartments and also the new Village Apartments as they are filling up and they are coming across going into Trader Joe's. So, we have natural traffic coming from all these different individual apartments and people as, again, they are starting to fill up. The -- they -- they mentioned that they -- they -- they are willing to manage traffic, but it's all managing traffic on their site. What happens, as several of you Council Members have mentioned, what happens when it leaves their site and all you have is this backage road that's a very short road and our building -- our property is right on the edge of that. As you can see it's right on the edge of that backage road. So, you know, what's -- what's going to happen when the cars start backing up and people initially, seeing their sign, will take the right turn that is the north right turn and they will make their way around to the back. Well, once that starts to back up -- and it will -- and the only reason I feel this way is because I'm very familiar with Raising Cane's and -- we had one in our neighborhood and it was always backed up. The cars were all over the place. And, again, we are not against Raising Cane's coming in, we just need a situation where it's going to be safe and -- for everybody that's, you know, in the same area, who is living, working and has businesses in the area.

Simison: If you can summarize and I'm sure we will get into questions.

Coles: Okay. They also mentioned, you know, the queuing summary, too. In the queueing summary I noticed that they have a parking lot and they have the drive-thrus that come in, but there are going to be people that are going to be parking in their parking lot. They are going to be coming into the restaurant and I know, Mayor, you had asked them, you know, what the percentage was. I -- I didn't get an answer for that. Didn't hear an answer. Maybe there was -- as to how many people will actually park and go in versus people that will go through the drive-thru. But there will be people in that area. So, if they intend to use that parking area to queue more cars, how is that going to be possible when there is going to be parked cars there? Again, just common sense when that -- when that -- when that was brought up.

Simison: I'm going to ask you to conclude, Perry.

Coles: Okay.

Simison: Any final statement before we turn to questions for Council? From you. Do you have anything -- any final one -- 30 second summary before we go to Council?

Coles: Oh. Okay. Yeah. I had a little bit more, but I guess I will -- I will -- I will move to Council.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe just before Perry concludes, I -- I did have a question. If there was anything else he wanted to share with us.

Simison: Thank you, Councilman Cavener.

Coles: Yes. Thank you. Appreciate it. Again, I'm reaching out to express my support for the proposal to send the current plans back to Planning and Zoning regarding the roads leading in and out of the lots just north of my property at 2590 North Eagle Road. My hope is that upon further review the City of Meridian will determine an outcome that will prioritize the safety of Meridian residents who will be using the roads every day and will consider how these changes will positively impact the city as a whole. As we experience unprecedented growth. These are indeed elements of what makes a city livable, prioritizing safety and the voices of the community over developer dollars. Meridian zoning code does not currently address the unique impacts of high traffic drive-thrus on our community. As Meridian grows so does the demands of our roads, neighborhoods and local businesses. High traffic drive-thrus, particularly popular restaurant chains, are being placed near smaller businesses and residential areas creating unintended congestion and a safety risk that affect all of us. By differentiating zoning requirements for high traffic drive-thrus from those of lower volume, such as banks, we can make Meridian safer, calmer and more accessible for all. In this particular instance we can look at how many are at risk if this issue is not addressed. The employees and the patrons of my own business. Over 700 residents in the surrounding apartments and potential new hotel going in, the travelers staying in the upcoming hotel on a lot that's 25 feet from the drive-thru and all the foot traffic that already exists between Trader Joe's lot and The Village and, of course, the patrons of Raising Cane's and a still empty lot next to it. This thoughtful forward thinking approach to zoning would help us protect the distinctive character of our neighborhoods and business centers, ensure safer roads and allow our community to grow in a way that aligns with the values we all share, safety for our family, success for our businesses and creating room for a livable city. As residents, parents and neighbors we all want Meridian to be a city where families feel safe crossing streets, where local business can thrive, where each new step of growth reflects the best interests of those who call this city home. I urge you to support sending this back to zoning and updating the city's code to create a healthier and more harmonious community for everyone. Thank you for your time and consideration and your dedication to the city. Thank you.

Simison: Council, any additional questions?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Perry, I have a quick question for you. Is -- I'm -- I'm struggling to understand the concern about safety and I'm just wondering if -- is your concern safety or is your concern access into your -- to your business? Because I have been looking at the picture here, you obviously just have the one entrance there off the access road.

Coles: Correct. It's actually both, because we can only access our -- our entrance to Eagle Road was closed off in favor of this right turn lane. So, we have only one access out. So, when you have traffic that is making the right turn at our building, which they will do, because they will do it to the north, they will do it to us, because they are trying to get into the back -- those -- the back lot where -- where the restaurant is and, then, now, of course, we have heard that you have got supply trucks coming in and, honestly, the turn seems to be better where our right turn is where our building is. It's wider there. So, the trucks probably are going to end up there going in and out. So, what happens when my customers try to leave my parking lot? Especially my older customers and I have plenty of those and here comes these big trucks, here comes all these cars, you know, they are going to be afraid to try and pull out of our lot and I'm really concerned about that and, of course, if there is accidents there becomes the additional safety issues.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Perry, thank you for coming tonight. I have stood out on this street with you and looked at it and what's not obvious to most people as we look at this picture is these are not fully wide ACHD streets.

Coles: Yes.

Overton: This is a -- is a frontage access and we are taking a picture of something tonight worried about traffic, knowing full well that the secondary business and the hotel aren't even up and running yet and we are worried about traffic because of just the first one going in and when you do make that turn it's a dedicated right turn lane both for the frontage that goes directly to your store and, then, the next one that goes to the other side of this frontage road that could take you over to Trader Joe's, but it's the only access point across for all of those people in those apartments. If they want to get over to any of those other stores -- and I don't think we have talked about that enough, that is the only access point since they put that front -- frontage road in.

Coles: There is no other access, except that 125 foot wide road between our -- the end of our parking lot and the -- the north side of Raising Cane's property. Yes. There is no -- there is no other access in there. That's it.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: Would it be safe to say that since that road's open we have seen traffic increase as more people are discovering that that road even exists?

Coles: Oh, yes. Yes. No question. Especially when the apartments are filling up behind where the hotel is going in and, then, they opened up access to the Regency Apartments to the right, there is a lot of people starting to use that road, because they can cut across -- instead of going to Records, they just come up that road, cut across and go right into the Trader Joe's parking -- parking lot there. Yes. So, they are using it because it's convenient and there is lots of apartments and a lot of people that we have seen just in the last couple months. Yes.

Overton: Thank you, Perry.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Mr. Coles, can you help me with the current traffic patterns and what you see with your business as somebody's coming northbound on Eagle, turns right into your business --

Coles: Yes.

Whitlock: -- spends lots of money at your store.

Coles: Oh, I hope so.

Whitlock: And, then, how are they leaving? Are they going? Are they turning right out of your parking lot and going through the apartments? Are they turning left, especially if they need to get back to the freeway and back to the Eagle?

Coles: Uh-huh.

Whitlock: They can't cross Eagle, so they have got to go up and either do a U-turn or they have got to get through and go to Records and come out on Ustick.

Coles: I have actually seeing both. People, obviously, when they come out of our parking lot, have to go either left or they can go straight and I would say maybe 60-40 --

60 percent are making the left to go back on Eagle, 40 percent are going across, because, again, the -- the Trader Joe's development there -- I mean it's very popular. There is a lot of other stores in there that are extremely popular and so people -- they are actually kind of thrilled that they can cut across now, you know, and go -- go that way. But I would say 60-40, 50-50. There is plenty of people trying to use it and -- and I do see people coming out of the apartments, too, that are coming and cutting across to go to Trader Joe's. Some are going to Eagle, but, actually, a lot of them are making the right turn.

Whitlock: And did I hear you correctly, then, the frontage road coming off of that dedicated right-hand turn going north on Eagle is 25 feet wide?

Coles: Yes.

Whitlock: And your solution is that if it were ten feet wider it would provide additional opportunity for stacking?

Coles: I would like to see some type of width, sure, so that if we end up with a huge stacking issue here, which is very very possible -- I mean they are a very successful restaurant chain -- that at least they have got somewhere to put the cars, you know. So, whether it's ten feet, 20 feet -- I mean whatever it is right there, what I would like to see at least as an option is that we have that two lane road clear all the time so people can pass north, pass south and so they can get through there. But the minute there is any type of backup that ends and you can't -- you can't get two cars passed each other and -- and you do -- in the -- both right turn lanes, too, are both 25 feet, too. So, you do have that issue and I know we calculated on the north right turn lane that the length would accommodate seven cars before you got to Eagle Road from the edge of their -- from the edge of their northeast part of their property, so -- so you have seven cars, you turn the corner and, I don't know, you will have three, four, five more cars before you enter their property and that's all you have and, again, people are going to be smart they are going to realize there is going to be a backup and they are going to figure out a smarter way. So, they will come -- they will make a right turn around our property and try to go in from the south, you know, to the north and the backage road.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Perry, you are a small business owner, so I think you can probably appreciate maybe the question I have, but as City Council we tend to not make decisions based on specific entities, businesses, we deal with land uses and -- and sort of those guiding documents. Not to say that we can or we haven't, but that's not typically what we would do. So, do you -- do you think it's, though, appropriate that we make decisions based on assumptions of a specific business and things that we have seen in other locations about how it's -- you know, customers come and go from other locations and, again,

assumptions based on our previous experience, do you think that's appropriate for us to weigh in?

Coles: Well, one of the reasons I brought this in front of Council is because I wanted you to have that decision -- to have the final decision here as to what you felt was appropriate. That's -- and I think it's important and the way this situation occurred it was final pretty much at Planning and Zoning and it was never to come to you. So, that's the reason I did this. I wanted to see the Council have the final decision. We think you are going to make wise decisions, whatever the decision is. Obviously, you are going to make decisions based on your experience and I think that's what you are saying and I -- I think that's -- I think that's very appropriate.

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

Coles: Thank you.

Simison: Is there anyone else signed up on this item?

Johnson: Mr. Mayor, they didn't check they want to speak, but Allie de Seelhorst.

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

de Seelhorst: Yep. I'm Allie de Seelhorst. I also represent Copper Canary as a co-owner with Perry Coles. I'm at 2590 North Eagle Road. So, I'm here as a concerned business owner. I am also not against Raising Cane's. It's a delicious restaurant. But I am concerned with the overflow of traffic. As Perry had mentioned it will creep onto the streets that can't handle the amount of cars. I have witnessed cars speeding up and down that road similar to him that connects the apartments just off Records to Eagle Road and also connecting to Trader Joe's lot. The number of cars in the proposed drive-thru is very similar to the Chick-fil-A that's just south of us and if any of you are familiar with that, the Chick-fil-A drive-thru is also two lanes and it continues the two lanes. It backs up onto a very narrow road and, then, cars get stuck passing, because they have nowhere to go. So, I see a very similar situation just to the north of us with Raising Cane's that we already have to the south of us that's been ongoing for the years that it's been there. So, something that was mentioned was the drive time. My personal experience in the past with Raising Cane's has been far more than two and a half minutes. I actually was looking up this online, because I thought that was so fast, wasn't familiar timing to me. So, I saw that stat from a 2018 survey, but a more recent survey with drive times that was published online in just October of this year show that it's an average of around six minutes. So, I'm not quite sure about that discrepancy from 2018 to current, but that sounded more familiar with what my time has been in the past waiting in line. So, Mr. Overton, you mentioned that there are other businesses coming up -- popular drive-thrus that are coming in behind Raising Cane's. One in particular is In-N-Out that's coming to North Meridian off of Ten Mile and Chinden. I happen to be a resident of the community that sits just across the street and behind and in our community we have a very similar situation to being a business owner of

Copper Canary and that we are also concerned with the amount of traffic, safety, pedestrians, that is something that Perry had mentioned was also that the pedestrians that are going to be walking from the hotel, from all the apartments, because why would they drive, from right there to the new restaurant, they would just walk. So, kind of all the above similar reasons to that ended up coming in from a business perspective and a concerned resident perspective. So, I'm here because I want the city -- the City Council to have final say regarding the high traffic drive-thrus with the current code not differentiating, like Perry mentioned, the ATM drive-thrus versus traffic from a restaurant drive-thru. The goal is that moving forward hopefully it's safer. The amount of cars in one situation versus the amount of cars in another is so massive, so our -- our goal is that -- for everybody to be safer, that road somehow be widened to accommodate the amount of cars that will be driving and with the current infrastructure it doesn't make a lot of sense to us, so --

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

Johnson: Mr. Mayor, Alicia Eastman. Alicia, did you mean to sign on this or a future hearing? Got you. Thank you.

Simison: Is that everybody who signed up? Is there anybody present who would like to provide testimony on this item? If you are online use the raise your hand feature. If you are here if you would come forward. Good evening. State your name and address for the record.

Gasser: Trevor Gasser. 74 East 500 South, Suite 200, in Bountiful, Utah. I am part of the development group of the Sessions Parkway Subdivision and I -- I hear the concerns that the Copper Canary has. They have talked a lot about safety and how fast people are driving through there. We could go in and put speed bumps in there to calm driving down so people aren't speeding as fast. We would also be -- we would also work with Raising Cane's to figure out a way to queue the drive-thru if it ever does come out onto the access drive and we would work hard to -- to facilitate that. A question I would like to ask though -- Mr. Mayor, had you heard of In-N-Out before they came to Meridian?

Simison: Yes.

Gasser: Okay. In-N-Out has been in the western United States for a long time. Everybody -- it was the same thing in Utah, everybody was waiting and waiting for In-N-Out to come to Utah. Same thing happened, obviously, here in Idaho. Raising Cane's just entered into Utah and the traffic is completely different than an In-N-Out and I would say the same thing is going to happen in Idaho. Yes, they are going to be a successful business, but it is not going to be In-N-Out's traffic that everybody wanted an In-N-Out here forever. Some people have heard of Raising Cane's for sure, but it is nothing like In-N-Out and as soon as In-N-Out opened up their other location that traffic is calming over there at the mall location. I feel like these guys have come up with a great plan.

It's a great use and, you know, like I said, we will work with them to figure out the queueing if it goes out onto the access drive.

Strader: Mr. Mayor?

Simison: Follow up real quick, because he asked me a question about something. Have you heard of Chick-fil-A.

Gasser: Yes.

Simison: Have you been to the one right there on Eagle Road and seen all the problems that exist with that drive-thru? It's been here for ten years. It stacks, it backs into all the other businesses in the area. Now, there is no access road, but there is a drive aisle that is -- it's impacted consistently in that area due to the amount of ongoing demand for the product. So, I don't think it's about the initial opening or anything else, it's a few -- if you have got a successful place -- you know, like we have seen and Councilman Cavener mentioned it, you know, we haven't done a good job with -- what's that coffee place, Councilman Cavener? I don't drink coffee either, so I don't --

Cavener: Dutch Brother's Coffee.

Simison: We haven't done a good job in the city in a lot of ways with some of these and we have seen them queue out onto roads, very common throughout -- throughout our community and you run a promotion there it goes, you know. Sometimes it is just normal. So, I think that's what this Council is, you know, really waiting on and that's why we have talked about these issues is we -- we -- we see it, we feel it, you know, the Internet did a great job of keeping people out of the roads. I'm not going to say the other businesses liked it or didn't like it, but that's what we are really trying to address is how do you really address this long going, ongoing need, the challenge that could occur.

Gasser: Sure.

Simison: Okay. Council Woman Strader.

Strader: Thank you. You said we will work with them to figure out the queueing. Like what does that look like?

Gasser: We would have to get our traffic engineer involved to give us a queuing diagram. We could have something come out. I would have to ask Andy to come up and -- and give us an idea of how we would do that, but -- Andy, can you come up and just --

Daleiden: Mr. -- Mr. Mayor, Council Members, Andy Daleiden, Kittelson and Associates, senior principal engineer. Address 101 South Capitol Boulevard, Ste. 600, Boise, Idaho. 83702. In terms of -- we -- we would work -- you know, if -- if asked to work with Raising

Cane's and their -- their traffic engineer and their operations group to figure out a plan that -- that can accommodate excess queuing off the site and -- and how that works in terms of the adjacent uses, both the, you know, future hotel, the property, gateway marketplace to the north and, then, Copper Canary as well to make sure that there is adequate queuing on site. There are additional internal roads once you get out of their site where you could do some creative options to be able to provide some stacking to accommodate that over, you know, when -- when there is excess queuing if needed. It would just be a matter of having that discussion further and anticipating that for those excess moments, you know, grand openings and, yeah, if it's sustained, being able to work, so that -- that queue is managed.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I -- I really think it -- to me it's like we just need a really good plan. I think if -- you know, for the -- for the opening and, then, I think beyond that if somehow that were to be sustained, yeah, just kind of a longer term plan, but at this point it's a 25 foot road, you got the hotel; right? I guess I -- where I'm going with it is at this point can that road be widened? You know -- and I -- maybe it's a question for legal. Could the City Council even at this point in this hearing compel a change to the overall development like that? Because this is super unusual.

Nary: No.

Strader: Right. I mean -- and that's kind of where I'm going with this is -- is like to me the best outcome that comes from this is creating a really great plan. Like I think that makes sense. I would love to hear a really great plan. I would love for the applicant to work with the police department and come up with a -- a good plan that we can all feel good about, but, again, I -- I -- I -- I really struggle with making a land use decision based on a high volume that's expected initially for business. I -- I just don't think that's appropriate and no one's convinced me that Raising Cane's will perpetually have like such traffic on site that it -- that it's going to continuously cause an issue. I don't know. I'm just not -- but anyway. So, okay, you -- so, you control the other parcels; correct? At this development? Sorry. I'm looking at this gentleman here.

Gasser: We -- they are -- we are working with other tenants at this time, yes. The hotel group is -- they have come in through, they have gotten their CUP, they have gotten their building permit, they are ready to go. There is a parcel to the south that we have worked with and they have a use that's coming in and -- and they have other plans, but we are under contract with all three properties right now.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And just like to be more specific, do you -- how does the timing work with this opening and those parcels? Do you have like one of these lots available for like an overflow queue or something? I just want to understand what your --

Gasser: The hotel will take a while to construct and so --

Strader: Okay.

Gasser: -- there could be possibility queuing on that site. Plus the drive that's just north of the hotel, that's one of the secondary accesses to the apartment complex, could also be facilitated as well.

Strader: Thank you.

Simison: Is there anybody else that would like to provide testimony on this item? Then will the applicant, please, come forward to close?

O'Reilly: Mr. Mayor and Members of the Council, thanks for letting me back up here again. Just wanted to reply to a couple of the questions and issues brought up by the appellant. First of all, I just kind of wanted to maybe reframe our conversation. So, this is a fully entitled piece of property. It has approved preliminary and final plat. Final plat has been recorded. A development agreement and -- and the zoning is all in place. So, I think some of the conversation is getting a little bit outside the -- the scope of -- of the current hearing, which is basically a CUP for the drive-thru, which, obviously, the traffic is a -- is a part of, but as far as conversations on road widening, adding accesses, things of that nature, like I said, it's -- it's an already entitled piece of property and -- and us as a -- as a single parcel don't have control over that, nor is it in the purview really of this hearing. So, I just wanted to state that on the outset just that we don't have control over -- over the rest of that and it's already been approved by the city and meets dimensional standards for the -- the drive widths and -- and things of that nature. I hear, Council Woman Strader, your concern and -- and appreciate it about -- the main concern seems to be high traffic events, such as the grand opening. We would be prepared to accept as a condition of approval that we would need to coordinate with city staff and the police department a grand opening traffic control plan and queuing plan. That was acceptable and that is something that we would do anyways. So, we would be very happy to accept that, you know, and I think that would mitigate a lot of the -- the real concern about, you know, a disastrous couple days. Outside of that I do think the site we have put forward is one that should function appropriately under given conditions. Mr. Mayor, you mentioned the Chick-fil-A down the way. One I'm very familiar with, as my children like to go there all the time. But one -- one item that differentiates our site from the Chick-fil-A is that our traffic is all separated out from the other uses. As you pull into the Chick-fil-A drive-thru you have several other uses off the side with traffic trying to make turns to those businesses and, then, as you come out you are doing a hairpin 180 degree turn with all the mall traffic. I think one thing that this site does a lot better is -- is controls all of our traffic and funnels everything in the drive-thru on our site and so you would just have the two access points, which are at 90

degrees, which is very different from the Chick-fil-A, which would help the site to -- to function well. So, the other item that the appellant mentioned was just a concern over the delivery trucks and how those impact the site. The deliveries are very early in the morning and so I just wanted to maybe reassure everyone on that, that that would happen before the Cane's or the Copper Canary stores open and so that shouldn't be -- be an issue there. But, yes, I just want to offer that condition of approval and I would stand for any other questions on that.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just a quick question. You mentioned you would be okay with a condition of approval. Would you also be open to developing with your -- you know, call them development partners, but the gentleman that spoke before -- of -- of having a plan for managing off-site traffic queuing, assuming that -- let's say you got cars 46, 47 and beyond, would you be open to presenting a plan that would be acceptable to city staff as part of that condition of approval?

O'Reilly: Yeah. We would be -- sorry. Councilman Taylor, we would be open to that. I think that would be part of that -- that whole plan is showing, you know, up to whatever city staff and the police department agreed was a reasonable amount of queuing and working with the overall development team to show where that queueing might go and how traffic might progress for the grand opening event.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Curious, can you remind me what is the length of your drive-thru, the queuing area, from the -- from I guess maybe where the -- the order boards are, where the Cane's employees would be with their iPads to where they pick up the food what is the distance?

O'Reilly: I'm trying to remember that offhand. I know that we had seven cars between the pickup window and the order board and I believe about three or four cars behind. So, that would be roughly 200 feet at a little bit over 20 feet a car.

Cavener: Okay. So, Mr. Mayor, just real quick. I'm not trying to put you on the spot, but when I -- when I do a quick measurement of the -- the distance of the Chick-fil-A it's 250 feet. So, I -- I just want to be up front. I -- I appreciate your offer for conditions of a traffic management plan. I am -- I'm supportive of that, as long as you understand that plan would not involve any queuing whatsoever on the access road and that that plan would take into account not just your grand opening, but what are -- what are peak times and -- and I recall, again, this conversation as we were visiting at Cane's this summer on a road trip with my son is that, you know, quote, unquote, Caniacs plan to

visit the location outside of regular hours, because they don't want to wait in the drive-thru for so long. So, it's -- to me it's less about the -- the short-term problem is your grand opening, but it's -- I'm thinking about a Wednesday a year and a half from now at noon where it's likely we are going to see stacking out on this access road. I give you the opportunity to respond.

O'Reilly: Councilman Cavener, thank you for that question. I think the condition could be such that the applicant would have to work with city staff and the police department to satisfy the condition and, you know, the city staff could enforce that it's not on the access road as you mentioned there. It's hard for me to speak to the -- the Chick-fil-A length to make sure everything's apples to apples and all that, you know, up here at this moment. But I -- I do think -- like I -- I pointed out earlier that the site can -- is more self-contained than the Chick-fil-A site and will function a lot better as such.

Simison: So, I'm going to make another pitch to you. Tell me why it won't work. It's got two access points right there. Why can't you close the first, the one to the north, extend the queueing lanes all the way down, it will give you ten to 12 more stacks right there. You lose some parking, but you contain more on the property. If you ever -- you can still implement the same design you have, if you ever want to go bigger, why doesn't that work?

O'Reilly: Mr. Mayor, I think that would work. One of the goals of this queuing plan was to show a queuing plan that would function with the site fully operational. You can see we left open all the drive aisles. In hindsight that may have been a mistake and we should have just maxed out for like a -- what a grand opening would be where perhaps the drive-thru would be more prioritized; right? If -- if I wanted to just fully maximize queuing on this site. We could queue a lot more cars here. What we were in endeavoring to show was a -- I think a very high use time with the site still functioning quite normally. But if that northern entrance was fully coned off and you queued, you could snake through the site and queue a good amount of cars and that's all something we could look at with city staff under that condition is -- is how we maximize on-site queueing and, then, potentially utilize some off-site queuing as well.

Simison: Yeah, I -- I -- I would guess you would get about 30 to 35 if you extended two queue lanes down to that other location in that fashion for most of your time. But I don't know if that's enough. I have no idea, so -- I'm not a Caniac.

O'Reilly: I appreciate that though. Thank you.

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

O'Reilly: Thank you.

Simison: Okay. So, here's what I know, Councilman Cavener would like us to take a break. He has got some stuff he has got to take care of. No. Sorry. We could do that

now if you need a few minutes to process or we can -- or, you know, he is fine to keep going until we finish this one out, but I just didn't know where your heads were, if you were ready to close and move forward or not and I should say we all need to take a break, but I know he is got some -- some issues that he needs to take care of.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Totally respect the group's decision. I -- I think I'm ready to -- to move forward in -- at least having a discussion. Mr. Mayor?

Simison: Council Woman Strader.

Strader: I am happy to -- to sort of kick it off. I think I sort of explained where I was coming from. I -- I recognize there are some issues around the potential for a very successful drive-thru here and I -- and I really believe it's -- in the scheme of the timelines we look at for our city I sort of think of the city in like 50 year increments, like a lot like long -- long time periods I don't like to make development and land use decisions based on somebody's opening weekend or even what their first year would be like. I don't think that that's appropriate. I think we should create -- you know, I think a condition to have the applicant coordinate a traffic control plan with the city police department and planning staff makes a lot of sense and that, you know, managing off site queuing should be a part of that and that we should just be clear no queuing is allowed on the access road and we will be using traffic enforcement if needed. But I'm -- I'm really hoping that like a solid plan could be created. I just think there is a real danger in -- in making land use decisions based on shorter time periods. That's kind of the principle that I'm kind of coming back to. So, that's just where my head's at and that -- and that's what I think we should -- we should do. It's -- it's not legal or appropriate I think at this time for us to require changes -- you know, substantive changes to the overall development, like widening the road. We -- we don't actually have the legal ability to -- to do that. At this point a lot of decisions have been made and, unfortunately or fortunately, you know, as a city we don't make decisions based on individual businesses and I think it's important that we keep the totality the facts in mind and create a mitigation plan, but I don't think it should -- it should actually change our land use decision making generally speaking. There are certainly certain types of businesses that we have very strong feelings about, you know, different types of vices, things like that where -- where we -- where we may, you know, have a little more input, but I think our code generally accounts for that. So, that's where I'm coming from just to share kind of how I'm looking at it.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: To kind of keep it going, I think the word that keeps coming to my mind tonight is assumptions. We are making some assumptions about the business activities of -- of an entity that has entitled the land and has the ability to move forward and I think sometimes we can make wrong assumptions and I -- you know, I would use Copper Canary. It used to be a Chinese restaurant. There is no way I -- when I saw that it was under construction and being renovated I never would have thought a beautiful facility like you have now would -- would be there. But my assumptions were wrong. You have a fantastic beautiful, high end, just a very lovely facility there. You know, speaking of assumptions, I left Disneyland with my kids late late at night and the only place open was Raising Cane's and I pulled in and I saw a big line and my wife said put it in reverse, let's get out of here, because we are going to be stuck in this line forever. So, I did and I got stuck somewhere else in the line and I saw everybody go through Raising Cane's fairly quickly. I regretted it. I have seen the facility down in South Jordan. The opening weekend traffic spilled out onto the road -- onto the access road. So, I think these are all very legitimate concerns. Last time I was down there my kids made me take them down there late at night. There was a big line, but it moved through quickly. So, I think it -- as to what Council Woman Strader said, I think we shouldn't make decisions based on some assumptions we have about how a business may or may not operate, how customers may or may not interact with that, how they might flow to and from the business. I think we should look at, you know, what is the land use, is it appropriate, is it not appropriate for what we have. As I look at it they followed what we have asked them to. We are being asked to use our -- sort of subjective opinions and bring our own thoughts and past experiences into to making a decision here, but I think that's -- I -- I -- I really worry about bringing my own opinions into some of these things, because I want to make sure that I can be consistent over time. I think as a Council we should look at is this appropriate for what we have identified is appropriate land use? Are they following UDC? I'm not convinced that this is a safety issue. I think -- I think the plan works. I think it makes sense. I'm open to any conditional -- you know, any kind of specific plans to be agreed upon I think that's fine, but I'm probably open to approving this. I think it -- I think it works. It may be inconvenient at times, but I think it's not within our purview to punish a business because we think it may operate a certain way.

Simison: Can I -- can I ask the concept of closing down the one access and extending the -- I -- I look at it as a -- is it better to have 12 potential stacked or six parking spaces? Which -- you know, granted, people are going to want to come inside and there is no parking, then, they may try to park on the road to begin with, but I think the -- human nature is if there is -- if those lines are already filled -- I'm talking about normal. I'm not talking just normal -- they are going to try to access -- they are not going to follow this queue line if -- unless they have people to go out there and -- I don't know when that -- you know, what staff members job is to go out there and reroute traffic while they are trying to serve people. So, I guess that would be my question. From your perspective more on site in that version or the parking?

Taylor: Yeah. I think if the applicant is okay with closing that northern one and having more queuing on site, I think that makes a lot of sense. If you look these facilities are

small and, again, I'm making an assumption about a business, but you have seen them, there is a small footprint, they are designed to get people through a drive-thru, not to come in and sit down for a long period of time. These are designed to move traffic through. So, my opinion, right, I think that's fine if we -- if the applicant's okay with that I have no problem with that.

Simison: Okay. I was just curious, so --

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: I would just chime in. I mean I -- I heard from the applicant that they would be willing to entertain that and I think they are amenable to a mitigation plan for those high volume events, grand opening, specials and it may come to a point where that's a temporary closure during an opening. It may -- by coning it off it may be that they want to permanently do that and add those additional slots for stacking and queuing. But I -- I heard that they were amenable to a condition of working with our staff to find some mitigation plan that works moving forward. So, I was pleased to hear that.

Cavener: Yeah. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Yeah. I kind of heard the same thing that Council Member Whitlock did, which -- which I appreciate. I -- I think that that's the -- the right approach and, you know, Council Member Taylor makes a really important point and something this Council has done a really good job at of not being subjective and not punishing a business because they are successful. However, we do have some good lessons learned in this city about drive-thrus or approvals that may be upon build out. If we had a second shot at it we probably would have done things differently and so I'm certainly trying to take this from a place of learning from maybe past decisions that upon reflection we wish we would have done a little bit different. So, I'm -- I'm largely supportive of the applicant working with staff and police on a mitigation plan. My only real concern about that is the enforcement mechanism. So, again, I -- I think Raising Cane's has been proven to be a good neighbor. They want to be successful. They want to be perceived as a good neighbor in our community. So, it's not always necessarily about the applicant, it's more about that precedent and what happens if they choose not to follow their -- their own subjected to mitigation plan because they don't have staff or there is another, you know, outlying circumstance. How do we make sure that our community understands the consistency will remain?

Simison: I don't know if this is -- and the public hearing is still open. I don't know if this is a question, but one of the things that was mentioned was speed bumps on the access road. I know our fire department may or may not like those, but this is not a public road. I assume it's a private -- a private -- and they can make that determination if they want

to; correct? That that's -- they want to put in speed bumps on this that there is nothing that they need from the city or ACHD sign off and I -- I say that in the context of like that may be the best long term that everyone wants for how -- because it is -- you know, it's supposed to be pretty much a drive aisle. You know, we -- Council chose not to have the drive aisle continue through Copper Canary and close off that access, because it wasn't going to extend down through. That was kind of the intention all the way through, but you get into the next development up and you do have some speed mitigation devices through the parking lot, which is the extension of this drive aisle. I just want to throw that out there for people's concept to say it may be also part of the things that can help no matter what the queuing is in this area or whatever the plan is we probably want to have people driving relatively slow through this access point, either for people walking over or for people trying to access a successful business, but not saying it needs to be a part of it. Anything I'm missing, Chief? I know you don't like them, but --

Blume: Mr. Mayor -- sorry. There I am. No, it's -- when you talk about speed tables or speed bumps or anything like that, especially in these areas where traffic is slow or intended to be slow naturally we don't have an issue or have a concern. It's when it's on the main thoroughfares and large roads, like Records or something, where you would try and slow down, you know, not a connecting road or a side road, but, actually, those main thoroughfares, we would prefer not to have speed tables or speed bumps.

Simison: Okay.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I hate to ruin the theme, but I'm not convinced. I think one of the reasons this is here is because we are facing a very successful restaurant that I really want to welcome to our city, but it's sitting on the busiest road in the entire state in a city that's in the middle of this valley that gets traffic from all the surrounding cities that come to our restaurant row on Eagle Road. Even looking at the map and them not knowing when business is going to be busy or business is going to be slow, not necessarily having the staffing to react to when all of a sudden everybody decides to go there, I think we are going to have blockage issues on that access road with vehicles coming from the north and vehicles coming from the south and the more I look at this map I think we are going to have significant blockage. I do believe that it's going to be as bad as even backing up to Eagle Road when they have a grand opening. But at a minimum they are going to be facing blocking that access road and that's going to impact the other businesses. That access road -- I remember when we approved this project, wasn't designed to be a stacking road, it was designed to be an access road from these businesses up to the businesses in the corner of Eagle and Ustick and I think this business is going to be terribly successful and I think this is predictable and it's preventable and I can't support it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm going to try to make a motion, maybe see like where we are at as a group. Open to leaving the public hearing open or closing it, depending on if we think we need --

Simison: To do the motion you got to close it.

Strader: Yeah. You are right. You are right. All right. So, let's close the public hearing, please, Mr. Mayor.

Overton: Second.

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

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I will try and make a motion and see where it goes. After considering all staff, applicant and public testimony I move to approve File No. CR-2024-0002 as presented in the staff report for today's hearing date with the following modifications: That we would -- that we would require the coordination between the Raising Cane's group and city staff and the developer that owns the surrounding property, along with our police department, to create a traffic control plan for times of high traffic, including the grand opening and any other times where there is anticipated to be a lot of demand for Raising Cane's and that that plan would include managing off-site queuing. No queuing will occur or be allowed on the access road and we would encourage the developer that owns the various parcels to put speed bumps in place on the access road if that is feasible.

Taylor: Second.

Simison: Have a motion and a second. So, nothing on the -- eliminating one of their --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I -- I view that as an action that could take place as part of the traffic control plan. Currently the applicant is demonstrating the ability to temporarily close that access and an intention to have a uniformed off-duty police officer to manage that. If they think there is a better way of doing this I'm open to it. I'm also mindful of emergency access and -- and some of those things. So, I think those details would need to be worked out with city staff. It's kind of how I'm viewing that.

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

Cavener: Yeah. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I -- I appreciate the motion. I don't think I'm going to be in support of it. I think a specific motion that calls for closing one of those accesses to extend the queuing -- and, then, the other piece that I -- I still remain concerned about is somewhat of the subjective nature of this motion. What we may view is a lot of cars may be different than what the applicant views as a lot of cars, what the neighbors may view as a lot of cars. I -- I worry, too, that this plan would be reactionary. So, when it hits a certain point, then, we have got to do something, as opposed to a -- a proactive plan that would forecast this is what we would do during -- they know when their peak times are and so I'm -- I'm reluctant to be supportive of the motion because of the -- I think some of the complexities that come from being a little bit more arbitrary that I would be comfortable with.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I would like to understand that concern. I'm viewing this as the operational plan that would apply to the grand opening and any other foreseeable events that -- where the applicant thinks that the traffic would exceed their ability to manage it on site. I -- I don't know how else we would do it, though. Like I -- and I'm open to all ideas. I just -- I don't know how else we would craft a motion, because we have very narrow -- to me we have very narrow legal scope here to even review the -- the decision that was already made on it. And maybe that's just me, but --

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Just in discussion I think -- I think what we are actually -- should be focused on is -- we wish it was a bigger, more holistic global decision we had about the property. I don't think that it's within our purview right now from where we are with the project. What we are doing -- I think we are -- I feel like we are limited in what we can and we cannot do and I think the motion that Council Woman Strader made does a pretty good

job at trying to say let's make the most of what we really are allowed to do under the current circumstances. So, I think, you know, it's a -- it's a good faith effort. I think the applicant is -- is -- is doing a good job to say, yes, they are open to still tweaking and accommodating to the best of their ability. Nobody wants to be adversarial here in terms of the -- the -- the -- the properties that are adjacent to each other. Everyone's trying to find the best way forward. I think given where we are in the process to me it seems like we are at a good point where the applicant is saying we are open to working with the city, the police and our neighboring folks to come up with a plan to mitigate the impacts of traffic. So, to me I think it's -- again, we are going to have a longer discussion later on as a city about how we want to handle that. We have clearly got some challenges, but that's in the future. This is in front of us today. So, I think we have to consider what's in front of us today when we are thinking about how we are going to vote on this.

Simison: Question for Linda, Bill. Whatever develops to the south of this it's going to have cross-access. Okay. There is not going to be a wall right there between these two properties or would there be? So, the question about secondary access into this parcel I assume it would have to have a through access to the -- the adjacent property.

Parsons: Yeah. Mayor, Members of the Council, Linda had an exhibit we put together for you so we can show you how it pieced together, but we do have a pending application on that southern lot that's happening. It's staff level approval. So, yes, there will be --

Simison: So, there will be additional access if one was closed; is that correct? Could be parcel --

Parsons: Yes. They will be sharing the driveway with the Raising Cane's I think if that's your question.

Simison: That will -- that will be the only access into the entire space --

Parsons: To the south, yes. As it -- as it's currently presented. Correct.

Simison: Okay.

Parsons: And that's why I would think Raising Cane's would want to keep that northern access for your site circulation. I -- I like the approach of temporary closure, but in the long term it may make sense to keep that northern one open for truck circulation as they mentioned, but also for just, again, if things are just normal operating at their normal peak times and they only need to function with one drive-thru lane as they testified, then, that makes some sense to let people get in and out of there as well and that's -- staff did analyze all of these things -- all of these concerns you are bringing up tonight we -- Linda and I talked about it when we were formulating our recommendation on the drive-thru. I had the same concerns. Can we narrow the landscape buffers, have more queuing on that road and all of it just seems to be we are just creating more conflicts

where we may not want to do that. So, we -- like you said, it's -- it's -- it's a slippery slope. You don't want to make that assumption. We try not to make those assumptions either. We look at code and if the project meets the code we recommend that the -- that we approve it and Commission heard the testimony and they acted appropriately. Well, they didn't see anything that was testified at that hearing, they felt the applicant had mitigated those concerns and that's why they recommended approval of the drive-thru.

Simison: Additional comments on the motion?

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor -- Mr. Mayor, Members of the Council, Council Member Strader, I just wanted to clarify -- and I think you have said it, I just want to make sure on the record. You include in your motion speed mitigation on the drive aisle and I think the applicant testified they don't have any control over the drive aisle. So, you are -- I think your motion was simply they need to work and coordinate with the property owner and so it's not a mandate that they have to have it, but they need to work with them to do some type of mitigation with them. Is that what you intended?

Strader: Mr. Mayor. Yeah. That -- that's correct. Because I recognize that they didn't own the road, so I didn't see how I could legally compel them. You know, I love conditions. Don't get me wrong. I love them, but I just don't -- I don't see it --

Nary: I -- I read it -- I -- I heard it that way, I just wanted to make sure on the record that was clear.

Simison: Council, any additional questions, comments on the motion? If not Clerk call the roll.

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

Simison: Four ayes, two nays, and the item is agreed to.

MOTION CARRIED: FOUR AYES. TWO NAYS.

Simison: With that we are going to take a ten minute -- well, actually, we can do 15. We will reconvene at 9:00 o'clock.

(Recess: 8:44 p.m. to 8:58 p.m.)

Simison: Okay. We will go ahead and come back from recess and I'm going to turn this over to Council Woman Strader real quick.

Strader: Mr. Mayor, in light of the hour and the amount of public testimony that we expect on Item 6 it sounds like, which is the Rolling Hill Project, I think we would like to swap Item 5 and Item 6. So, Item 5 would become the public hearing for Rolling Hill 2023-0070 and, then, the Gateway at Ten Mile would become the new Item 6.

5. Public Hearing for Rolling Hill (H-2023-0070) by JD Planning and Consulting, located at 1560 Rolling Hill Dr.

- A. Request: Annexation of 6.90 acres of land from the R-1 zone in Ada County to the C-C (Community Business District) zone to develop two (2) vertically integrated residential structures featuring 90 dwelling units and 20,134 sq. ft. of commercial space.
- B. Request: Conditional Use Permit to develop one (1) multi-family building consisting of 64 dwelling units on 5.89 acres in the proposed C-C zone.

Simison: Okay. So, with that we will go up and open public hearing H-2023-0070 for Rolling Hill by JD Planning and Consulting. We will open this public hearing with staff comments.

Parsons: Thank you, Mayor, Members of the Council. Next item on the agenda is the Rolling Hill application. It's a request for annexation and a conditional use permit. The site consists of 5.89 acres of land, currently zoned R-1 in Ada county and it's located on the northeast corner of Rolling -- South Rolling Hill Drive and East Overland Road as you can see in the graphic in front of you. You can see that the -- the annexation property -- the property that's proposed to be annexed consists of six -- or five parcels and you can see here that one is a -- it wraps around an existing parcel that will remain in the county, which is -- will be some of the topic of discussion this evening. So, the future land use map for this particular property is designated mixed-use regional, which typically with that -- I think you heard some discussion earlier during the public forum about the rollout of our new mixed-use standards. This particular project was actually submitted prior to those changes going into effect. So, this project was analyzed under the -- the old mixed-use regional standards, not the new current ones that we have in place. With that being said, though, it's still important to know that whenever we have a mixed-use -- a property within a mixed-use designation the property owner should try to make the attempt to show how this project integrates with the overall surrounding area and that's what they have -- they have tried to do with the plan here. I would also let the Mayor and Council know that this project does come to you with a recommendation for denial from Planning and Zoning Commission. Unique challenges with this site. Again, the applicant -- what's unique about this particular project is there is actually two vertically integrated buildings and one multi-family building. So, because they are requesting a C-G zoning district the vertically integrated becomes a principally permitted use and the multi-family is why we are having a conditional use on the one building here. So, on the site plan that was submitted this is the one multi-family building that requires the conditional use permit. The two other buildings are those vertically

integrated structures that will consist of about 20,000 square feet of commercial on the ground floor. As I mentioned to you at least during the discussion during the Planning and Zoning Commission the reason why they felt this wasn't the right time for this particular project was the fact that we have an enclave that is surrounded by the particular development and, then, also to the east as a piece that's in Ada county as well owned by another developer and, then, we have our master street map that we get approved by ACHD to have a collector road that runs through the site to be extended. So, there is a lot of moving pieces here that although staff did recommend approval, the Council -- the Commission felt that it wasn't quite right unless the other property in the middle of this piece and the adjacent property to the east were to come in at the same time. Also the elevations themselves are four story in height and everything around this particular property on this side of the road or single family rural residential properties in the county currently. Although they do have the same Comprehensive Plan designation, at some point in the future they may convert to something else. We don't know. But right now they are single family homes surrounding this development and that's what a lot of the public testimony during the Planning and Zoning Commission was geared around and as part of those mixed-use regional standards the applicant is to show how this property is to integrate with the surrounding developments. So, you can see here they have done that for the enclave. So, this is -- this is their best guess at a -- if -- if we surround this with multi-family good chances are this could either be another vertically integrated building or another multi-family building on that street. We also mentioned to -- also put in the staff report that there is quite a few multi-family units already in this particular area, so we posed that question in our staff report to both you and the Commission is do we feel the area is oversaturated with the multi-family market currently. I believe the staff report called out there was a 790 apartments in this area, excluding these that the applicant are proposing and, then, you can see here to the east all you see is the extension of the future collector street, which leaves in question if that road is built in its current location you can see here that there will be almost 40 feet of strips of land in between this development and the future collector road that may not be developed, other than open space, which is not a bad thing necessarily, but, again, the plan doesn't take that into account and what does that place on the property owner to the east, because we don't know how they intend to develop. So, that was some of the impetus of why the Planning and Zoning Commission said maybe we should wait and see if other developers want to come on -- come in and develop this at the same time. Because this is a multi-family, again, I should mention there are existing structures on the site that will be removed with the development of the site. You can see here the main access to this property will come in for Rolling Hills Drive, which is actually a -- a local street. This does mean ACHD's requirements and, then, part of ACHD's staff report the applicant has to build out the street frontage, because they abut this right of way along their north boundary, they have to improve that street to their north as part of a collector street because of the master street standards and they are coming in with development. So, we are getting access there to that road and, then, also those street frontage improvements per the master street map. And, then, cross-access is also being provided to the -- the outparcel for additional connectivity in the future. This one, again, the reason why this is also unique is open space requirements. So, for vertically integrated projects there are no requirements for

open space or amenities. However, since this is one integrated development we are requiring that we did analyze this and included the -- the vertically integrated into the open space calculations with the multi-family project, because this is annexation and the applicant is proposing approximately 1.47 acres of open space, which is slightly under the multi-family requirements, however, because it's kind of a hybrid development staff was comfortable with what the applicant was proposing, not only with the amenities, but also with the open space. You can see here the applicant is required to put in street frontages along -- street frontage improvements along East Overland Road, which they are planning on doing, which is a ten foot multi-use pathway and you can see with the enclave I think it was their intent to try to work with that property owner to get those improvements put in, but if that does not happen, then, we do get a gap. I think there is an existing sidewalk there, so it's not actually a gap, it just -- you won't have the ten foot multi-use pathway along that frontage. Amenities include swimming pool, fitness center, again, the multi-use pathway. There is also another pathway planned along the creek. Although this plan shows a five foot pathway it's actually a ten foot multi-use pathway that will run along the creek, which is a protective waterway and it will remain open. I think the -- I guess it's a canal, so they are going to pipe this if I remember correctly. Application -- the applicant did provide some elevations on the site as well, so you can see here -- again this was some of the concern discussed by the Planning and Zoning Commission as to the height. They are four story structures, but the applicant's tried to have a brownstone theme, so a lot of brick and stucco on it, along with some metal accents. Testifying in favor at the -- during the Planning and Zoning Commission was Wade Thomas, who was the planner on the applicant for the application. Many of the surrounding neighbors were there testifying in opposition just due to the compatibility with the surrounding development. So, really key issues of discussion were roadway traffic, as you constantly hear, density, lack of transition between this project and the county residents and, then, Commission -- their key topics of discussion included --

Simison: Bill, can you get into the mic?

Parsons: Oh, yes. So, with the Planning and Zoning Commission their topics were -- they felt it lacked integration with the -- the surrounding developments, as I mentioned that enclave and the property to the east. Again, with already 760 units in the area is there a need for more in the vicinity right now? Again, they didn't feel like the timing was right -- annexation of this property is right at this time and so, therefore, they recommend -- they reversed staff's recommendation for approval and they recommend a denial. So, essentially -- really no outstanding issues for City Council this evening and, then, again, since the Planning and Zoning Commission I know I have talked with several of the residents, they called and asked why are we doing this again, Planning and Zoning Commission had denied the project, but I explained to them that that is the process, annexations require that the Council be the decision making body on the application this evening and that is why we are redoing this again and having another public hearing. I would also mention to the Council that the applicant did post the site with the public hearing signs in accordance with the city requirements, but some of the residents had reached out to the city and informed us that some of the signs were knocked down a couple of times throughout the -- as they transition from the

Commission to Council. So, they felt that the hearing shouldn't be conducted that night, because they didn't feel they got adequate notice. But, again, staff got the appropriate posting information from the applicant that they actually, in fact, did meet the requirements for the posting. It's unfortunate that either the signs blew over or somebody actually knocked over the signs. I'm not going to speculate on that, but certainly it is a concern. But, again, they have met all the requirements for you to take action on this application tonight. Again Planning and Zoning Commission's recommending denial and I conclude my presentation and stand for any questions you may have.

Simison: Thank you, Bill. And, Council, just for disclosure, I won't be participating in this one. I will facilitate the conversation, but due to my relationship with the property owner I won't be commenting or voting if there was a tie at the end of this. So, you will be on your own. So, with that any questions for staff?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Our Comprehensive Plan has a ton of stuff about transition to surrounding neighborhoods. I'm surprised that staff recommended approval because of this county enclave right in the middle of the development and the height. Is there something particularly compelling about the application? Did staff feel like there were mitigations to those concerns? I just wanted to get a better flavor, just -- not that there is any one right answer, it's all a little bit subjective, but I was just sort of surprised.

Parsons: Mayor, Members of the Council, certainly happy to provide some context. So, we did meet with the developer before they even submitted their application -- or at least it was in process and we were hesitant to move it forward, because we weren't sure where -- first of all, the -- the main concern for us was just the integration with -- with the location of the -- the collector roadway was one of the bigger topics of discussion we had with the -- with the applicant, because we weren't -- we didn't want to create that no man's land between the roadway and their property. We -- we -- again, the intent behind mixed-use is to integrate and we don't see that integrating, but we had a series of meetings and we were like if you -- integration under the Comprehensive Plan can happen in two ways. It can be through step down and heights of buildings or it can happen through roadways and/or open space. This particular plan has that Greenbelt with the pathway and, then, a road and, then, a single family residence. So, in our minds that was the transition. It did transition because of that separation and the buildings were farther away towards -- and geared towards Overland. So, that's where we reluctantly recommended approval. It's -- it really was lukewarm by staff. We felt like if they can meet these minimum things, address the road, show us a concept plan for the enclave, that we could potentially support this project and they got over the hump with staff and, yes, we said we can support you moving forward and that's why we laid it out in the staff report we did and said we want the Commission and Council to weigh in on this, too, and to see if you find that it's consistent, because, again, we were -- we

could have gone either way on this one for certain. We were very upfront with the applicant that we would more than likely lean towards a denial. But because they were willing to work with us and make some of these changes and add that vertically integrated component and not make it all multi-family that we were able to say, yes, we can go forward with a recommendation. A positive recommendation.

Strader: Thank you very much. That's very helpful. Thanks.

Simison: Council, additional questions for staff? Then would the applicant like to come forward?

Thomas: You will have to stay on me with the mic. I will probably move too much.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: While you guys are getting that loaded up, I forgot the second-half of my public service announcement, which is historically the City Council doesn't often go past 10:00 p.m. We do sometimes if we feel like we are getting toward a decision. It would be kind of unlikely for us to hear a brand new application after 10:00 p.m. and the reason for that is we have just found through our experience that if we start making decisions at like 11:00 p.m. we start making crappy decisions. Sorry. Excuse my French. But -- so, I just kind of wanted to convey that. Hopefully we will get through everything tonight, but that -- that is something that could occur. We -- we may have to continue the last application. Hopefully we will get through this one. Hopefully we will get through all of them, but just mentioning that.

Thomas: Mr. Mayor, Commissioners, my name is Wade Thomas on behalf of the applicant. My address is 12300 West Fireweed Street in Star, Idaho. I think Bill kind of covered the most salient points. I'm not going to go into all the technical specifics of the project. At the outset I did want to say, though, that the project does have staff approval. We spent months working on this project directly with staff to ensure it complies with the comp plan and code. Despite P&Z's recommending denial, which is going to be the bulk of my presentation, we were complimented for the thoughtful design of the project on numerous occasions during the hearing, which is sometimes rare. P&Z's recommendation for denial was tied to four key items noted in the staff report, which are the same item staff has noted should be considered by you when approving this project. They are, one, the county enclave parcel. Two. Is adding more multi-family units in this area excessive and necessary? Three. Does the proposed development lack smooth transition to the surrounding areas? And, four, is the timing of this project appropriate? So, let's get into it. The oddity of this project as Bill discussed is the middle parcel that is not part of this project and, to be candid, one that we spent a significant amount of time designing around and discussing with staff. While I'm confident this parcel will be included in the project at some point, it is currently not included. To understand the potential of this parcel we put together a possible layout.

We were able to provide an additional 32 units in one building, as well as to provide adequate parking for those units. Again, however, this parcel is not included in our application, but we do think it will be a nice phase two as we develop project out. Staff ultimately approved this project without inclusion of this property and I think that's important. However, the question remains should the project be delayed until that parcel can be included in the overall project? If the answer is yes, how are we to include a parcel with an owner that doesn't want to participate? I don't think the city would recommend condemnation or a taking. Our project should be assessed on its own merits as staff has done. If every project was delayed for the perfect project, then, I'm not sure if any projects would be approved at all. You should also consider the impact of denying this project. Because -- because the parcel is not included it raises significant property rights issues, as well as sets the precedence that landowners can hold the city hostage on future developments by simply not participating. My dad always says sometimes we have to make decisions on what we know right now and today what we know is that staff approved the project without that parcel and we agree with staff that the viability of this project should not hinge on the inclusion of this parcel. The second item. The staff report stated that P&Z should -- should assess, quote, with approximately 760 multi-family units already within the vicinity. Commission and Council should evaluate whether the city necessitates additional multi-family housing in this area. The comp plan provides guidance and the matrix to determine what's appropriate within a designated mixed-use area. In our case our project is located within a mixed-use regional area. In this slide the mixed-use regional area is the entire area in brown, with our project being the orange area on the eastern edge of the designated area. The mixed-use regional designation provides that as Council assesses any given application it should consider those projects in the context of the requirements for the entire designated area. The comp plan provides the appropriate mixes for the entire area, not just the properties immediately surrounding a proposed project site. In this case the comp plan states: In reviewing the development application the city will -- and I want to emphasize the word will -- consider the following items in the MUR areas. Residential uses are expected to comprise between ten percent to 30 percent of the development area with gross densities ranging from six to 40 units per acre. The comp plan with the involvement and approval of Council has already been subjected to rigorous planning process and establishes what's appropriate for this entire designated area. Additionally, while Council needs to assess the project on its own merits and ensure it follows code, it also has to balance the vision and the requirements established for mixed-use areas in the comp plan. This particular mixed-use regional designated area consists of approximately 687 acres. Within the overall area there are three currently zoned residential projects marked in orange on the map, which equals approximately 55 acres or about eight percent of the overall area. There are a couple of true zoned commercial properties, but they are all residential uses. Those areas add another 26.39 acres or another 3.8 percent. Combined those areas make up 81.9 acres or 11.9 percent. If you add our project of 6.9 acres, which I took that from what's on the documents, it's actually 5.89, but for our purposes we will -- we will use that number here. The total increases to 88.8 acres or 12.9 percent. Our project represents an increase of only one percent of the allocated amounts of residential projects. However, our project is also mixed-use and includes a commercial

component as well, which is not considered in that calculation. The total is at the low end of the ten to 30 percent prescribed by the comp plan. Again, this is an -- this area underwent extensive planning and it was determined that it should be mixed-use regional area. Following the comp plan, then, residential uses are expected to comprise between ten to 30 percent of the overall development area. The proposed project is in line with the comp plan, even with the surrounding multi-family projects. In summary, the answer to the question as to whether adding multi-family units is appropriate is simply yes. P&Z didn't follow the comp plan or any other information for that matter to support its conclusion. Lastly, our project is also vertically integrated, meaning that it's not just residential. It also provides over 20,000 square feet of commercial space. While some of this project is residential, P&Z appears to have been dismissive of the fact that our project is one of the few projects in the area -- area that is vertically integrated, providing both residential and commercial amenities to the community and the neighborhood. P&Z's determination also focused on this notion of seamless integration with the middle parcel, the vacant property to the east and to the surrounding area. To address this issue we need to look at this project and the surrounding area on a micro level and on a macro level. At the micro level the project provides for smooth transition to the immediately surrounding properties. The comp plan's holistic design standards provides all mixed-use projects should be accessible to adjacent neighborhoods by both automotive and alternative vehicular transportation opportunities. Pedestrian circulation must be convenient and interconnect different land use types. We did that by designing numerous paths in and through our project providing connections to the surrounding property as you can see in the pedestrian circulation plan. We also provided circulation to the future second phase. This parcel is completely accessible to our project, as is the vacant parcel to the east. At a micro level our mixed-use project is accessible to adjacent properties and neighborhoods by conveniently interconnecting different land use types. At a macro level another P&Z concern is that the project somehow isolates itself. Starting in 2018 all of these projects were determined to be seamlessly integrated by the city, yet they effectively create a wall between them and the county parcels. There is only one access point from the surrounding projects to the neighborhood, which consists of a road with bollards cutting off Rolling Hill Drive, effectively providing foot traffic onto roads into the subdivision. We believe our project integrates much better than those projects. We provided three vehicular access points with several pedestrian accident points to the surrounding properties. Next, if P&Z's decision was really based on the physical size of our project and the proximity to the surrounding homes, we would like to bring your attention to these existing projects, which are -- which are also directly adjacent to the same single family homes. At the end of Rolling Hill Drive is this four story residential multi-family project directly adjacent to the homes. These projects, a five story hotel and a five story commercial building, are also located next to the homes in the subdivision. These projects meet the defined mixed-use regional standards in the comp plan, yet their proximity to the surrounding areas are no different than ours and they were considered integrated by the City Council. With regard to seamless integration, how is it that all of these projects were seamlessly integrated with some of the same parcels, but now ours isn't? Again, P&Z provided no guidance on this issue, but all you need to do is look at these surrounding projects. If those comply with the comp plan and are seamlessly

integrated to the surrounding parcels, then, you can only decide that ours is, too. Deciding otherwise amounts to making an arbitrary and capricious decision. My kids love this slide. As mentioned earlier, P&Z also raised a question as to whether this is the right timing for the project. I was surprised and kind of confused by P&Z's conclusion that now is not the time for this project, namely, because P&Z failed to use or provide any relevant information in support of making such a determination. It places both of us in a position of disproving a negative. To address this issue we need to consider the growth that has occurred in this particular area, as well as the specific history surrounding the plat for the Rolling Hill Subdivision. As the slide states, the answer lies in the past. Prior to 2016, except -- except for a few commercial buildings near Overland Road, this sub area consisted primarily of single family homes and farmland. In fact, I remember taking my kids to the Homestead and walking through the creepy blow up lizard when they first opened that. But that has changed. Starting in 2016 Council approved a commercial project directly adjacent to our project on Rolling Hill Drive. Then various multi-family commercial projects were approved directly adjacent to the existing family homes. Projects were approved in 2018, 2019, 2020, '22, '24. This area is no longer a rural farming community. However, all of those approvals do follow the prescribed vision of what a transition to mixed-use should look like. The transition has been happening for the last six to eight years and our project is another step in that process. But it's hard to fathom how all those surrounding developments were appropriate from a timing perspective, but somehow the timing of our project is being questioned, yet nothing has changed. Nothing in the comp plan, nothing in the future land use map. We are providing a project that staff has approved and complies with code and the comp plan. If the timing was appropriate for those projects, then, it also is appropriate for ours. Another critical piece of history that you should consider is tied to the Rolling Hill Subdivision plat. Our parcel -- parcels are part of that plat highlighted here in red. As part of the plat the subdivision was subject to certain restrictive covenants, one of which limited the subdivision to only single family dwelling houses, which applied to every lot in the plat. Then in 2005 something interesting happened. The restrictive covenants were amended. Specifically the amendment states that as a result of the substantial change in conditions in the area surrounding Rolling Hill Subdivision, certain lots were released from the restrictive covenants. All of the lots released -- all of the lots south of Five Mile Creek were released, which includes the parcels in this project. The substantial changes that were happening in that area in 2005 were likely frozen in time following the great recession that started in '08. But those same positive conditions have rematerialized again over the last six to eight years and I would argue that after last night's election they will continue. However, what's most important, though, is that there was a conscious and deliberate decision made by those homeowners that our lot should be able to develop into something other than single family homes. An opportunity for them to realize their property's highest and best use. In addition to removing our lots from the restrictive covenants in 2008 -- I would like to request more time. I'm almost done.

Simison: If you could please conclude.

Thomas: Okay. I will -- I will -- I will go off the script here. So, I -- so, what's important about this is that the -- this plat was vacated. There were 12 lots, which is -- 30 percent of this plat was vacated for two commercial buildings that sit on the Rolling Hill -- Hill projects -- or on the old plat. I think it's imperative that if you are going to look at these things and -- and talk about whether or not the timing is -- is correct, just this slide right here -- the growth has come. You guys -- you -- you have approved ten plats since 2018 that were for growth. These are -- this is in the mixed-use area. The other thing that's important is there was this conscious decision that these lots should be developed into something different than single family homes. The neighbors agreed to that and I think that that's really important in conjunction with the vacating of that plat as to what the future of this project is. Thank you.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe just a clarification that I think will be helpful and it's okay if you don't have it handy, Bill, but would you mind running us through the Comprehensive Plan amendment that we did regarding transitions in 2024 from mixed-use projects? I will have to find that if you don't have it handy. But just -- the issue of transition has come up a lot for us and that's part of why I recommend that a change to our Comprehensive Plan that requires a high disparity of no more than one story to surrounding residential areas. So, I just wondered if you could kind of walk us through why you feel like you are meeting the transition requirements in the Comprehensive Plan. I know you do have a road that's your buffer to the surrounding properties, but this is a pretty significant height disparity.

Thomas: Well, I -- I think that one of the things is we filed our application in 2023, which would have been before the amendment --

Strader: Okay.

Thomas: -- grandfathered under the old -- old -- notwithstanding that, I mean I think there is a natural barrier there with that road. If you take into account that that's going to be a collector road, I agree with staff that creates a huge buffer and it's almost kind of like comparing what's on the north side of Overland to what's on the south side of Overland. That's now a five lane road. It's -- it's almost night and day really.

Strader: Just to provide you with some feedback -- and, yeah, I'm just one person up here. You are going to hear feedback from everybody; right? But just some feedback from my end, even before we get into public testimony, just because, you know, I want to respect your time. This is an annexation and annexations the city has a lot more discretion in terms of it being in our best interest or not what we approve. I have a very high bar for annexation and to me having a county enclave in the middle of a project like

this is a nonstarter. I am also concerned about the transition with the surrounding residential single family homes that -- this to me should have never gotten to this point, if I'm being honest. I'm just trying to give you -- just be direct that that's how I'm looking at this.

Thomas: If I could have an opportunity to respond to that. I think with regards to the county enclave, though, then, what are the standards? Because, essentially, you look at Owyhee High School, let's take that. That was all farmland.

Strader: Have you seen the -- have you seen -- there is a cartoon for kids called Big City Greens.

Thomas: Yes.

Strader: One of my favorite -- my kids' favorite cartoons and the cartoon is based on a farm being surrounded by high rises in the middle of a city and I just think it's common sense that that is not in our best interest, particularly because it's surrounded on all three sides; right? I mean that to me makes it a more intensive example of where transition is critical and, yeah, I --

Thomas: But I think the -- I think the adverse is -- is the same. You look at actually this. That essentially created a county enclave. So, how do you reconcile that? I mean it -- that's -- essentially with the growth that wraps around where the current residential homes -- that is a county enclave by --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I -- I -- I don't want to get into a debate, except for to say, just so you understand where I'm coming from, this county enclave has existed since before our Comprehensive Plan and at least on the time that I have been on Council we have tried incredibly, incredibly hard to be respectful of our neighbors, even when they are in the county and we, you know, went through a lot with creating our Comprehensive Plan. We don't -- we don't force people to annex into the city and at least in the time that I have been here, you know, this -- this all pre-exists even our Comprehensive Plan and so we talked about grandfathering things in, you talk about being respectful of existing conditions, like to me that's part of how this happens. So, hopefully, that provides you some insight. But I -- I think it would be unproductive to continue to debate, so --

Thomas: Agreed.

Strader: -- we will move on.

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Yeah. I'm kind of -- really appreciate you kind of walking us through the history and I appreciate you kind of doing a little bit of research into the -- the covenants and stuff. Can you just speak to like in terms of as you are approaching this -- it just seems odd to have this enclave just right in the middle of a project. What makes you -- and I understand at some point you just got to say are we going to do this or not. If the -- the -- the person is not willing to sell I get it. But my experience in my limited time has been when you have these little odd shaped things that sometimes makes for really awkward challenging, you know, come back. I understand that you could -- if at some future point the person who owns that piece of property could -- could sell to you and you could develop it as it is, but what if you don't? So, why do you think you want to move ahead with this big, you know, enclave right in the middle of your property. What makes you think it's a good time to move ahead with it?

Thomas: Like I said, you have to make decisions on what you know today and what -- that's what I know today. I feel highly confident that it will be part of our project. I can't say that with a hundred percent certainty, but we are engaged with that owner. We have been from the beginning and have become re-engaged with them. So, I think there is -- it's going to make a great phase two. You know, notwithstanding that, you know, if you look at the design, that's kind of why there is the big parking lot between that parcel and the vacant parcel to the east. So, we really focused on -- and we spent a lot of time trying to design how can you have a functional apartment complex with that enclave and I think we came up with the best answer we could. I mean I think we are over parked by something like 40 or 50 parking spaces. Did that answer your question?

Strader: Yeah. That's helpful.

Thomas: Great. Thank you, Councilman Taylor.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Yeah. I want to maybe understand a similar thing as Council Member Taylor, because when I hear highly confident that this will be a part of this, then, again, I'm -- I'm not that bright, but my -- my default falls to the why not wait until that all pieces together, so you can bring a fully realized plan without the enclave to the planning department, to the Planning and Zoning Commission, to the Council? Help me understand what is -- what is preventing you from waiting to be able to have something that is not without this enclave piece?

Thomas: Well, what's keeping us from waiting is is a number of things. I -- I -- I think we did provide a fully designed project with what we have. The reality of it is we have a unique opportunity that brought four different property owners together, which, to be honest, was very difficult and we were probably somewhat lucky. Would have been nice

to have five, but we only got four, and, to be candid, the clock's ticking on that. So, we don't have forever. We don't have the time. I think that if the -- again, you just have to work with what you have and that's kind of what we have. Ideally it would have been nice to have that project in, but we also have four homeowners that are looking to get the highest and best use of their property and so we designed the project accordingly.

Cavener: Yeah. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: And I'm sorry to press you. I -- I guess I didn't feel like that you answered the question. Is it that if -- if you don't get the fifth you are going to lose others along the way and so that -- you are -- you are basically bringing your best shot? I mean that's kind of what I heard. I just -- I don't want to put words in our mouth.

Thomas: I think that's -- that's a fair characterization.

Cavener: Okay. Great. Thank you. I appreciate that. Mr. Mayor, one additional question.

Simison: Councilman Cavener.

Cavener: Just a follow up. I think the -- the ACHD staff report has Overland listed as -- as better than E. There is a lot of room for improvement along on Overland to get us better than E, but the next place that I think we are headed to is F. So, help me understand how your project helps to contribute to relieving traffic congestions on an already overtaxed thoroughfare.

Thomas: Oh, I'm not sure we do relieve it. Obviously, we will be adding traffic with adding 154 units, but I think what's important to note is that Overland is slated to be turned into seven lanes and so I think over time ITD will solve the issue of -- of elevating that to a -- a level D, hopefully a level C.

Cavener: Yeah.

Thomas: At the same time that's not -- right now I don't think that's in the five year plan.

Cavener: Okay. Thank you. I appreciate it.

Thomas: Thank you.

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

Thomas: Thank you, Mr. Mayor.

Simison: Mr. Clerk, who do we have signed up?

Johnson: Mr. Mayor, first is Mike Blowers.

Simison: Good evening.

Blowers: Good evening. My name is Mike Blowers. I'm at -- sorry. I got cold sitting down. 1325 Rolling Hill Drive. I'm -- most of the points have been hit on very well, so there is a couple of clarifications I just want to make. There is actually three -- three properties required to do this collector street. There is one north of the property that sat available for purchase for about 150,000 dollars for 40 days. Homeowner just bought it. They plan on building on it. The reason why I think that's important -- I have family in Movado Subdivision and there has been numerous talks about a stoplight to gain access and I know you don't want to hear about traffic, but you just went through a presentation that showed all the growth and if it -- if there is one location you need to talk about a traffic light, it would be here and if you recall from the -- what are the apartments behind us? Topgolf Apartments. Part of that was no future developments on the road would be made until the homes were annexed and purchased by the city or a developer and they dead-ended that road. One of the things I wanted to focus on is the integration part. It talks a lot about this as if it's on an island, but it's effectively connecting itself to those apartments. There is 500 apartments right next to our houses. They are dead ended. They will undoubtedly be walking and driving and parking along this road and going to the amenities up at Topgolf. We have no streetlights. We have no sidewalks. I believe this talks about doing that for this specific section of property, but we got random people walking around on the street at night. We don't know if they are in the neighborhood or not. At what point does that become, you know, an important topic to -- to talk about? And, then, again, going back to this traffic portion, it is already rolling the dice if you wanted -- want to get east out of this property. So, for those future apartment people, the nearest grocery store is east of this property. The nearest gas station is east of this property. You are rolling the dice, coming out of here sharing an exit with 300 apartments directly across the street and, then, 450 homes, which are Movado, which are also south of there. So, I don't know at what point that actually does become an issue, but we feel like the integration portion hasn't been done with our houses. Thank you.

Simison: Thank you. Council, any questions?

Johnson: Mr. Mayor, next is Amy Waddles.

Waddles: My name is Amy Waddles. My address is 1360 Rolling Hill Drive. My comments today really are more of a history lesson. As residents on Rolling Hill we are all in awe that we are even at this point, because the city has already ruled there would be no improvements on our road. That was with the Topgolf development that came out of that and so the fact that this application was even entertained with all of these improvements coming up Rolling Hill is a contradiction. It feels like it anyway. And it feels like the residents -- any -- any concerns that were shared and we were -- we were

validated for that, but, then, here we are again. Well, okay, but this time we are going to try it this way. Comments from City Council in the past were the -- that maybe you guys got it wrong. Development started back on the Interstate and the idea should have been to start on Overland and build back, but that's not what happened and my understanding at the last City Council hearing was the next development would come forward towards Overland to eliminate all of these issues, to eliminate the traffic issues, as far as -- you know, we are dealing with the consequences of the -- of the developments and our solution with Topgolf was to close our road off and that's worked well. I mean they can exist there, they can have their traffic and we can continue to live where we are. The problem with this development is it impacts every aspect of our lives. We have got horses. We have got neighbors with horse trailers. You know, I have pigs and goats. We are adding this traffic on to a rural road trying to access Overland that now will only allow right-in or right-out, it just feels so ill-conceived and, truthfully, it's just frustrating that, you know, we have to keep coming back and repeating and having these history lessons of what previous decisions have been. You know, decisions have been made, I -- I -- I would hope that you guys would honor those decisions and -- and reject this proposal.

Simison: Council, any questions?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: As one of the newest Council Members I appreciate some of the history there, but could you just take a minute and tell me -- I didn't quite track what you meant by when Topgolf came in there were certain agreements made or -- I don't know if promises is the right word, but can you just clarify a little bit more what you meant by that?

Waddles: What I meant by that is the whole development went back there on the interstate and they proposed to use Rolling Hill Drive as one of the exits. ACHD I believe it was did not approve that access, so that shut that down.

Taylor: There is no access on Rolling Hill Road right now.

Waddles: From Topgolf. We can only access Rolling Hill. So, that's how that piece happened. When he was showing the pictures of the four story apartments and all of that, that's back on the interstate and I would like to add that none of the neighbors were aware that that hearing had happened and that four story kind of got -- truthfully it feels like it got snuck by us, because we weren't there to -- to object. There is no other four story apartments in that whole area and the examples of the hotel and the businesses, those are far over on the Eagle Road end.

Taylor: Thank you.

Waddles: If I could add, too, we have irrigation and we have wells that run down Rolling Hill Drive. So, with that Topgolf development one of the impacts that happened is one resident completely lost her irrigation. Fortunately, BVA was willing to work with her. It was -- it took quite a long time for her to get water. I don't even know if her irrigation continues to work. We have got wells there. We have got all kinds of things that as we are talking about, you know, these improvements, you are impacting a lot of areas.

Simison: Okay. Thank you. We are good.

Waddles: Okay. Sorry.

Simison: Thank you.

Johnson: Mr. Mayor, Alicia Eastman.

Eastman: I'm Alicia Eastman and I live at 1485 Rolling Hill Drive. I am Lot 3 over and my property is -- borders the -- the ditch. So, this is going to be directly across from me. I don't feel like it's integrated at all to have a four story building directly across the street. The street's not very wide. There is no curbs, gutters. It was in a Planning and Zoning and a City Council meeting in December of -- I think '22 that we were told that there was not going to be any improvements to the streets until all our houses were gone and so for me if you do any improvement to the street you are going to take out my well and -- and my neighbors, too, along the other side on the circle. So, if you are taking out our wells who is going to drill it, because even one neighbor over on Overland had to annex recently to the City of Meridian because his well went dry and he couldn't get anybody to drill it. They said that they were backed up for three years. So, that he ended up annexing. So, who is going to drill my well? Are you going to move it? And -- or why would I annex to the city if my house is going to be gone? And, then, my other -- my neighbors also brought up the same issues that I have. You know, there is no lights. There is -- it's a dark street. You are going to add housing that's really not necessary. It's -- yes, there is all this housing at the end by Topgolf at the end of the -- right by the freeway and they use the Silverstone to go up and down and -- but those -- all those units aren't even populated yet and, then, we have the Silver Ridge Apartments right across on Overland and I'm telling you there is time after time everybody's trying to get into that center turn lane, like maybe 5:00 o'clock in the afternoon or early in the morning where there is traffic, there is people coming for three directions almost wrecking a lot. So, there is -- there is housing -- plenty of housing there right now and so it's when he -- he talked about not being the -- the right time. Okay. Maybe all the houses are going to be gone and there is going to be different things, but to have a four story building right across from me, that -- that's not integrated and, yes, there -- we still are a rural area on our street there, that area, and the Jewel Subdivision behind us also, you know, people still have cows and chickens and pigs and horses and goats and 36 years ago I bought that property, because it was rural and I bought it from -- we bought it from my in-laws and so I have been in that house, you know, with family since 1973 and I'm not quite ready to leave yet. Eventually, yes, we are going to have to -- we have been told that that's all going to change. I'm for progress. I'm -- we are not ready to go

yet and this is not the time to do it. The project just doesn't seem -- seem right right now. Thank you.

Simison: Okay. Council, any questions? Okay. Thank you. You are good.

Johnson: That was everyone that signed up in advance.

Simison: Okay. Is there anybody else who would like to provide testimony on this item? At this time if you would let just, please, come forward and if you -- there is others that want to speak come sit up in the front row and if there is anybody online, please, use the raise your hand feature.

Chase: Michael Chase. I'm at 4077 East Silver King Lane, Meridian. I haven't heard the applicant talk about the impact on traffic and that's one of the things I'm concerned with. Last night just going off of -- there was a serious accident right out there between Silverstone and Movado Way. We are trying to get out of Movado and we can't. It is -- you can't take a left, you can't take a right, the traffic is just unacceptable. It's not -- it's not safe and I'm concerned that adding this project is only going to make it even more difficult and unsafe for us to get out of our neighborhoods. I have a little report here of the -- of the accidents that have occurred in our area and I think this was 2020 and since, then, you can imagine all the projects that have come on the Overland stretch and how dangerous and how much impact that it has had on Overland itself. I can give you this if you would like.

Simison: If you would like to give it to the clerk.

Chase: Thank you for your time.

Simison: Thank you. Council, any questions?

Chase: Thank you.

Simison: Thank you. Good evening.

Maiocca: Good evening. Chris Maiocca. 4160 East View Circle, Meridian, Idaho. Mr. Mayor and Council, thank you. We live right across the street from the proposed apartments. I have been at all these meetings. We moved in seven years ago. I have been to probably five or six of these. Amy said last time -- BVA was going to build Topgolf, but they brought a humility and they brought a communication that -- that this builder isn't -- I think you heard it in his last statement. I have got four owners that want to get the most money possible for their -- for their properties and we are going to go, it's go time. We were at the last Planning and Zoning meeting and -- and Planning and Zoning was -- was like Council Strader, like why are you bringing this to us? This -- this -- this is -- this just doesn't seem right and even the -- even the plan had so many caveats. It doesn't seem to honor this in the code or this. So, we are just all really confused why this is before you right now, but we know it has to be and I do want to

reiterate that ACHD was clear that we have to -- and they always use the language we have to get these houses out of here, but these are our homes. Those are my kids. They grew up on that street. You know, my -- my son has 30 ducks and four African geese and chickens. So, it -- it -- I know it's transitioning, but I think what we are seeing tonight is just maybe the darker side of development. I -- I do think you are -- I do think you are seeing that and I -- and I appreciate it. I appreciate how the city Planning and Zoning over the last five years has really stood up for us. We have no power. We have no voice. We have no political influence. So, I thank you. I -- I hope you will do the right decision tonight. I think you will. Thank you very much.

Simison: Thank you. Council, any questions? You are good.

R.Maiocca: Good evening. My name is Robin Maiocca. 4160 East View Circle. Thank you, Mayor and Council. I come to you as a mom of four kids. That's my husband who just spoke and two of my children are of driving age, so I'm going to be very redundant with the traffic and safety right now. I think it was just two days ago my son, turning out into Overland with that middle lane, almost had a head-on collision because of that -- because of the -- the tight traffic. The heavy traffic. And, then, also we -- we witnessed crashes and I -- these aren't just fender benders, these are cars being totaled between coming out of Rolling Hill and Overland to Eagle right there along Zamzows, there is accidents -- I can almost say every single week. My kitchen window faces out, so I get to see a view of Overland Street itself. It is a parking lot from about 3:00 to 6:00 p.m. So, many times I say this is so sad. My son has to go to baseball practice at Mountain View. He has to leave 20 minutes before. It's one mile away. Enough on traffic. The integration of this project is -- as a homeowner seems very disrespectful to us homeowners. What is being proposed is a four story apartment complex at the end of my driveway and, again, I have four children. I'm going to have windows of multiple people able to stare down into my yard. It just doesn't make sense. And like my husband said, I hope you make the right decision here, because we continuously come here and we do -- I feel disrespected as a homeowner. I feel like we don't have a choice and that's scary, because we -- we work here, we raise our kids here, we moved here for this reason. We love Meridian. But I feel like it's losing its heart for people like us and we are being pushed out. So, thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener. I think we are going to have a question for you.

Cavener: If Ms. Maiocca would answer maybe a quick question. I apologize you already got back to your seat and I have got a question for you.

Simison: You are good.

Cavener: Thank you, Mr. Mayor. Mrs. Maiocca, thanks for your testimony tonight. You touched on something that at least will maybe give me some -- some help and some clarification. Typically with annexation request we get a letter from West Ada that talks

about, you know, where a development will send its students. You touched on that it sounds like your son goes to Mountain View. You have got four kids. It's awesome that they are here and you are here. Would you mind letting Council know what schools are associated with where you live? It will help give me a good understanding about if this development was approved where it would send the students.

R.Maiocca: Yeah. No problem. Actually, my -- my son who goes to Mountain View for baseball is actually home schooled at this time and my other two children go to Cole Valley Christian. So, we are not in the city --

Cavener: West Ada.

R.Maiocca: -- school district.

Cavener: Okay. Not a problem. Well, great schools nevertheless. I appreciate your testimony here this evening. Thank you.

R.Maiocca: Thank you.

Simison: To -- to answer the question, Mr. Cavener, I think it's Pepper Ridge, Mountain View and Lewis and Clark in this area.

Cavener: Mr. Mayor, the West Ada site -- I couldn't tell if it was Centennial or Mountain View, so I appreciate your clarification.

Simison: So, it's Centennial. Okay. Mr. Clerk, who is next? Or did I -- sorry. No one. We are not there. Is there anybody else who would like to come provide testimony on this item? Then would the applicant like to come forward to close. The applicant's going to wait. We got one more.

Ellis: Good evening. David Ellis. 1395 and 1300 Rolling Hill Drive. I only got basically three points I want to bring up here. The collector road isn't going to happen. I don't know why it's still on there. If they wanted it to happen they would have bought the property, like one person already said. Where it goes -- basically headed south towards Overland that is owned by another developer, which he has zero plans on selling that. So, I don't see that ever happening. The other thing I haven't seen from this is a traffic study from ACHD. I know when all the apartments got built out back, if I remember correctly, it was like 5.96 trips per day per unit is what they anticipated for traffic. What is there, 140 something units here? So, times five. That's quite a bit of traffic just going out on Rolling Hill. Back to your previous one earlier, where is that traffic going to go? It's going to get backed up to somewhere, because it's not going to have anywhere to go. So, I think that's a problem. Second problem. You guys just brought it up with Centennial High School. Well, if that's a school that we go to and to get out on Overland is only right-in and right-out, how is that going to work going to school? So, you got to go clear to Eagle, clear down Eagle to get to school. It just seems a little out of the way. My other problem is the infrastructure on Overland. It is set to start in

2026. I'm not sure how long that project is supposed to take to turn into a seven lane road. So, we are going to add all of this into it, all these extra cars at that point in time when this construction is going on. That's all I have to say.

Simison: Council, any questions? The app is coming up, so -- unless if there is anyone else who wants to testify. Yeah. If you are online raise your hand. I think we are good. Okay.

Thomas: Mr. Mayor, Commissioners, just -- just a couple of brief comments to provide a little bit of clarity. With regards to that collector road, we didn't design that, we just aligned it to Movado Street on the south. So, I wanted to make that one clarification. With regards to the comments about the well, all of our improvements are going to be on the east side of the street, not on the west side of the street where that particular property is. So, I wanted to make that clarification. Kind of two things that have come out. The one is traffic. ITD and ACHD did not require that we do a traffic impact study and we met all the requirements for both of them and I think that's important to note. With regards to traffic, traffic's everywhere. I live in Star. It's the same thing. You know, took me almost 50 minutes to drive here and this used to be a 20 minute drive. So, I think that's just kind of the state of where traffic is at right now. I think ACHD and ITD are doing their best. They have a plan in place to address those issues, but with our current projected growth I'm not sure that ever really goes away. One thing that kind of struck me is listening to the testimony -- and this really comes down to two things. You have some homeowners who don't want anything to change and who don't want to move and you have some homeowners that do. Does that make them the dark side of development? Does that make them bad? Does that make this wrong? Does that make this development wrong? No, it doesn't. It's just they want to move, too. And so we are at a little bit of an imbalance I think and -- but notwithstanding that, just because you have these two groups that are kind of fundamentally opposed, we still have a project that meets the comp -- the comp plan. It meets code. It's in line with all of the development that's been approved by Council since 2016. This isn't an anomaly in this area. Maybe if it was the first, but it isn't. Those are all the comments I have and I will -- I will stand for any more questions if --

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I just want to know can you add any more clarity as to why that little enclave in the middle of your property -- what's the owner's objection to selling? I know you have probably approached them many many times. What -- why are they not --

Thomas: It's very, very, very expensive.

Taylor: For who?

Thomas: For a developer to purchase that land.

Taylor: So, what they are asking for is too -- a price that's too high to buy?

Thomas: Yes.

Taylor: So, they are willing to sell at the right price.

Thomas: Yes. But -- but at some point if -- if there is not a blank check to do a development, so when you -- when you go into a development -- I mean it's -- we -- we call it simple math in the office. It's going to cash flow. It can only cost you X and that's a significant piece of it. You can kind of dissect all of that and ultimately come down to what is a developer -- what can you pay for the dirt? And it's -- it -- it's capped. It has to be. Otherwise, you wouldn't be able to do a pencil -- or do a project that pencils. Again, though, I would like to restate, I do think at some point this will be a great phase to -- to our project though.

Simison: Council, additional questions for the applicant?

Thomas: Thank you, Mr. Mayor.

Simison: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Before we get into any deliberations maybe just a quick question for staff about our options for decisions on this application this evening. Mr. Mayor, maybe our planning staff can confirm. We can either agree with Planning and Zoning Commission's recommendation of denial. We could continue it to a later point in time to allow staff to draft conditions of approval. Or I guess if we felt necessary we could remand this back to Planning and Zoning Commission. Is that -- is that my -- am I correct in understanding those are the three options that are presented to us this evening?

Parsons: Mayor, Members of the Council, close. So, yes, you can -- I -- I'm not sure what a remand would do back to Planning and Zoning Commission, but that's certainly -- if that's your purview you can ask them to relook at this and see if it's -- if they can find some consistency with the comp plan. As far as overturning the -- you can stay with the Commission's recommendation and -- and deny the project certainly and you can also continue it. But staff already had the appropriate conditions of approval --

Cavener: Okay.

Parsons: -- in the staff report. So, there is really no need to continue it to bring back conditions. Again, the only difference is when Planning and Zoning Commission recommends a project we just strike out the conditions, so --

Cavener: Okay.

Parsons: -- in the staff report. So, they are there. They are -- they are in line, so --

Cavener: Great. Thank you, Mr. Parsons. I appreciate that clarification.

Parsons: You're welcome.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Always happy to get the party started, but I feel like I already said what I needed to say, so -- I haven't changed my opinion. I -- I just -- yeah, can't be in support of this project this evening. I love to support projects. That's just unfortunate. I will just add one another point, which is a concern that I have specifically is, you know, a lot of these -- it's -- it's kind of hard to explain, but it's like a lot of these county parcels kind of work together; right? They are more rural in nature. Some of the activities on them are more agricultural. I -- I do worry about -- I made a little bit of a joke about the Big City Greens cartoon. I worry about by surrounding a county enclave like this I feel like it -- it almost kind of forces that person to sell in a way. It just -- it creates a totally incompatible surrounding use to me. That -- that's part of my concern. So, yeah, I just -- I feel like there is not a -- there is not a good transition here and the county parcel in the middle of it I think is very disjointed and not in the best interest of the city. I also think, you know, our standards on our Comprehensive Plan guidance, which we do make exceptions to, but we have some guidance that is newer, but we don't like to see more than a one story height disparity with surrounding uses and here in this case it would be quite -- quite a high disparity. That gives me concern. Because this is an annexation I feel like the bar is higher and that's kind of just where I'm at.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Yeah. I -- I think I'm in -- generally the same place and, you know, I have got a lot of history with this area. Some of you know the -- the Farmstead -- before it was the Farmstead my -- my dad and I farmed that land and we farmed it because the Elks Hospital owned it and they were planning to build a hospital and a rec center. There was a whole bunch of plans. So, for 30 something years there has been a lot plans in that particular area. I will give Council a little bit of background flavor as well, which is, shoot, Mayor, can correct me, but at least ten years ago and multiple times since then our planning staff have approached the neighbors in that area to say would you like to do something more collectively? Would you like to come in and kind of do a plan together that could market? And the resounding answer time and time again was, no, we want to continue to maintain our rural life in this area and we hear this a lot at Council, people who didn't necessarily move to Meridian, but had Meridian move to

them and so I'm sympathetic both to the families who live there and the families that want to sell to move on. But this -- you know, we often try not to let perfect get no -- or be the enemy of the good and so often times we may approve an application that has a slight issue here or maybe a challenge there, but I think we have got a lot of issues with this particular project, without us even getting into the conversation about the transportation impact. So, I think that it's a -- it's a neat concept and likely would work really, really well in Meridian. It's -- I don't think it would work well in this particular area at this particular time. So, I'm -- I'm in favor of supporting the Planning and Zoning Commission's recommendation of denial.

Overton: Mr. Mayor?

Simison: Councilman Overton.

Overton: I feel like I'm going to be echoing all the comments that have already been said. I don't know that I would ever want to go and approve a parcel leaving a county parcel in the middle, just because of the outstanding chance that it doesn't sell to this developer, it sells to somebody else. That would -- that would be a mess that would forever be something that we had approved. At the same time can't help but think about a four story building being next to rural county and as was said multiple times, on roads -- all the county roads with no streetlights and no sidewalks and a lot more traffic being put onto those roads. The transportation out onto Overland Road is already heavy. We can't widen our way out of it. I think when we see this type of density we are just compiling it onto what's already there. It's already pretty much unsafe most times of the day to come out of Rolling Hill and try to make a left-hand turn. I think it would just be extremely more difficult and challenging with a development like this on the corner. I would stand in -- in favor of supporting the P&Z decision.

Little Roberts: Mr. Mayor?

Simison: Council Woman Little Roberts.

Little Roberts: Well, to -- to borrow Councilman Overton's quote, I'm also in echo. Just really, really struggling with -- we work so hard to help get rid of enclaves, it just doesn't make sense to me to support creating one that -- like to think it was going to be part of, but we just can't predict the future and we have also worked hard on making really great transitions with not more than one story. So, I'm not in support of this project.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It feels like we are -- we are getting to that point, unless someone else wants to make a comment, happy to -- or not happy to, but I will make a motion. Mr. Mayor, I move that we close the public hearing on this item.

Little Roberts: Second.

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

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant and public testimony, I move to deny File No. H-2023-0070 and uphold Planning and Zoning's decision of denial as presented in today's hearing date for the following reasons. We do not believe that this development is in the best interest of the City of Meridian at this time. In addition, the existence of the county enclave in the center of the development creates issues with cohesion in future development and also with transition. In addition to that, we have concerns about the roadway network and, finally, there is an inadequate transition with the surrounding single family residential properties.

Overton: Second.

Simison: Have a motion and a second. Is there -- is there a discussion? If not, Clerk will the roll.

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

Simison: All ayes. Motion carries and the Planning and Zoning Commission denial is agreed to.

MOTION CARRIED: ALL AYES.

Simison: With that, Council, the last public hearing on the agenda -- we are going to take a two minute recess and talk to the applicant.

(Recess: 10:15 p.m. to 10:21 p.m.)

6. Public Hearing for The Gateway at 10 Mile (H-2024-0010) by KM Engineering, LLP., located at NE corner of W. Franklin and N. Ten Mile Rd.

- A. Request: Conditional Use Permit for 390 multi-family units in the R-40 zoning district.

- B. Request: Preliminary Plat consisting of 31 buildable lots and 3 common lots on 38.99 acres of land zoned C-G and R-40.

Simison: All right. Council, we will go ahead and come on back from recess. Next item on the agenda -- do we -- Mr. Nary, do you want to open the public hearing then -- then continue it?

Nary: Yes.

Simison: Okay. So, we will open the public hearing for the Gateway at Ten Mile, H-2024-0010, and I will turn this over to Council Woman Strader for a motion.

Strader: Mr. Mayor, I move that we continue the public hearing on this item to November 19th.

Taylor: Second.

Simison: I have a motion and a second to continue this public hearing to November 19th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is continued.

MOTION CARRIED: ALL AYES.

ORDINANCES [Action Item]

7. **Ordinance No. 24-2065: An ordinance (Burnside Ridge Estates – H-2023-0055) annexing a parcel of land located in the west half of the northeast quarter and a portion of the southeast quarter of the northeast quarter and a portion of the northeast quarter of the northeast quarter and all of Lots 1, 2 and 3 of Basslin Ridge Estates as on file in Book 64 of Plats at Page 6469 in the Office of the Recorder of Ada County, Idaho, all located in Section 26, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described in Exhibit “A”; rezoning 123.28 acres of such real property from RUT (Rural Urban Transition) to R-2 (11.91 acres) (Low-Density Residential), R-4 (89.55 acres) (Medium Low-Density Residential), and R-8 (21.82 acres) (Medium-Density Residential) zoning districts; directing city staff to alter all applicable use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.**

Simison: Next up is Item 7, Ordinance No. 24-2065. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance annexing a parcel of land located in the west half of the northeast quarter and a portion of the southeast quarter of the northeast quarter and a portion of the northeast quarter of the northeast quarter and all of Lots 1, 2 and 3 of Basslin Ridge Estates as on file in Book 64 of Plats at Page 6469 in the Office of the Recorder of Ada County, Idaho, all located in Section 26, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described in Exhibit "A"; rezoning 123.28 acres of such real property from RUT to R-2, R-4 and R-8 zoning districts; directing city staff to alter all applicable use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.

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

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I move that we approve Ordinance No. 24-2065.

Overton: Second.

Simison: Motion and a second to approve Ordinance No. 24-2065. Is there any discussion? If not Clerk call the roll.

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

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

MOTION CARRIED: ALL AYES.

- 8. Ordinance No. 24-2064: An ordinance (Taylor Annexation – H-2023-0062) annexing Lot 3, Block 2 of Jewell Subdivision as shown in Book 34 of Plats at pages 2056 and 2057 records, Ada County, Idaho, and adjoining right of way, more particularly described in Exhibit "A"; rezoning 1.01 acres of such real property from the R1 (Estate Residential) to the R-2 (Low-Density Residential) zoning district; directing city staff to alter all applicable use and area maps as well as the official zoning maps and all official maps depicting the**

boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.

Simison: Next up is Ordinance No. 24-2064. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance annexing Lot 3, Block 2 of Jewell Subdivision as shown in Book 34 of Plats at pages 2056 and 2057 records, Ada County, Idaho, and adjoining right of way, more particularly described in Exhibit "A"; rezoning 1.01 acres of such real property from the R1 to R-2 zoning district; directing city staff to alter all applicable use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.

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

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: I move that we approve Ordinance No. 24-2064.

Little Roberts: Second.

Simison: Have a motion and a second to approve Ordinance No. 24-2064. Is there any discussion? If not, Clerk call the roll.

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

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

MOTION CARRIED: ALL AYES.

- 9. Ordinance No. 24-2066: An ordinance (Idaho State University – H-2024-0027) annexing a parcel of land being the south half of the southeast quarter of the northeast quarter and a portion of the northeast quarter of the southeast quarter of Section 18, Township 3**

North, Range 1 East, Boise Meridian, Ada County Idaho, more particularly described in Exhibit "A"; rezoning 23.25 acres of such real property from RUT (Rural Urban Transition) and R6 (Medium-Density Residential) zoning districts to the C-G (General Retail and Service Commercial) zoning district; directing city staff to alter all applicable use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.

Simison: Next up is Ordinance No. -- Item 9, which is Ordinance No. 24-2066. Ask the Clerk to read the ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance annexing a parcel of land being the south half of the southeast quarter of the northeast quarter and a portion of the northeast quarter of the southeast quarter of Section 18, Township 3 North, Range 1 East, Boise Meridian, Ada County Idaho, more particularly described in Exhibit "A"; rezoning 23.25 acres of such real property from RUT and R-6 zoning districts to the C-G zoning district; directing city staff to alter all applicable use and area maps as well as the official zoning maps and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Treasurer, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; repealing conflicting ordinances; and providing an effective date.

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

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Move we approve -- approve Ordinance No. 24-2066.

Overton: Second.

Simison: I have a motion and a second to approve Ordinance No. 24-2066. Is there any discussion? If not, Clerk call the roll.

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

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

MOTION CARRIED: ALL AYES.

FUTURE MEETING TOPICS

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

Strader: Mr. Mayor, I move that we adjourn the meeting.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 10:26 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ MAYOR ROBERT SIMISON	_____ / / DATE APPROVED
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ATTEST:

CHRIS JOHNSON - CITY CLERK