

A Meeting of the Meridian City Council was called to order at 6:04 p.m., Tuesday, December 22, 2020, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Treg Bernt, Brad Hoaglund and Liz Strader.

Members Absent: Joe Borton and Jessica Perreault.

Also present: Chris Johnson, Bill Nary, Bill Parsons, Sonya Allen, Joe Dodson, Alan Tiefenbach, Jeff Lavey, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call this meeting to order. For the record it is December 22nd, 2020, at 6:04 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

ADOPTION OF AGENDA

Simison: We are getting better at that all the time. Next up is the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Merry Christmas, by the way.

Simison: Merry Christmas to you.

Bernt: I move that we adopt the agenda as published.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Second the motion, Mr. Mayor.

Simison: I have a motion and a second to adopt the agenda as published. All those in favor signify by saying aye. Opposed nay. The ayes have it and the -- the agenda is adopted.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Next item is our public forum. We do have someone who has signed up on this item and so I will turn this over to Mr. Ryan Head.

Johnson: That's correct, Mr. Mayor.

Simison: Mr. Head, you are recognized for three minutes. You have unmuted. If you want to --

Head: Hello. Sorry. It -- it kicked me out and, then, I was just -- I didn't hear the introduction, so -- Mr. Mayor and Council Members, I'm Ryan Head. I am the planning manager at ACHD. A new planning manager there, replacing Justin Lucas, who decided he had bigger and better things to do. Now he's my boss again. But that's okay. I just wanted -- I had the pleasure of serving as liaison to the city in the past and just -- I know our Mayor -- the Mayor and Council President met with our director this week and our director just asked me to come on and introduce myself. I also wanted to introduce -- you have probably met Kristy Inselman, who will be serving as the official liaison from ACHD to the City of Meridian. She has a lot of expertise from a number of different areas and will serve you well. But I just wanted to come on and introduce myself and let you know that we are here to serve you.

Bernt: Mr. Mayor?

Simison: Thank you, Ryan. Councilman Bernt.

Bernt: I know that we are not supposed to ask questions, but I'm confused about your role. So, Kristy is the liaison and what are you?

Head: I am the planning manager at ACHD. So, Kristy works for me. I oversee our liaison program --

Bernt: Got it.

Head: -- as well as all of our plans, so --

Inselman: I'm a senior transportation planner with ACHD and I also work on the five year work plan, so I can -- I can help in this role during the public hearing process and I would also be your contact for that program as well.

Bernt: Awesome.

Simison: Thank you very much. Appreciate the introduction, faces to names, and look forward to hearing your voices at a minimum on projects real soon, so --

Head: Perfect. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, one -- I know -- I know this is sort of a -- not typical to make an announcement during the public forum by a Council Member, but I just wanted to take a quick second and wish a dedicated citizen of our -- of our city Christine Borton a happy 80th birthday today, so -- I doubt she is listening right now, because they are having a huge party as we speak. Hopefully she goes back to the minutes and is able to watch, but, Christine -- Mrs. -- Mrs. Borton, Merry -- Merry Christmas to you. Happy Birthday. 80th birthday. And thank you for your family -- for Council Member Borton and Big Jim and Little Jim, so Merry Christmas and happy birthday.

Simison: Thank you, Councilman Bernt. And by huge bash we mean socially acceptable and appropriate size, using appropriate safety measures to slow the spread of COVID in our community.

Bernt: I didn't -- I didn't mean that.

Simison: That's --

Bernt: Maybe I did.

Simison: Okay.

Bernt: Whatever.

PROCLAMATIONS [Action Item]

1. Rocky Mountain High School Football: 2020 5A State Champions

Simison: Next item is a proclamation honoring the Rocky Mountain High School Football 2020 5A state champions. We are going to do this down at the podium and ask Coach Chris Culig and his two members of the team to come up and join me, please. Just want to say thank you for your accommodations and in helping us still take time to honor the

achievements of our youth. We know this -- this year has been especially challenging for many people with the disruptions in the school and education system, as well as disruptions on and off the field with practices and games at all levels. So, the fact that we were able to successfully get through a full sports season this fall and have a continuing championship football team here in the City of Meridian is quite an honor. So, with that we are going to go ahead and do a proclamation to honor the Rocky Mountain team this year and, then, we will ask the coach to make some comments. But whereas being a Rocky Mountain football player is more than tackles, yardage, kickoffs and touchdowns and achieving the state title, it is training to build leadership, character, confidence, teamwork and resilience, all traits needed to succeed on the field, in the classroom, and in the real world and whereas the Rocky Mountain football team never backed down from familiar opponents and knocked off defending state champion Rigby to win it's second state title in three seasons and third in six years and whereas for the 2019-2020 season the Grizzly football team overcame many hurdles, but their hard work paid off as they took the 5-A state championship and whereas the capturing of the state title builds school spirit and allows these student athletes to walk the halls of Rocky Mountain with a little extra swagger and whereas the leadership, training, and discipline of the head coach and assistants to help team members focus their talents and passion to become a winning team, with each player making valuable contributions to their victory. Therefore, I, Mayor Robert E. Simison, here proclaim December 22nd, 2020, as Rocky Mountain High School football state champions day in the City of Meridian and call upon the community to join me in congratulating the Grizzlies on their remarkable athletic achievement and for representing Meridian so proudly in the state tournament, dated this 22nd day of December 2020. We also -- there is two proclamations here. There is also a second one which includes all the names of the players and the coaches and that one will be included in the record. So, if any of them ever want to come and find their name on the -- at least it's recognized here. I don't know where else you can get it outside of the yearbook. On the trophy. They can also find it here if they ever really need to do that from that standpoint. So, with that I just want to say thank you and, coach, we would love to have any comments you would have.

Culig: Well, first of all, thank you very much. It was really a special season. You know, it takes a lot of people -- it takes great players like we have here -- Ty Tanner, Jordan Erickson. It takes our whole group of administrators and teachers and parents -- in order to have a successful program and win a state championship you basically need to have all those pieces and, obviously, having the support of the city and recognizing all the hard work, especially with a year like we had, is pretty special. So, thanks and we appreciate it.

ACTION ITEMS

- 2. Public Hearing Continued from November 24, 2020 for Horse Meadows Subdivision (H-2020-0060) by Riley Planning Services, Located at 710 N. Black Cat Rd.**

- A. Request: Rezone of 4.71 acres of land from the R-4 zoning district (Medium Low Density Residential) to the R-8 zoning district (Medium-Density Residential); and,
- B. Request: Preliminary Plat consisting of 26 single-family residential lots and 5 common lots on 4.71 acres of land in the proposed R-8 zoning district.

Simison: Next item on the agenda under Action Items is a public hearing continued from November 24th, 2020, for Horse Meadows Subdivision, H-2020-0060. We will continue this public hearing and turn this over to Mr. Dodson for any comments.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Before we start I -- I was absent the evening of November 24th. I was out of town. But I want it to be mentioned on the public record that I did go over the notes and I did watch the video, so I'm up to snuff of what happened that evening, so -- thank you.

Simison: Thank you.

Dodson: Thank you, Mr. Mayor and Councilman Bernt. I was going to ask that, if the Council Members that were not here were up to it or not and whether or not I should go over all of my notes again or just what happened afterwards.

Bernt: I think we are good.

Dodson: Okay. In that case -- so, this was continued from the November 24th hearing in order to work with ACHD on the proposed access. This was -- the plat shown to the Planning and Zoning Commission, which is the same -- which is slightly different than the one that was shown at the previous Council meeting. This was -- as you can see in the southern boundary there are a few differences along the bottom. Other than that, the applicant revised the plat for the eighth time and we spoke to ACHD regarding moving the access from here along -- about a hundred feet from Black Cat all the way to here, as far east as they could go, while still maintaining a buildable lot along the eastern boundary. The applicant sent this a couple weeks ago. ACHD actually amended their requirements -- their district policies to allow this revised plat and move the access further east in line with some of the concerns that Council presented. So, really, that's the only change. It's basically a mirror image. So, all of the other requirements -- or I should say recommended DA provisions that I had laid out last time and are shown in the outline still are applicable. It just is a mirror image. I did revise the lot numbers and so that if you need to make those as part of your motion, that they are included in that. Other than that I will stand for questions.

Simison: Thank you, Joe. Council, any questions for staff? I'm seeing headshake. Would the applicant like to make any comments regarding this item?

Constantikes: Mayor and Council Members, Penelope Constantikes. Post Office Box 405, Boise, Idaho. 83701. Thank you for seeing us again and I just have a few comments. I was very pleased to see that ACHD was willing to modify that staff report. So, that was a good event to have happen. There was some unexpected benefits of changing the plat that way. One of the items that P&Z felt was important was the number of lots along Black Cat Road. As a result of us flipping the plat, we now have even fewer lots along Black Cat Road than we did previously. So, that was an unexpected benefit and we have the same lot count. Buildable lots actually went up slightly. Open space increased slightly. Let's see. I did some research into -- I'm going to take that back. Excuse me. So, the easement modification is fully in -- in route now. All the neighbors have received copies and are under consideration for that. So, I would be happy to answer any questions you have about the revised plat. I know there was the road realignment and, then, there were -- I think there were a few other items that maybe some of the Council Members would want to bring up.

Simison: Council, any questions. Not seeing any questions.

Constantikes: Very good. Thank you.

Simison: 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 in the audience who would like to provide testimony or anybody online who would like to provide testimony please -- you can do that online by using the raise your hand feature at the bottom of the Zoom platform. Not seeing anybody wishing to come forward or raise their hand online, are there any last comments from the applicant? I see no -- Council, I will turn this over to you for any additional questions, comments, or motions.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we -- we close the public hearing.

Cavener: Second the motion.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve Item No. 2 on tonight's agenda, H-2020-0060.

Strader: Second.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. I had some concerns about this the last time around. I got to applaud the applicant and staff. ACHD. I know we got a new liaison. Working to make some changes on the road. I appreciate that. My concerns are really with -- I really feel like they were trying to jam too many units into too small of a footprint. These are tightly packed lots. It's not something I'm supportive of at the time.

Simison: Thank you.

Hoaglun: Mr. Mayor, I have a question for staff.

Simison: Go ahead, Councilman Hoaglun.

Hoaglun: Yeah. I just wanted to find out -- do we need to -- it looks like we should include the language regarding the DA provision 1-E be modified to bring all those easement holders into this DA and to relinquish the rights, et cetera, et cetera. That language that was included in that staff report. Is that right, Joe?

Dodson: Councilman Hoaglun, yes. Thank you for bringing that up. I was going to say that the motion should include -- under number five on the outline B, and, then, the -- striking condition 2-C and, then, including a new condition below. Those three changes. If you want to have them incorporated.

Simison: I guess I would ask the motion maker if that is something he would like or not?

Hoaglun: And Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. I can just speak to those for the maker of the motion benefit. You know, we wanted to include these easement holders into this to make sure everybody's tied

together to move this forward. We do need to strike that other approval 2-C, because it had some language to that and we are going to add the new language and we do want to have -- this was discussed at the other meeting -- that five foot wide micro path along the lot -- south side of Lot 20 to connect the sidewalk, so everything comes together in a way that works. So, nothing -- nothing too crazy here, but just kind of the -- the workman stuff that needs to be done.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I would like to remove my motion and have someone else make it, please.

Simison: Second agree?

Strader: Yes.

Simison: Okay. Councilman Hoaglun, could we turn to you for the full motion?

Hoaglun: Yes, Mr. Mayor. I move that we approve file number H-2020-0060 as presented in the staff report for the hearing date of December 22nd, 2020, and that also that the plan also includes these modifications, that DA provision number 1-E be modified to read as follows: A final plat application shall not be submitted until the applicant receives approval and provides documentation from all easement holders and the parcel numbers are in the -- in the document and in the staff report and to relinquish their rights to the existing access easement once the public road connection to Pine Avenue is constructed. Also that we strike condition of approval 2-C, since with the modified DA provision of 1-E above that takes care of that and that we also include a new condition of approval as follows: That they -- they construct a five foot wide micro path along the south side of Lot 20, Block 2, that connects to the sidewalk along the west side of North Traquair -- however we pronounce that street and to Black Cat Road. So, that's my motion, Mr. Mayor.

Simison: Do I have a second?

Strader: Mr. Mayor, I will second the motion.

Simison: I have a motion and a second. Is there any discussion on that rather lengthy motion that was very clear and concise and we appreciate it.

Strader: Mr. Mayor, one quick comment.

Simison: Council Woman Strader.

Strader: My apologies. I -- I didn't realize those were outside of the staff report, but I did want to comment that I think this isn't a big improvement on the -- on the situation. Yeah. I know we have been through now -- this is the eighth version. Appreciate the applicant's

efforts and patients working through the process. Also appreciate the concerns about the number of units going in. I really hope that this does end up being at a lower price point to help serve housing affordability, but I think in the future we may need to look at this area holistically, because we have a lot going on and so we do take those -- and at least definitely and my fellow Council I think also takes these traffic concerns to heart. And thank you to ACHD for listening and making changes.

Simison: Thank you. Council, any further questions or comments? Ask the clerk to call the roll.

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

Simison: Three ayes and one no. Motion passes and the item is agreed to. Thank you, very much, everyone, for their work on that and getting a much better option.

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

3. Public Hearing for Wadsworth Meridian Subdivision (H-2020-0104) by Wadsworth Development, Located at 3085 E. Ustick Rd.

- A. Request: Preliminary Plat consisting of five (5) commercial building lots in the C-G zoning district for ownership purposes.

Simison: Next item is Item 3, a public hearing for Wadsworth Meridian Subdivision, H-2020-0104. I will open this public hearing with staff comments and turn it over to Joe.

Dodson: Thank you, Mr. Mayor, Council. As noted this is for Wadsworth Meridian Subdivision, H-2020-0104. It is for a commercial preliminary plat. The site currently consists of 3.29 acres of land, currently zoned C-G, located at 3085 East Ustick, which is the southwest corner of Ustick and Eagle Road. It has C-G zoning in all directions as noted in the central map here, including commercial uses, except directly to its west, which is undeveloped. West and south. But there is an approved indoor rec facility, Villa Sport there. In 2019 there was a DA modification to remove this site, as well the Villa Sport site from an existing DA and enter into a new one. Also in 2019 -- I believe it was my first CZC -- was approved on this site for a parking lot and the relevant site improvements, including the landscaping. Then in this year we approved a CZC and design review for a new urgent care facility on one of the lots in this proposed subdivision. In Lot 4 specifically. The future land use designation on the site is mixed use regional, which wants us to look at well beyond the boundaries of just the site for proposed uses. The subject site as noted is on the very hard corner of Eagle and Ustick. The southwest corner. The surrounding areas provide a plethora of commercial uses that are used at a regional level. Again, to the west is the -- proposed to be a high end indoor gym, Villa Sport, and to the south is existing residential and some community serving commercial. Additionally, some vacant lots. As lots within this subdivision develop over time staff believes they will likely be a higher benefit to the users of the future Villa Sport and

residents to the southwest of this site. Staff is of the opinion that there is less need for these five relatively small commercial lots to serve a regional base than those sites to the north and east, the bigger commercial subdivisions. In addition, this project, in conjunction with the approved uses to the west, should satisfy the Comprehensive Plan and mixed use policies. The submitted preliminary plat proposes five commercial building lots that vary in size from .39 acres to 1.02 acres. The C-G zoning district does not have a minimum lot size requirement. All landscape buffers are previously approved with the existing CZC as noted. When future buildings are proposed on each building lot, staff will analyze each building for compliance with other dimensional standards of the C-G zoning district, including their proposed use. Access for this development will be via a shared driveway constructed with the Villa Sport improvements along Ustick, limited to a right-in, right-out access. This applicant will be required to construct this shared driveway if this development is constructed before the Villa Sport. That is in the existing development agreement. There are no public streets as part of this commercial development and there are, therefore, no public stub streets proposed. Instead there are private drive aisles as our standard for commercial developments. The applicant has an existing cross-access agreement with the adjacent commercial properties, but will be required to maintain the cross-access agreement across the proposed lots, so internal to the site, that are already existing in the CC&Rs. Off-street parking is required to be provided in accord with the standards listed in the UDC for nonresidential uses at the ratio of one for 500 square feet. If any restaurants are proposed, the parking ratio is one per 250. With the existing and approved CZC, 109 parking spaces were approved, but did not show any parking directly adjacent to the northern -- I apologize. The northern building lots along Ustick. The revised site plan provided by the applicant showed some changes to the parking lot that differ from the currently approved site plan and that CZC. One of these changes includes three additional trash enclosures, for a total of four, but now none are proposed within the center of the parking area. The new locations of the trash enclosures should help minimize any blind corners while traversing the site. In addition, the applicant is now showing a reconfiguration of some of the parking spaces and additional parking adjacent to the northern building lots. These changes show a net positive gain of 16 additional parking spaces. Again, as each pad site is developed the required number of spaces will be checked throughout the site and the applicant will be required to comply with code requirements as each building lot develops. As noted above, the parking for the whole site will be available for each building per the CC&Rs, which are already recorded. Because the overall parking plan has changed since the original CZC, the applicant will need to obtain approval of a new CZC outlining those changes. Basically just clean up the record. And they will have to do that prior to obtaining anymore building permits. The Planning and Zoning Commission recommended approval of this preliminary plat with very little, if at all, any discussion. Staff recommends approval as well and after that I will follow -- I'm here for questions.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Joe, just a quick question. You touched on this. I appreciated the narrative also in the staff report -- about the -- the change in the parking lot plan with the trash enclosures. Is that something that was initiated by the applicant or something suggested by staff?

Dodson: Councilman Cavener, that was initiated by staff to have them -- came up on our project review meeting and just -- some of the concerns with having two or three right in the central area and people trying to drive around that -- because they are always covered up with CMU walls and once it gets busy it's just -- it can be dangerous. So, we wanted to try to space them out and the applicant was willing to do that for multiple reasons, most of all being that if they are closer to the proposed buildings that helps the applicant find tenants, too. So, it was a win-win.

Cavener: Nice job. Thank you.

Dodson: You're welcome.

Simison: Council, any additional questions? Seeing none, I will turn this over to the applicant and recognize Tamara Thompson. If you could state your name and address for the record, please.

Thompson: Thank you, Mr. Mayor. Tamara Thompson. I'm with The Land Group at 462 East Shore Drive in Eagle and I'm hoping you guys can all hear me okay. Great. Thank you. If you would like, I can share my screen. I have just a couple slides. Joe did a great job walking you through the project and just a couple things -- just to clarify a few other things for you. Maybe just to give a little bit more context. All right. The vicinity map should be up on the screen and, again, we are on the southwest corner of Eagle and Ustick and I just wanted to give you just a little -- a little context just to show you how the preliminary plat fits in with the corner. Here is kind of an overlay, if you will, of -- of the corner and how the lots lay out there and, then, I have done one with colors. Sometimes it's hard on those black and whites to see exactly where the lot lines are. So, that will show you the five commercial lots. They do share parking, so there would be shared parking and a shared access, and that access is shared also with the sports facility next door. So, right now there is two access points onto Eagle Road. I'm sorry. Onto Ustick to the north. Both of those will be closed and we are having one combined shared access point and, then, eventually that will connect down to provide access to Eagle Road. So, just to give you that context there. And that we -- we have read the staff report. We agree with staff's analysis and the recommended conditions of approval and we respectfully request your approval tonight. Thank you very much.

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

Simison: Thank you. Mr. Clerk, do we have anyone signed up to testify on this item?

Johnson: Mr. Mayor, besides the applicant we had one additional. Brad Watson. And I brought him in to be able to speak.

Simison: Okay. If there is anybody else that would like to testify on the item that's online, please, indicate so by raising -- using the raise your hand feature at the bottom of the Zoom and if there is anyone here after this person -- Mr. Watson, you are recognized for three minutes.

Watson: Thank you. I'm with the owner of the property and I just joined the meeting. I, obviously, signed up in the wrong category, but Tamara did an awesome job and represented us well and I don't have anything more to say.

Simison: Thank you very much. Council, any questions for Mr. Watson? And, Mr. Watson, if you could, just for the record just give us your address so we have it.

Watson: Yes. 166 East 14000 South, Suite 210, Draper, D-r-a-p-e-r, Utah. 84020.

Simison: Thank you. Seeing no one else who has signed up to testify or coming forward to do so, would the applicant like to make any final comments?

Thompson: Mr. Mayor, Tamara Thompson again. No final comments. Thank you.

Simison: Council, what's your pleasure?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: No one else wants to comment, I move that we close the public hearing on No. 3, Item H-2020-0104.

Hoaglund: I will second the motion, Mr. Mayor.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Tamara did a great job with the report and appreciate Tamara being here virtually. Again, not a lot of discussion on the Planning and Zoning Commission. This seems pretty cut and dry. So, with that I move approval of item H-2020-0104, the preliminary plat. I don't think there is any other revisions within that. So, I would move that we approve it as presented.

Hoaglun: Mr. Mayor, second the motion.

Simison: I have a motion and a second to approve the item. Is there any discussion on the motion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Thank you very much. Joe, appreciate you being here. Merry Christmas. And you, too, Tamara.

Dodson: Merry Christmas. Thank you guys. I will be here for a few more minutes to help this applicant get going and, then, I will merry my way out.

4. Public Hearing for Oakwind Estates Subdivision (H-2020-0093) by Engineering Solutions, Located at 5685 N. Black Cat Rd.

- A. Request: Preliminary Plat for 94 single family lots, 92 townhome lots, 26 common lots and 3 common driveway lots on 24.54 acres.
- B. Request: A Modification to the Existing Development Agreement (Inst. #114030972) to allow townhomes and patio homes whereas the existing development agreement allows self-storage and multi-family.

Simison: Okay. Next item is a public hearing for Oakwind Estates Subdivision, H-2020-0093. We will open this public hearing was staff comments.

Johnson: Mr. Mayor, my apologies. Alan is entering the meeting now. I didn't put him over fast enough.

Simison: No problem. Well, Alan, you are ready to go as soon as you get situated.

Tiefenbach: Sorry, Mr. Mayor, I didn't have the -- I was just given the ability to share and to -- so give me just one second, sir.

Simison: Okay.

Tiefenbach: All right. Let's see here. Can you see that?

Simison: Yes.

Tiefenbach: Okay. All right. Greetings, Mr. Mayor, Members of the Council. This is a preliminary plat and a development agreement modification. This site consists of just a little bit short of 25 acres, zoned R-15, located at the northeast corner of North McDermott Road and West McMillan Road. If you know the area -- hopefully you can see my pointer. This is the Gem Innovation School, which recently got a conditional use. To the east is single family residence, as well as to the west and to the south. A little history on this property. Oh. And here is the ACHD preliminary lines map. The property is outlined in blue. What you see in red are the subdivisions that are building out or are approved and what you see in yellow are projects that are still in the hearing stage -- active hearing applications. So, kind of a long history on this one. In 2008 the subject property received annexation approval for a large master plan residential development. That was called The Oak Creek. In 2013 the subject property was rezoned to R-15 as a portion of the Oaks North Subdivision. This was a huge subdivision. The subject property was approved for multi-family and self storage uses. So, to the north was multi-family and to the south was self storage. The development agreement was amended to allow this. In 2018 the multi-family portion of the project was proposed to be rezoned to R-8 and this was to develop single family residential. This included another amendment to the DA. It went to the Planning Commission, but it didn't go to Council. The preliminary -- the plat was never finalized. So, it reverts back to the original Oaks North plat, which, again, allows only multi-family and self storage on this area. The -- this proposal is for 94 single family residential lots and 92 townhouse lots, three common driveways and 26 common lots. So, on the north is what you see are the 94 single family lots. To the south you see here those are the townhouses. So, again, as I have listed, there have been several rezonings and development agreements relating to this property. This preliminary plat would include a new development agreement to allow single family and townhouse uses, instead of the multi-family and the self storage. Again, like I said, 92 townhouses, 94 single family. The proposed street network stubs two streets to the east. One is Cherrybrook -- this is Cherrybrook, which you can see here. The other is Daphne, which you can see here. This is Trident, which is an existing street, and it connects to McMillan through the Elks -- or through The Oaks Subdivision. This proposal would not provide direct access to an arterial, nor would it increase the number of access points to nearby collectors. There is several internal roads, as you can see, and the townhouses are actually alley loaded and they are set up along the MEWS, which are these little parks and these pathways as you can see here. ACHD's commented that Marysville Street and Palustris Avenue, which are these two streets here, were very long and they needed to have traffic calming. I'm sure the applicant is going to talk a little bit about that. They have done that. I want to make a point of clarification. The staff report mentioned that the applicant would be required to conserve -- to construct curb and gutter along McMillan. However, it's been later clarified that it is known as an arterial and the curb and gutter were not required. Finally, I want to note that the unified development code stated that residential development along McDermott had to provide noise abatement by a wall or a berm or a combination of that. This was recommended as a condition of approval at the November 5th Planning Commission hearing. The applicant has since updated the plans. You probably can't read it here, but it's called out here and if you look in the staff report I provided a section of that sound attenuation structure on those berms. This development proposes not just a little shy of 70 percent qualified open space. Move forward here.

Here is a picture of the central amenity. This includes several grassy areas larger than 50 by 100, pathways along all the landscape buffers and micro pathways and MEWs, as well as this one acre park. Again, pathways include a ten foot pathway along Dermott, a five foot pathway along McMillan, and numerous micro pathways. This outdoor park that you see here contains a playground, a firepit, outdoor kitchen and a shelter. Also the applicant has provided -- provided an updated parking plan. This is what you see here. So, the townhouses in particular -- each town house -- house has a two car garage and a driveway large enough for two cars. So, four cars for each townhouse. In addition to that, there is additional on-street parking as well. No, the on-street parking can't be counted as part of the parking requirements, but this parking plan is to demonstrate that there is sufficient parking here. The applicant has also provided building elevations at the originals -- with the original staff report and some of the earlier versions, the elevations that staff saw, we thought that there needed to be a few changes made. These were mostly to extending some roof lines and breaking up some of the roofs on the townhouses. The original roof lines were very very long. So, they have broken up these roof lines, so you don't see these long massive structures. So, this was heard by the Meridian Planning and Zoning Commission on November 5th. At the Planning Commission the Commissioners -- they recommended approval, but there were three things that they added. The first one is that they recommended that the development agreement be modified to include a limitation to no more than three units on a common drive. The applicant shows four units on a common drive and it's important to note that our -- that our Unified Development Code allows six. So, you can have three on each side of the common drive. So, again, the Planning Commission made a recommendation to only have three total. The second recommendation that the Planning Commission made was that they wanted to revise the plans to incorporate additional parking and the third was that they thought that there wasn't enough open space. I think that the -- the applicant is going to speak to this. Staff is okay with the -- with the proposal as it's presented. They are well in excess of what the code requires. So, I think that the -- the applicant is going to -- they are not agreeable to these conditions and I'm here to stand for any questions if you would like, Council.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I have a question for staff. If Mr. -- Deputy Chief Bongiorno is here or another fire department person.

Tiefenbach: I'm not aware of fire present, ma'am.

Simison: We do have Deputy Chief Bongiorno.

Bongiorno: I'm here.

Tiefenbach: Oh. Hi, Joe.

Strader: Hey. Thank you. So, my five minute fire spots -- I feel like a broken record. So, this was approved in 2008. It happened; right? Multi-family, too, maybe riskier than single family. But I'm looking at the map on the agency comments. It's outside of the five minutes, but it was in black and white on laserfiche. I couldn't tell how close to five minutes it was. Just give me a feel for how long -- how -- how far outside of the five minutes this might be if you could and, then, in your opinion, is this an improvement moving from multi-family to single family and townhomes from a safety perspective, if we were going to be stuck with multi-family instead?

Bongiorno: Mr. Mayor, Council Woman Strader, this project is outside -- the five minute response barrier in that map -- I can pull up the map and show it to you if you like. Ends right at Trident or right before Trident. The last time Ms. McKay and I had spoken, they were going to fire sprinkler everything in this development. So, I'm not sure if that's still being done, but that's the last discussion that we had. Let me -- do I have -- Mr. Clerk or Madam Clerk, do I have the ability to share this map?

Johnson: Mr. Mayor, Chief, you do, yes. Just share screen. Bottom of your screen.

Bongiorno: Oh, there it is right there. It's in green. Okay. Let me know what's up and I will --

Johnson: It's visible now.

Bongiorno: Okay. There we go. So, actually, the five minute response area kind of ends back there at Rustic Oak. So, that's what the map looks like at this time and, again, last time I talked with Ms. McKay they had talked about that whole section there in orange that was brought to you tonight, they were going to go ahead and fire sprinkler that. Again, if we ever get to station seven, station eight, however it plays out, that property is nearby and would definitely -- so, here is the school. This piece of property right here is the one that the city owns right now -- or the fire department owns. So, it's less than a mile away. It's right around the corner literally.

Strader: Thank you.

Simison: Council, any additional questions for staff? Okay. Invite the applicant to come forward, be recognized for 15 minutes.

McKay: Thank you, Mr. Mayor, Members of the City Council. I'm Becky McKay with Engineering Solutions. Business address 1029 North Rosario in Meridian. We are representing the applicant on the application that's before you. As staff indicated, this is approximately 24 and a half acres, located there on the northeast corner of McDermott and McMillan Road. Initially when -- when I brought through the Oaks North and the Oaks South development in 2013, our original preliminary plat, this particular area was planned for apartments and mini storage. There was a condition within our development

agreement that stated that we would have at a minimum eight dwelling units per acre on this site. The reason being is at the time the staff and the Council wanted to see some diversity in the subdivision and they wanted us to provide some type of rental type component here. A lot has changed over the past seven years. ITD has changed their plan for McMillan to be an overpass over the new State Highway 16. Instead, State Highway 16 will go over the top of McMillan Road. Therefore, their initial plan for McDermott bypass kind of went by the wayside and I did receive in writing from ITD indicating that they would no longer need the right of way that we anticipated for the overpass, since it -- 16 will go over McMillan. The applicant on this particular project is BB Living. They are a division of Toll Brothers. They are a company that does townhomes and detached single family and they rent and manage them. They have on-site management for these facilities. So, when we took a look at -- at this site design there is -- where is my cursor? How come I always get lost. There I am. So, this is -- this is the area here. We just showed it. We didn't have any multi-family site plan. It was just designated for X number of dwelling units and, then, we had some mini storage here and the mini storage component was anticipated because we didn't want to put houses under an overpass. But, like I said, since that is no longer the plan, then, we kind of had to rethink this particular area. So, we came up with -- with a mixture of -- we have townhouses in the southern portion adjacent to McMillan, which is an arterial, and McDermott right there at the intersection, which is now downgraded to a collector roadway and, then, on the northern portion we would have single family dwellings. This kind of gives you a better -- a better view of the project. So, we have a collector that comes into the site called Trident Way. So, we are not proposing any new approaches to McDermott or to McMillan. Ada County Highway District reviewed the site plan and the type of units and indicated that we would generate less traffic than the initial plan for the apartments and the mini storage and, therefore, they did not require a updated traffic study. Also over the past seven years we have built the roundabout at Rustic Oak Way, which is the primary continuous collector into Oaks North and Oaks South. It goes clear -- it will go eventually to the north and it already is stubbed to the south next to Five Mile Creek. One of the things that we wanted to do is, obviously, create a nice appeal as the -- as you enter into Trident. So, that's why we kind of have these units -- as you can see we have this -- this building, we have sets of fours, fives, sixes and, then, these are not all in a straight line, but they are kind of angled, so that it gives it a -- kind of a better esthetic feel as you come in if the buildings aren't all lined up. We have 35 feet of landscaping along McMillan Road. We will be widening that 17 feet from centerline with a five foot detached walk. We kept that intersection free of any dwellings. We have a pedestrian pathway that comes down and links in, so we can, obviously, create some type of landscape or some type of, you know, visual interest here at the intersection. We -- your pathway consultant had indicated that McDermott Road is planned for a ten foot multi-use pathway. So, we do have 35 feet of landscaping for the entryway corridor that McDermott is and, then, we have a ten foot multi-use pathway. Staff has indicated the UDC requires berming and, then, a sound wall and they have asked us to install that with the first phase and, then, install our landscape fencing and sidewalk along McMillan with the first phase and we have agreed to that. Up here we have the Creason Lateral, which we piped all the way through The Oaks project and we have a pathway that runs along the Creason. So, we will be linking into that with a micro path and, then, another pathway that goes out to

McDermott here. The charter school is proposed here right along our northern boundary. We have internal micro paths, as you can see, that lead up through to the internal pathway system within the Oaks North project. We have 1.7 -- or a 1.07 acre central amenity located here and, then, we have pathways that link down into the townhome area and, then, we have a MEW that runs between the buildings and, then, pathways that run both north and south. So, everyone has easy access.

Cavener: Mr. Mayor?

Simison: Yes, Mr. Cavener.

Cavener: Sorry, Becky. I don't mean to interrupt. I'm not sure -- what is a MEW?

McKay: A MEW is -- has to be under -- in your UDC a minimum of 20 feet wide. It's a landscaped grassed area with a five foot pathway and it is a common area that's in between either single family dwellings or townhomes. So, they sit on a common area. So, one of the things that -- that BB Living wanted to do was if -- if we have garages front loaded on our public streets -- and all of these streets are proposed as public, we wanted to have some alley load product that gives it a little bit of variety and -- and visual interest. Where, then, we can have -- instead of being garage oriented, they are on the alley here, which is a public alley, and, then, the front of the structures are on this Daphne Street that comes in. The sidewalks on Daphne are all detached with an eight foot landscaped strip. We have left a lot of landscape area here, so that we can put a monument, create a sense of place for this development, and, then, all of the -- of the sidewalk is detached along Daphne. On the internal public streets they are five foot attached and they are all 33 feet from back of curb to back of curb. This is kind of a blow up of the landscape plan. As you can see -- you can see what we have done here at the McDermott-McMillan intersection where we have significant landscaping and pedestrian pathways that link into the sidewalk. As we come up here you can see that we have our primary central amenity. We have playground equipment. We have an outdoor kitchen barbecue area. We have a seating area. We have a gathering place with a fireplace and, then, here you can see these micro paths that are coming up. We have end block buffers on all of our end blocks. Even though this is an R-15 zone, we are not using three foot sideyard setbacks. Our sideyard setbacks are five for all of the single family dwellings and, then, obviously, for the townhomes. Here is a blow up of that central amenity. You can see here is like a play structure. There is swings here. Then there is also another -- a third play equipment that's here. We have our outdoor kitchen. You can see it located here. Then we have this kind of little plaza area where we have seating, gas fireplace, and, then, here we have a picnic area. So this is kind of a blow up of that amenity. They have built these and other communities. You can kind of see it's all covered. Very inviting. Here is the kitchen area. It's not just a barbecuer stuck out with -- you know, in the middle of nowhere. It's a full, you know, kitchen area where people can be asleep, gather after COVID and barbecue and have -- have a few drinks or pop and -- and -- and get together and that's -- that's their theme. They -- they cater to -- to people that want smaller rental lots and here is another gathering area that we will be emulating. You can see they have the Adirondack chairs. They have the fireplace. They use planters and, like I said, a plaza

type concept that's very inviting. This is an elevation of those single family dwellings. During the -- the Planning and Zoning Commission and staff's review they had asked us to add some additional modulation to that front elevation, so we -- we did add an element over the garages. We have extended the roof lines, so that the two story don't have just a single plain in the front. There will be a mixture of single story and two stories in the detached units. Here is another example where we have gone in and placed in -- an architectural feature right over the garage to add that modulation articulation. There is a street scene, kind of shows you what the dwellings would look like. These are the townhomes. Each one of them has a two car garage. Each one is -- the minimum size of those garages are 20 by 20. Some of the garages are a little bit larger, like 20 and a half by 20, and, then, we will have two spaces in front of the garage. Your current UDC requires that we be able to park two cars in the garage and two on the driveway and we do meet those standards. One of the things that staff had asked us to do was to create some relief in this roof, that we wouldn't have any longer than 50 feet where we would change in elevation to just add some character to that roofline and break it up. This kind of gives you an end view. You can see the -- the doors, the different architectural features. A lot of articulation. Changing of materials to -- to create a nice exterior look, whether it's from the side, the front, or from the rear. This is -- they have their Craftsman style. They have different multiple styles, multiple color schemes, so they are not all identical. It's going to, obviously, be diversified in how it looks. So, it does not look like that one product was constructed throughout the whole development. Before BB Living gave me some of their -- their demographics and some examples of -- like the play equipment they have in other communities. The -- one of the things that they wanted me to, obviously, emphasize was the fact that -- oh, dang it. I'm sorry. They wanted me to emphasize that their average renter stays for approximately two years. The average age of their renter is approximately 39 years old, with a combined income of around 124,000. Typically each household is comprised of two adults, one child, and a half a pet and I'm not sure what the half a pet is. I only have whole pets. So, this -- they -- they don't allow any of the -- the renters to use the garages for storage. The cars must be parked in the garage. They have on-site management that's there 24/7. If they violate any of their rules they give them warnings. They make sure that these neighborhoods are well kept and, obviously, they are looking for people that want a smaller lot, want to rent, but want to be in an excellent larger community and that's what Oaks North is. Oops. So, one of the things that I wanted to -- to emphasize is this property is already zoned R-15. Our proposed density is 7.58. We are not asking for a rezone. It's already zoned for it. We are asking basically for less density than what is in the original development agreement and that is why we are asking for a DA modification. Also to take out that apartment component. In closing, we have 20 percent of open space and 16.75 percent qualified open space. So, we will exceed the ten percent and we have significant parking. As Alan indicated, we have 60 spaces for guests. Can I answer any questions you may have?

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Quick question, Becky. If you could just confirm that you are okay with a requirement to sprinkler the whole subdivision, as the deputy chief alluded to.

McKay: Mr. Mayor, Council Woman Strader, yes. In our -- in our pre-application meetings with Mr. Bongiorno we did agree that all units, including the townhomes and single family, would be sprinkled.

Strader: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, Becky, can you address the request from the Commission to limit no more than three units on a common drive and kind of point out where those are and how many units?

McKay: Yes. Mr. Mayor, Councilman Hoaglund, we have only three common drives. We have one up in the northwest corner where we have the detached single family dwellings. There are three. We have one common drive here where we have four townhomes. We have a common drive over here in the southeast corner where we have four townhomes. Your UDC allows us to have up to six. The Fire Department and Public Works did review our driveways. We did submit to Public Works a design of our -- how we would handle our utilities and they were in full agreement that having the four units was acceptable and as you can see our driveways fan out when they reach the road. So, it's not just a narrow 20 foot little corridor. So, we are asking that the Council allow us to have four units on these two common driveways.

Hoaglund: And -- thank you, Becky. Mr. Mayor, follow up?

Simison: Councilman Hoaglund.

Hoaglund: Thank you, Mr. Mayor. Becky, also why don't you talk about the -- incorporating additional parking and open space for the townhouses. I think that was another issue that was discussed.

McKay: Mr. Mayor, Councilman Hoaglund, at the Planning and Zoning Commission we had -- the staff recommended approval and we had no opposition to our project and they asked a handful of questions and, then, they closed the public hearing and after the public hearing was closed, then, they started debating the driveways and debating the -- the open space and I really don't think they had a good grasp of the magnitude of open space that we have within this project. I have 4.97 acres of total open space in this project, which is over 20 percent. I have six -- almost 17 percent qualified open space. So, I'm on your ordinance committee that has been working on the new open space requirements and even in this -- with the new ordinance up'ing the open space to 15 percent I still exceed the new ordinance. So, I really was absolutely baffled by the Planning and Zoning

Commission saying we don't think you have enough open space. Throughout the Oaks North we have I think 27 acres of open space. They will be able to use the clubhouse and pool and, then, we are also providing almost five acres of open space within this project. So, I was -- I didn't understand where they were going. I couldn't address it, because they closed the public hearing. It's -- it's -- it -- it kind of went sideways. One of those nights where -- Twilight Zone night. So, yeah, this -- this project -- you know, we want -- we have got it fit -- you know, with a great feel with the MEWs, with the ped paths, with the -- over an acre, you know, gathering places and in the landscaping. I mean I think we have got -- these guys have gone up beyond and, you know, they are -- they are going to landscape the heck out of this, because they want it to be a real component of The Oaks and not be just like the -- you know, an apartment component that was stuck in as an afterthought. This is integrated into that project. So, I ask the -- the Council to accept the open space that we have proposed, since it far exceeds your code.

Hoaglund: Thank you, Becky.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Becky, is my assumption correct, the whole neighborhood will be rentals, then; correct?

McKay: Yes, sir.

Cavener: So, Mr. Mayor a follow up.

Simison: Councilman Cavener.

Cavener: And I think, Becky, this is -- I think where the Planning and Zoning Commission was getting, which is -- what it appears to me is -- it was not intended on your part, but it appears to be an unintended kind of income equity issue in that your larger single family homes that are going to have a little bit more space for people to recreate and play and your guys's estimation is about 180 kids in this neighborhood, all in close proximity to the usable open space. Whereas those that are in the townhouse are the -- are far -- further away from it and so I think the direction the Planning and Zoning Commission was getting to -- and, frankly, I agree -- is not that you guys haven't went over and above with your open space, it is where it's located. I think that's a missed opportunity to provide more usable open space, particularly to the part of your neighbors that are going to need it the most.

McKay: Mr. Mayor, Councilman Cavener, one of the things that they -- that I think you need to kind of take into consideration is the families that rent will most likely be within the -- with the single family lots. We put the primary open space, along with the play equipment, right here at the entrance. We have pedestrian pathways that come straight up and we have the MEW and most of the townhome people are either singles or a lot of

them have no children. That's -- that's kind of, you know, the demographics that they -- that they have.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Becky, could you pull up the -- you showed us a slide that broke down the demo and maybe I misread it.

McKay: Yeah. I think what they -- they were talking overall in their product, so -- so, if you look at -- look at the townhomes -- the average -- the average lot size for the single family lot is 3,702 square feet. The average lot size for the townhomes is 2,481 square feet. Everyone that I know that lives in a townhome, they are either single or they have no children. They are empty nesters.

Cavener: Becky --

McKay: We find that people that have --

Simison: Councilman Cavener.

McKay: -- kids typically want the single family.

Cavener: Becky, with all due respect, I think that we see a lot of young families in all sorts of living situations and I -- I have not seen a townhouse complex in Meridian that does not have young kids, unless it's age restricted. So, that's just going to have to be a piece that we are going to have to agree to disagree on.

McKay: Jason Jarvis is with BB Living. He is the expert. They build these communities all over. So, I would like him to address that.

Jarvis: Jason Jarvis. BB Living. 4900 North Scottsdale Road, Scottsdale, Arizona. Thank you very much, Mayor and Council Member Cavener. Yeah, we are not saying that there will not be kids in there. What that demographic was supposed to be showing which is on the average throughout our communities, through all of our markets, and we are in five or six different markets right now. So, again, not -- not trying to state there wouldn't be any, but traditionally we see more -- you know, for -- for every two kids in a single family, then, we have a professional couple in a townhome. So, on the average -- and we do see some kids in there, but typically, since that is a smaller unit, I mean if you have got a lot of kids you are not going to rent -- typically they don't rent there long term. It's usually with a younger child and that's why we try to spend so much time -- like Becky stated -- on the pathways in the MEW to kind of put that centralized open space in the middle of the community where everybody had a pathway and availability to get there, as well as when you drive in with that sense of arrival, so that there was -- agree to disagree on whether you like it or not, but that was the thought process behind it.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Appreciate that. Not trying to jam you up. I think -- I think what we are saying is the same thing. You are putting a lot of people -- and, yeah, there is going to be young families, there are going to be kids that are there. Again, you are saying one for every unit. Haven't even talked about the dogs yet or the .5 pets. But that's where my concern comes from is you have got the smaller unit that is the furthest away from the usable open space. So, I think that was the point that the Planning and Zoning Commission was trying to make as well. Disappointing they didn't have an opportunity, Becky, I think for you to respond and provide that -- that context. We have been guilty of that as well as the Council. I'm just trying to wrap my head around why that location, again, and why not an opportunity for the folks that are going to be in a much smaller unit to have that equal access in a part of Meridian that we don't have as much of a park system right now as we would like to have.

Jarvis: And I just wanted to add one more thing. Being part of The Oaks, all of our residents do have access to all of the other amenities within the master plan as well.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Jason, I hadn't seen that in a staff report. I appreciate you saying that. I had a question about -- there is a lot of exhibits showing pools and I didn't see a pool here, so that -- that piece makes a little bit more context to me, but I'm -- I'm just trying to think about the mom or the dad that has a seven year old kid, they are going to feel much more comfortable with their seven year old kid walking to the greenspace or the playground that's down at the end of the street than is walking to, again, a beautiful complex that has great amenities, but maybe a mom or dad wouldn't feel comfortable letting their seven, eight, or nine year old go and do that and that's one of the things that makes Meridian so great is our open space. Places for families to congregate. And so I just -- I love your guys' work. Becky, you talked about the roundabout and we talked about sense of place. It's wonderful. I just feel on this particular element you guys missed the mark.

McKay: Yeah. Mr. Mayor, Councilman Cavener, I think, you know, here are -- this entrance was set with -- with the Oaks. So, the utilities and the street were set there. So, what -- what we tried to create was -- we would have our own sense of place with this significant landscaping here at our entrance and, then, since there is no -- there are no driveways here, no driveways at all on Daphne, so this is all detached walk. So, it is very pedestrian friendly and that's what all these micro paths lead to and so one of the things that we always work with with the staff is in a project they want me to centrally locate that open space. Don't -- you know, if -- I see a lot of projects where they will put it like -- you know, it's over in the low point of the -- of the project, because it serves storm drainage purposes.

Cavener: Sure.

McKay: Here that's not the case. We put it right smack in the middle. So, it is -- you know, the distance from the lots on the north and the lots on the south aren't that -- that significant and all of those micro paths from each -- the north quadrant and the south quadrant all lead to it and, then, the MEW -- I don't think the Commission really understood the MEW. I mean that creates open space, play areas where they can throw the Frisbee, chase the dog, all kinds of things. So, it's not like this is the only game in town and we have two pool facilities in Oaks North and South. We have got playgrounds that are spread throughout. We have multi use path -- ten foot pathways that go north, south, east, west. So, this is one of the most walkable, bike friendly neighborhoods in Meridian and this is a component of that and so I -- I would not -- as a planner I would not have stuck it down in the townhomes, because, then, the staff would have said, well, we want it centrally located so everybody can benefit from it.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Becky, I agree with staff. I go crazy when -- and you see this, because you are going to be at the public hearings where somebody else brings in -- and you're right, they put in the drainage pond and that's suddenly an amenity. I sniffed that out. That doesn't go very far. But to me if it is not a -- in place of, but in addition to and, honestly, I think you touched on the MEW as an ideal location. A MEW is great for, again, persons that is going to take their dog out to use the restroom. A MEW is not great for a nine or ten year old kid, including, you know, a recreation amenity -- again, one that you have gotten your plaza, moved over there -- to me -- I guess that's kind of what I -- when I knew that this type of a project was coming and the reputation they have, those are the type of things that I was expecting, because I think you guys strive to level up. So, to me it was not a case of one or the other, it's in addition to.

McKay: Mr. Mayor, Councilman Cavener, would it be more palatable to you for us to put some type of a play structure in the MEW? Jason?

Jarvis: Mayor, Councilman Cavener, thank you. What -- what we -- what we find and what I just kind of wanted to bring again on the central open space -- and this is kind of what we programmed, you know, in other markets just from our experience and what we have seen and what resident feedback we have got back. So, we do spend a lot of time with those MEWs. What we find is that, you know, the seven year or nine year old kid you are not going to go out and throw the ball right there, because it's really not the spot. But what they do do is they get on their bikes or their skateboards or their scooters and they go with mom and dad and they take a walk and they go up to the park and that's why we focus a lot more of that grassy area where little brother can go play on the -- on the playground and big brother and dad can throw the football or throw the baseball or kick the soccer ball around and, again, that's the -- that's the thought process behind it and why we put the focus there and what we find is we do get a lot of, you know, mom with

her stroller with those younger kids out walking the community and, then, you know, that's kind of the destination where they get out to play and then -- and, then, head back. So, again, just trying to explain our reasoning behind it and appreciate all your comments. They are very valid, but -- but just wanted to kind of let you know where our thoughts were on it.

Cavener: Thank you. Appreciate it.

Strader: Mr. Mayor?

McKay: Councilman Cavener, we -- we worked this site plan. We had -- I bet we had 20 variations trying to achieve the -- what their vision was going to be, what would comply with Meridian's UDC, what would comply with ACHD requirements and I think we are there. I mean if -- if -- if you are thinking that you want some -- you know, some little feature within -- or gathering place in the MEW, you know, then, I think -- I think Jason and his group are very willing to do that. Sorry.

Simison: Council Woman Strader, were you looking to speak?

Strader: Yeah. Yes. Thank you, Mr. Mayor. Yeah. I share some of the same concern. Like I'm looking -- and I guess for a single family resident in sort of the northern quadrant or part of the property there is micro path at least, if they are the farthest away in that last row, they are near Gem Innovation School and, then, there is a micro path leading them there and I guess what I'm struggling with is I don't see that kind of access to the green space from the folks that are -- I guess at the southern area along McMillan. Like I see the two micro paths leading from north in the townhomes toward the MEW, but I don't see a similar set of micro paths leading toward the MEW. So, I'm imagining someone on that sort of southern most row of townhomes has to walk all the way around to get to the green space. I think that -- that will be my -- part of my perception, is that maybe --

McKay: Mr. Mayor --

Strader: There is something that needs to be done -- excuse me. Sorry. Just give me one second and I will get out my second part of my question, which is -- I absolutely hate these shared common drives. I know what our code says. I hope we change it soon. I really -- it looks to me like we are really cramming them on there where we have four and I just want to get that out there. I like what you are doing. I think it's beautiful. But I think we need more paths to get to the green space for the townhomes and I think there are way too many townhomes sharing these common drives in the corners.

McKay: Mr. Mayor, Council Woman Strader, so it's kind of hard to see at this -- at this particular scale. So, you can see that there is a micro path here. We have another micro path here. Oh, crud. And, then, there is a micro path -- there -- this is the alleyway, then, we have another micro path that comes here, here, and, then, we have a pathway that comes here and another one here. So, there is a pathway that goes all the way through these blocks that leads up to the central amenity and, then, on the common drive issues,

you know, the -- the UDC allows us to have up to six. I think six is too many. I don't think there should be any more than four. In some instances it makes sense. Like, you know, in these corners we struggled here. Obviously, trying to make this work. It's hard when you have a 90 to put townhomes on a 90 degree curve here. So, it's kind of out of necessity that we have the common drives. But, obviously, you can see that it is the exception in this project and not -- similar to some of the other projects where you required redesign, because they had a whole bunch of common drives throughout their entire project. We just have -- we have three units up here in this northwest corner. We have about three and a half, because this lot -- this townhome here is technically on the public street and, then, the only area we have four is right here. I guess my recommendation, if the Council, you know, has heartburn with the common drives, then, we should change the UDC to -- to not allow it, but -- but we have worked with Fire, we have worked with Public Works, we have worked with Planning to integrate it into this project and, like I said, we -- we only have three. Did I answer your question?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think you tried -- I think you -- you gave it a good -- a good go. I guess I'm just not seeing where those micro paths are. How wide are they? How are they in comparison to the other ones that are clearly marked on the map and, then, I guess the second part of my -- I guess just thought processes is to your point, I think we are in the process of looking at our UDC. We should absolutely do that. But, you know, it's not just about the UDC, we are really looking for -- I think trying to level up and I think we are really holding all of our applicants to a higher standard these days, whether it's open space, et cetera. I think you are really -- you are hitting the high marks for the most part. I'm not liking those four especially. But, yeah, if you could just show us the -- the pathway you are talking about and how it compares that would be super.

McKay: Yeah. Right -- it's hard to see -- it's a five foot wide pathway here. There is five foot of landscaping on each side and, there is another five foot pathway here with five feet of landscaping on each side and, then, it links to these pathways that are here and -- I'm not sure if those are 15 or those are 20. Those may be 20. So, they show up a little bit -- and, then, we have -- we have some 15s and, then, we have some pathways that are 30. This pathway here is 30 feet wide, with a five foot -- it's a 30 foot wide lot with a five foot path. This one's 15 with a five foot path. And, then, this one up here opens up. It's 30 feet. So, we have these -- these common lots allowing for that pedestrian interconnectivity through -- from north to south and, then, from east to west. And, then, we have a pathway that also comes down and links into the detached walk along McMillan and the ten foot multi-use pathway that goes along McDermott. If someone follows the ten foot multi-use pathway over to the east, then, they will hook into the multi-use pathway -- there it is. So, we -- in The Oaks project -- Oaks North we have a ten foot pathway that goes all the way up and all the way here which, then, was connected with the adjoining project and lines up with the collector over here and the elementary school is located over at Bainbridge and Volterra and I designed the Volterra Subdivision also. Then the multi-

use pathway goes all the way to the south, hooks into the ten foot multi-use pathway along Five Mile Creek that we installed. So, this -- this is definitely one of your most walkable neighborhoods and we kept that in mind in our site planning for this corner, that we would accommodate that and also knowing that that is a charter school, so by incorporating our north path -- our north pathway -- oops. It goes up to the school and -- and -- and I agree with -- with Councilman Strader, setting the bar high -- with The Oaks project we set the bar high and I think what we have proposed here, is far -- is far better than what was initially within our development application of the apartments and the mini storage. This provides a better component that -- that is giving us diversity in a very large subdivision that had 365 acres.

Bernt: Mr. Mayor?

Simison: Councilman Bernt. Just -- just another quick comment. I don't know if it's any -- something that I would approve or disapprove of in -- with regard to this -- this application, but one of the things that I see in these -- these private drives is when people park on both sides of the road it really creates an issue and I have seen it personally when I have -- I have driven through similar communities and have received many complaints and e-mails in regard to this over the years and so what are the assurances that we are not going to have parking problems, especially in these smaller units in this -- in this community?

McKay: Mr. Mayor, Councilman Bernt, the common drives have to be striped and signed as no parking. Also BB Living sets the rules for the driveways. We are providing a 20 by 20 driveway -- 20 by 20 garage. As you can see how these fan out, there is also parking with -- this is your parallel parking standard. It's nine by 25 -- or 23. Excuse me. Nine -- we have calculated nine by 23. So, there is parking here for guests. There is also intermittent parking on the street. We also did a cross-section so that if -- if they have guests most of the residents -- they indicated to me at BB Living they have two cars and in most of their jurisdictions they average 2.5 to 2.8 parking spaces per unit and here in this townhome area we have 4.65 parking spaces per unit.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Becky, I'm loving the stats tonight. You are throwing stats like crazy. I love it. I love how you call pop pop, not soda, by the way. I heard that earlier. I don't know -- you are from Idaho like me, I guess.

McKay: I am. I'm a native.

Bernt: So, my -- we are not talking about like an urban area here. We are talking about suburbia --

McKay: Sure.

Bernt: -- where the garages are going to be stuffed full of stuff. I mean it's just reality. And so that's my -- that's my concern is that, you know --

McKay: I would like Jason to address that, because he and I had this conversation.

Bernt: It's a different story when we are more urban -- you know, we have more density, you know, we are downtown, we want to go up, less parking, because we want people to walk. We want to get people on their bikes, but this is not one of those locations and so I have a concern about where you are going to stuff all of these cars, because it's -- it's -- and it wouldn't be such a big deal, but this is dense.

Jarvis: Yeah. Very good. Mayor, Council Member Bernt, appreciate the comment. Yes. So, the parking -- one of the nuances with -- with being a rental community is -- is we don't build it and go away. We have to build it and manage it. So, we look into that quite extensively and as Becky had kind of stated, typically on these projects we are about 2.5 to 2.8 parking spaces per unit. So, a little bit -- so, two in the garage and, then, one guest spot -- a little bit less than that here. At that 4.6 we felt very very good about that amount of parking and one of the things that's specific --

Bernt: I don't mean to interrupt --

Jarvis: -- that's specific, because I want to answer your -- your garage question. So, in our lease agreements we -- we write in our lease agreements that the -- the tenant will agree that they have to park cars in their garage. It is not to be used for storage and we have enforcement contingencies in our leasing agreement to cover that, as well as -- as Becky had stated earlier, we have full-time leasing staff that's on site at all times that help enforce that, because it does become, you know, an issue as you have seen in these other communities. So, that's one of the ways that we handle it, because we want to make sure it's good for our residents as well and, then, she had touched base on the fire -- the no parking on the fire lane on those alleys to make sure that we are not in there. And just like another HOA, we monitor that as well with our on-site staff.

Bernt: Mr. Mayor, a follow up?

Simison: Councilman Bernt.

Bernt: Would you be willing to put in the DA that -- that you will be the -- the -- would you -- the property manager as the owner of -- of the properties in -- because that -- that brings assurance to me, because you have someone on site. You guys -- you guys are checking it out and I don't mean to be picking on you, I just know Meridian. I mean I know you're not from here, but I'm from here, I have lived here for a long, long time and Becky has looked at these things and has designed them multiple times. It's going to be an issue. I -- but with you -- I guess the difference maybe is that in most cases the owners or developers of the property aren't the ones normally who are looking over and on site. That makes a huge difference.

Jarvis: Correct. And that -- you know, Mayor and Council Member Bernt, yes, that -- that's exactly what we were trying to portray, because if we have a site where you come in and there is cars everywhere and there is nowhere to park, it turns people off --

Bernt: Right.

Jarvis: -- from wanting to sign a lease there. So, that is something that we are very conscious about and we wouldn't have a problem agreeing to that.

Cavener: Mr. Mayor?

Bernt: That's easy.

Simison: Councilman Cavener.

Cavener: Thank you Mr. Mayor. To kind of dovetail on that, Becky, I will put you on the spot -- or maybe Alan can look it up. Is Trident Way going to be listed as no parking or will there be on-street parking allowed on Trident Way?

McKay: Mr. Mayor, Councilman Cavener, Trident Way is a collector roadway. So, it is signed no parking.

Simison: Council, any further questions?

McKay: Mr. Mayor, Deb Nelson would like to --

Simison: Well, let's -- let's wait -- is she representing part of the team? Okay. So, not testifying on behalf of somebody else.

Nelson: Thank you, Mr. Mayor, Members of the Council. Not to take away from any of the great points that you heard from Becky and Jason -- excuse me. Deborah Nelson, 601 West Bannock Street in Boise. I just wanted to add one additional comment for your consideration when -- because there has been several questions about the Commission's additional recommendations involving open space and parking and the common drives and so as you, you know, digest all of the factual points and benefits that Becky and Jason have described about -- about the site design the way that they have proposed it and the way staff supported it and nobody opposed it, I also want you just to keep in mind the legal context that the application before you is not a rezone and so, Council Member Strader, I appreciate your comment that you guys are always trying to improve and really everything you have said is additive; right? You're looking to -- to -- to add preference of design features to -- to be additive. But in this context where we are not seeking a rezone, the standards that you apply are different and so this is already zoned for R-15 and if you look at the criteria in your code for a subdivision, you know, it's important to note exactly what you state in there for compliance with the code, that you need to confirm that the plat is consistent with the UDC and as a point of comparison, if you have got something -- for example, a conditional use permit, your -- your standards change and it says that

you can require more restrictive standards than those generally required in this title and so there is -- there is just a point of differentiation here where we are not seeking anything additional there. Now, we are -- we are asking you to modify the development agreement in a specific way and that is to reduce the density, so that we can get under that eight units per acre. If we were asking -- you know, oftentimes applicants are coming in and asking for a more intense development than is allowed in a development agreement. You are asking to increase density. Here they are seeking to decrease density and decrease intensity and so conditions of approval that are really targeted at further reduction of that intensity don't relate to the type of request we have got before you for the development agreement and so I -- again, this is just additional context for you to consider. I know Council Member Borton isn't here tonight, but he often will reflect when we have got an application before you where we are not seeking a rezone or a conditional use permit that the standards are different when you are looking at it this way. So, Becky and Jason have outlined the important site design constraints, you know, that we want you to take into account the substance as well, but wanted you to have that context.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I think we are well aware that -- of the situation. Deb, of the modification that you are asking for. I think we are well aware of what -- what's on here.

Nelson: Mr. Mayor, Council Member Bernt, wonderful. Any questions for me?

Bernt: No.

Nelson: Thank you.

Simison: Mr. Clerk, do we have anyone signed up to testify?

Johnson: Mr. Mayor, we do not.

Simison: Okay. Is there anybody else who would like to provide testimony on this application here or online? If you are online, please, use the raise your hand feature at the bottom of the Zoom platform. We will just give this a second. Okay. Seeing no one who has raised their hand or come forward to provide any testimony, would the applicant like to make any final comments?

McKay: Mr. Mayor, just -- Becky McKay. Engineering Solutions. 1029 North Rosario. I just want to make sure that the Council received my letter that I did provide to the city clerk where we did ask for the modifications as Deb Nelson indicated for item -- allowing us to have up to four units on -- on a common drive and, then, obviously, accepting the parking that we show within our project being at a total of 428 spaces on-street and off-street meets the UDC requirements -- exceeds the UDC requirements and that our open space and internal pathways are acceptable. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question for our clerk. Where is that letter located if -- I did not see it.

Johnson: Mr. Mayor, Councilman Cavener -- Becky, was that December -- December 17th?

McKay: Yes, sir.

Johnson: That is in the record of the project folder, the cc applicant's response to staff report.

Cavener: Oh, there it is. Thank you. I missed that. Thank you.

McKay: And I will stand for any -- any subsequent questions. We think we have got a great project. We are excited. We want to move forward and we would like the support of the Council to -- to allow us to -- to get going. Thank you.

Simison: Council, any further comments for the applicant?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I guess just a comment. I get to share my view. I think we understand the legal framework we are in. I -- I also look at the history here. You know, this -- this property has been in discussions in the city since 2008 in multiple forms and I think our expectations change over time and part of that's how we evolve and I guess I'm a little surprised that something like the difference of three units on a common drive versus four units on a common drive would be the thing that either of us would hang our hat on at the end of the day, but I guess I'm just -- I'm a little surprised that I'm not hearing a little more flexibility, that if there were some small changes, like the ones that I think were recommended by Planning and Zoning, that -- that that would be something that you guys couldn't work with. It just surprises me. You know, a lot of folks come before us and I rarely see -- not that it's not important, but I rarely see something of that magnitude that inflexible.

Jarvis: Mayor, Council Member Strader, thank you. Hey, we -- we hear you. We have tried -- we thought we came in with a great project, meeting above all of your other requirements, which is kind of why we felt like -- and not -- and coming down in density. So, we felt like we were -- we were going above and beyond where we could have started low, let you make comments and, then, come back with what we have proposed; right? So, I completely understand that. If -- if -- if it -- it's Christmas, we would all like to go home with an approval and I'm sure you guys would like to get out of here as well. If -- if

we kept the stipulation to the three on the motor court as a gift from us, we would extend that and be acceptable to that, because I know it's getting late and -- and, you know, we would all like to move on as well. So, if that -- if that would help Council as well, we would like to go ahead and throw that out there, because I -- we understand your point and we don't want to seem like we are -- we are being thick headed or unreasonable as well.

Strader: Happy Holidays to you, too.

Hoaglund: Well, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I think we will probably want to have some discussion without closing the public hearing and allow additional feedback if necessary. But one of the things that -- that surprised me when I came on Council and that concept of whole subdivisions being rentals and owned by a company, I was like what in the world and -- and we are all aware of people who have a few rentals and they can be problem issues in the neighborhood. So, I started researching these -- these types of facilities and whatnot. I was struck by the fact that because they are in it to -- there is a bottom line and there are investors and they look for a rate of return, that there is an expectation of certain things being done to maintain that value. So, that was the surprise to me that going, oh, maybe this isn't such a bad thing. You know, I prefer homeownership. I think that's the American way and in value. So, I'm not so -- so, anti to these types of things like I was the first time around and things like having the garages must be a place where you park. Councilman Bernt is correct, I mean those places fill up and -- and I even have room and still try to have to figure out, oh, I better clean this out. But -- so, having -- having people on site, having that part of the lease agreement -- yeah, there will be people who try to get around that, but at least there is something -- something there. I would also agree with Council Woman Strader. I'm not a fan of those -- those alley load units, but I also realize the trade-off for that is on Daphne, then, you don't have that nice flow and ability to park and a nice look and sidewalks without driveways. But, yeah, from -- from how it looks standpoint and you are driving down and we see all those vehicles down that thing, yeah, it's not very pretty. It's not pretty at all. But, you know, I recognize the trade-off on that. I appreciate the fact that they are willing to go to three. I think that's something we do need to tackle in our code on what we allow. Six just -- and I can understand if they make it wide enough they would have three on each side, but, wow, that's -- I think Councilman Cavener touched on that, the difficulty that -- that poses there. So, I do like the layout. The micro paths that are there. And thank you, Council Woman Strader, for pointing out that was hard to see. It looked like there was one. It is narrower, but it does allow that continuity to go through the units to the central plaza area. There is -- there is a lot of pros about this development and the detail that went into it. We have seen worse, but also at the same time whenever you are approving something that's really dense, it just -- it's -- it's dense and it just kind of gives you that feeling -- I -- I wish there was more space. I wish we could do this and that. But at the same time there is that factor of, okay, what's the price point, how does this allow people to get into a home, have a place that is nice and they enjoy in an area that's very nice and The Oaks is a nicely designed subdivision and it's a

very large one. So, yeah, that's just my -- my -- my stream of thought as this process unwound a little bit tonight and trying to figure out which way to go on this is there are just things that are good and not so great about it, but are they things that necessitate denial, but, then, where do you go from there in terms of how do you -- how do you fulfill the need of housing in our community that meets all needs. So, there are some tough things to hash out.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't know if it's possible for either Alan or our clerk to pull up the site layout that shows those pathways. As is -- as Becky was walking kind of through it -- again, I was struck by the -- the wide nice pathways where the single family homes are and, again, those tightly packed pathways are where the density is and you almost would want to do the inverse on that. Again, you have got all these people that are packed in, but maybe want to give them more space -- to Council Member Hoaglun. They just -- it made me feel a little bit -- almost kind of like -- like an airline, like we have got coach and we have got first class and the first class, they get all the cool amenities and all the space and all those in coach get packed in. I think there is always a really high threshold for denial, but I'm not sold on what's before us and Council Member Hoaglun hit the nail on the head, we deny this, you know, you come back with a higher density, you know, we don't always know what the future is going to hold and so the other piece that I think is really important I think for -- for the applicant and the public to hear is I take the recommendations from our Planning Commission with high regard. I think our P&Z Commission is firing on all cylinders and I get a little frustrated when our Planning and Zoning Commission makes some recommendations -- and I'm not going to say they were ignored, but they felt a little bit like they were ignored and, again, the applicant maybe feels like they had a better mousetrap and that's why they didn't adhere to any of those recommendations. I think it's important to note because our P&Z Commission -- at least right now is doing a really really great job, that when they bring forth recommendations I definitely listen. I was disappointed to not see any of that embraced in what came before us.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: If I might share my ah-ha moment with Council -- Councilman Cavener on the pathways. I, too, was wondering why on the south side they couldn't have the same 15 foot -- you know, just -- they are trying to squeeze another unit in there. But my ah-ha moment was it struck me that if -- with the Gem State Academy on that north side, you are going to have more kids filling that up from the south -- from the south going north, you are going to increase the number of students walking in that direction if they aren't going to the elementary school to the east. So, that was my thinking was, oh, okay, that makes sense, because you are going to add kids as you are going to the -- to the north

and, therefore, you better have wider paths, because you are going to have a lot of kids going in that direction. If that helps.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You know, I -- I think it is an improvement on -- on what this was previously approved to be in the sense that, you know, I don't think that multi-family and self storage is a better use of this property. But that being said, you know, things are evolving. I like in general the direction it's going. I -- personally I -- to get on board with it I really want a limitation to the three units on the common drive and I would like to see those pathways from the southern portion of the property with the townhomes where they are five feet wide, widened to at least, you know, what the ones in that top level are at. It doesn't have to be the 15 foot, but seven feet or ten feet -- something where a parent would feel comfortable watching their kid go down that pathway and I think -- I think we should support the Planning and Zoning Commission as well. I think that their recommendations didn't come out of nowhere. I think they were good recommendations and I -- and I want to support them there as well. You know, it's -- it's -- I understand what the letter of the UDC code says, but we are really heading to a higher standard here and I think these are small changes in the context of a massive development personally. So, I appreciated the overture on three per common drive. I think if we could widen these pathways slightly I can get on board.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I -- if Becky could answer that question -- I heard her -- heard Becky say that the farthest south pathways were ten feet wide, five feet on each side, but I would like her to clarify those -- the width of those pathways again. I didn't think they were five feet. I think that was the sidewalk. But I -- I may not have understood that correctly.

Simison: Well, while she's getting her stuff, I recall it being five feet, with five feet on either side of the pathway to -- for a total span of 15 feet on the southern most portion. In that area. But she's there. I will let her speak.

McKay: Mr. Mayor, so --

Johnson: That's on Alan's screen. That's why you are not able to move it.

McKay: Oh, that's Alan screen. Okay. I thought it was me.

Tiefenbach: Would you like me to unshare that, Council?

Cavener: Only if Becky needs --

McKay: Can I point? I guess I can't point if --

Tiefenbach: I have to -- I have to stop this screen if you want to do that.

McKay: Yes.

Tiefenbach: Yes?

McKay: Yes.

Johnson: I will have to go bring yours back up then. One moment.

Cavener: Can she draw on it?

McKay: I don't think so.

Johnson: It's possible, but cumbersome.

Simison: While we are waiting for this, Becky, just one -- one of my comments kind of goes back to something Councilman Cavener talked about earlier and I don't know the possibility or the practicality, but when I look at the plat I see the two small common areas both on the east and west side, one on the entrance, the one on the left-hand side, and I -- you know, I understand you have to deal -- you are dealing with it. Is there any way that those two could be combined into something in the middle of the lower portion to provide --

McKay: Yes. Mr. Mayor, that was going to be my recommendation, that -- that we consolidate, instead of -- instead of having the two independent pathways, that we consolidate the pathway and, then, have a -- and, then, have a wider area, because we -- we have -- we have two, four, six pathways that go through that block, lead into the MEW, lead up to Daphne to the north. So, we will -- we can shift over and, then, combine those into a wider, more pedestrian friendly pathway if the Commission is concerned. So, just to kind of give you -- am I going to lose the arrow. There we go. So, this -- this pathway is 30 feet in width. I mean not the pathway itself, the lot is 30 feet in width. The pathway itself is five. This pathway here is 15 feet in width with a five foot pathway. That's the minimum in your code. We have to have a minimum of five foot of landscaping on each side of a five foot pathway. I have another pathway that is kind of hard for you guys to see. It's right here. So, it lines up straight with these and, then, we go up to the school there. I have a pathway that comes out here. We have another common area where we can have a pathway here and a pathway here. So, the ones -- if we take these two pathways here, these two pathways, and we combine them into one and we take these and make a larger area -- because, see, I have landscaping on the end blocks that I can shift over, we did that just so we would have a nice curb appeal. So, I could shift some of that here and, then, consolidate that pathway if that is the Council's wishes and I think -- I think that would obviously help, because it's kind of hard -- yeah -- to see at this size.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Alongside that, Becky -- I like the analogy about Christmas and all of that. I have got maybe ghost of Council Members past in my ear. Council Member Milam. At that point maybe where those pathways are -- where it meets the MEW, putting some sort of recreational kids activity -- again, whether it's a -- you had mentioned that that might be of interest earlier, maybe relocating one of the three down there. So, whether it's a play structure, a swing set, or some --

McKay: Activity.

Cavener: -- activity for those that are using skateboards or rollerblades I think would make a lot of sense.

McKay: Yes, sir. He is -- the applicant is agreeable.

Simison: Council, further questions, comments, motions?

Hoaglun: Mr. Mayor?

Simison: Council Cavener -- or Councilman Hoaglun.

Hoaglun: So, what Councilman Cavener was just asking about and they have agreed to is -- is an activity structure of some sort. Was it at the intersection of the MEW and -- and one of the -- or somewhere along the MEW was what we are doing? And it sounds like to me Council is -- and the applicant has agreed to no more than three units on a common drive. Did I hear that correctly? That the pathways on the -- the two pathways on the most southern side of the development would be widened to 15 feet; is that correct? No? Because they are already five, five, and five --

Simison: Councilman Cavener --

Hoaglun: -- or was it 20?

Simison: Councilman Hoaglun, they are already 15 feet. They are talking about combining them into one. So, there would only be one path.

Hoaglun: That's right. Thank you, Mr. Mayor. The -- the other thing that we -- we have talked about the additional parking. I don't see what -- anything is going to happen with that. They -- we have -- we have approved some with a lot less. And, again, to the point of where they have in their lease agreement that the garages are to be used for parking the cars, not -- not storage helps. And the open space, I think with these changes that we have talked about helping that open space. Was there -- was there anything that -- that's missing if we move forward with this?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, I think if I'm understanding correctly, the two small 15 foot in totality pathways would be combined in that southern most block of townhomes to be 30 feet. If I understood that correctly.

Simison: Minimum. And there is also discussion about perhaps incorporating some of the end cap landscaping to maximize it even further if necessary, especially if you are going to put an amenity in there, but that is what seemed to be shared, yes.

Hoaglun: So, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I just want to make sure I understand that pathway. What Becky -- I understood Becky to say was they could push those developments out a little bit, go off into the end cap landscaping and, then, widen those pathways and I thought that it would keep both of them, but you are saying it combined into one. Okay. Okay. Got it. All right. Anything else that we might have missed? Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I would move that we close the public hearing on -- it just disappeared on me. Where are --

Cavener: Number four. Mr. Mayor?

Simison: Councilman --

Hoaglun: In number four. Yeah. I can't find it now.

Cavener: I will back -- I will back up Councilman Hoaglun --

Simison: Councilman Cavener.

Cavener: -- if I may. Mr. Mayor, I move we closed the item on No. 4, public hearing for Oakwind Estate Subdivision, Item No. H-2020-0093.

Hoaglun: Mr. Mayor, I would second the motion.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks to the applicants. Appreciate the dialogue, the back and forth. You sharing some of your perspective as to some of the whys. It was a good education at least for me tonight. I appreciate that. Appreciate you working with us to build a better project, one that I think is going to sit really well with your already existing neighborhood. So, with that, Mr. Mayor, I move that we approve Item 4 -- or No. 4, excuse me, Item H-2020-0093, include all staff and applicant testimony, with provisions related to the reduction of no more than three units on a common drive, a combining of the two southerly pathways into one larger pathway and to establish a recreation amenity at the intersection of the MEW and the pathway.

Hoaglun: Mr. Mayor, I second the motion.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Do we need to specify that the combined pathway will be at least a certain width or -- if it looked to planning staff on whether we should specify that as 30 feet or some minimum or if it -- or if that matters.

Tiefenbach: Council Person Strader, Members of the Council, I think it would be very helpful for staff, especially when we are putting together our findings, to how the actual -- a width. It's very difficult for us otherwise to be kind of ambiguous about this. So, it would be much appreciated, ma'am. Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Hoaglun.

Cavener: My apologies. My apologies. I figured it had been captured in the -- in the testimony. But with that case I would like to amend my motion to include that southern combined pathway be a minimum of 30 feet in width. The lot of the pathway be a minimum of 30 feet wide.

Hoaglun: Mr. Mayor, second agrees.

Simison: Okay. I have a motion with the second agreeing. Is there any further discussion on the motion as amended by the maker and the seconder? If not, clerk will call the roll.

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

Simison: All ayes. Motion carries. The item is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: And we are going to take a ten minute recess. We will reconvene at 8:15.

(Recess: 8:06 p.m. to 8:17 p.m.)

5. Public Hearing for 2810 E. Franklin Rd. (H-2020-0097) by KM Engineering, Located at 2810 E. Franklin Rd.

A. Request: Annexation of 1.01 acres of land with a C-G zoning district.

Simison: Council, we will go ahead and come out of recess and we will move on to the next item this evening, which is a public hearing for H-2020-0097. We will open this public hearing with staff comments. I will turn it over to Sonya.

Allen: Good evening, Mr. Mayor, Members of the Council. The next application before you is a request for annexation and zoning. This site consists of 1.01 acres of land. It's zoned RUT in Ada county and is located at 2810 East Franklin Road. The Comprehensive Plan future land use map designation is commercial. The applicant is proposing to annex 1.01 acres of land in the C-G zoning district, consistent with the associated future land use map designation of commercial. A conceptual development plan is proposed that depicts the existing residential home on the property that the applicant proposes to remodel and expand for a flex space use. The concept plan depicts a 2,239 square foot of office on the first floor and 1,550 square feet of office and support uses in the basement of the existing structure and a new 2,600 square foot structure for a warehouse. The new structure is proposed to the north behind the existing structure and will include a daylight basement. The user will be an automotive tool and equipment supplier, classified as a flex space use. The business proposes to sell products online to automotive businesses and at home mechanics and will not end up with any retail sales on the site. Flex space is a principal permitted use in the C-G zoning district, subject to the specific use standards listed in UDC 11-4-3-18. The proposed use and site design complies with these standards. The topography of the site slopes down significantly from Franklin Road to the north property boundary and has approximately a 20 foot grade difference as shown on the grading plan. A retaining wall is proposed at the north and west boundaries of the area proposed to be improved with this project. A 35 foot wide street buffer is required with development along Franklin Road, an entryway corridor, landscaped per the standards in UDC 11-3B-7C. The existing driveway access via Franklin Road is proposed to remain for access to the site and has been approved by ACHD. Because it closely aligns with the driveway on the south side of Franklin Road, relocation of the driveway is not recommended. The UDC requires cross-access, ingress-egress easements to be granted to adjoining properties where access to a local street is not available, unless

otherwise waived by City Council. In accord with this standard, staff recommends cross-access easements are provided and driveways constructed to the properties to the east and west. A 20 foot wide cross-access easement is depicted on the concept plan to the east and west, but the applicant requests Council approval of a waiver to this requirement to not provide cross-access easements due to the topography of the site and site constraints related to the space available for development. At a minimum staff recommends Council require cross-access to the west. However, it should be noted that staff did contact Ada county to see if a cross-access easement was provided to the subject property with redevelopment of the adjacent property to the west back in 2002. But one was not. There still may be an opportunity in the future, though, to get a cross-access easement. A minimum of 12 vehicle spaces, based on 6,389 square feet, and one bicycle space is required. A total of 13 spaces are depicted on the concept plan, including an ADA accessible space, which is one more than required. However, if cross-access driveways are provided to adjacent properties as required, parking will be reduced by up to three spaces, which will result in parking below the required minimum standard. If a waiver is not approved by Council --

Simison: Sonya, we lost you.

Allen: -- five foot wide perimeter landscape buffer adjacent to parking, loading, or other paved vehicular use areas.

Cavener: Mr. Mayor?

Simison: Sonya.

Allen: Landscape per the standards --

Simison: Sonya.

Allen: Yes.

Simison: We lost you for probably about 30 seconds.

Allen: Fabulous. Do you know where I left off? Where you left off hearing me? Mr. Mayor, can you hear me?

Simison: Yeah, we did. We heard 12 vehicle spaces -- 12, 13 space are depicted on the conceptual --

Cavener: I think she was right at the Snider Lateral piece. I think either the parking lot landscaping piece is probably where she dropped off.

Allen: So, I was saying that if cross-access driveways are provided that this property required, parking will be reduced by up to three spaces, which will result in parking below

the required minimum standards. If a waiver is not approved by Council to the requirement for cross-access, the app --

Simison: We just lost you again.

Allen: -- or other paved vehicular --

Simison: Sonya, we lost you again. It was a hard drop.

Allen: Oh, sorry.

Cavener: I think it was right after she said not approved by Council.

Simison: Yeah. Right after not approved by Council, then, you dropped.

Allen: Would you prefer I continuing and try again or would you like me to try calling in on my cell?

Simison: Try -- keep -- keep going, because other times --

Allen: Okay.

Simison: -- you are sounding great, it just was a hard drop. It doesn't make any sense.

Allen: I'm so sorry. All right. If -- if a waiver is not approved by Council to the requirement for cross-access, the applicant should consider constructing a smaller addition to reduce the parking requirement. Parking lot landscaping is required to be provided in accord with UDC standards, which requires a minimum five foot wide perimeter landscape buffer adjacent to parking, loading, or other behavior paved vehicular use areas, landscaped for standards in the UDC. A retaining wall and fence is proposed along the west boundary adjacent to the parallel parking spaces where the buffer is required, which doesn't leave adequate area for landscaping. If the site cannot be reconfigured to comply with the standard, alternative compliance may be requested with a certificate of zoning compliance application. The Snider Lateral exists in a 40 foot wide easement on the northern portion of the property that is not proposed to be improved. All irrigation laterals are required to be piped unless improved as a water amenity or linear open space. City Council may waive this requirement if it finds public purpose requiring such will not be served and public safety can be preserved. The applicant proposes to fence off the area where the lateral is located to preserve public safety and request a Council waiver to this requirement to allow the lateral to remain open. Because a large portion of the site on the north end is not proposed to be improved, staff recommends it regularly maintained in this area, so as not to create a nuisance and -- and in a manner that prevents wildfire in accord with Meridian City Code 4-2. Conceptual building elevations were submitted for the remodel of the existing structure and proposed addition as shown. The materials for the front facade and sides of the existing building consists of stucco, with prefinished metal siding and stone veneer accents. The materials for the proposed warehouse

addition consist of a mix of horizontal and vertical metal siding. All improvements to the existing structure and new construction are required to comply with the design standards listed in the architectural standards manual. The Commission recommended approval of the subject annexation. Summary of the Commission hearing. Stephanie Leonard, KM Engineering, the applicant's representative, testified in favor. No one testified in opposition or commented. Written testimony was, again, received by the applicant Stephanie Leonard and key issues of discussion by the Commission -- they were in favor of the proposed improvements to the existing structure and use and the adequacy of the proposed parking in relation to the square footage of office use proposed was a concern. Commission did not make any changes to the staff recommendation and written testimony since the Commission hearing was received from Stephanie Leonard, KM Engineering, the applicant's representative and, again, the applicant requests Council waivers to the UDC requirements for cross-access and ingress-egress easements to be granted to the adjacent properties to the east and west and for the Snider Lateral on the northern portion of the site to remain open and not be piped. If Council approves these requests, conditions A-1-B and A-1-C in Section 9 should be modified accordingly. Staff will stand for any questions.

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

Cavener: Sounds great.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just a quick question. The grading kind of threw me and I know we have some flood areas here. Is this in a flood area? A floodplain?

Allen: I don't believe it is, Council Woman Strader.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: And I guess just -- it looks like the grading and everything is fine. You don't consider that there is any kind of an issue with the way that it's currently outlined?

Allen: The City of Meridian does not require a grading permit and planning does not review that, so that should be handled by their engineer to ensure there is no grade -- or there is no drainage issues.

Strader: Buyer beware. Thanks, Sonya.

Simison: Council, any additional questions for staff? Okay. We will turn this over to the applicant's representative. State your name and address for the record and be recognized for 15 minutes.

Leonard: Okay. Hopefully you can hear me now. I couldn't find which screen I was on there. Okay. Well, Sonya did a fantastic job covering the project, so I won't be too lengthy with our presentation. We are requesting -- hopefully you can see -- sorry. Okay. So, we are requesting to annex this property into the City of Meridian. It's about an acre of land. It's located west of Eagle Road and north of Franklin Road. We are adjacent to several properties that have already been annexed and zoned into the City of Meridian. As you can see, we have got a fair amount of light industrial to the north and, then, some general service commercial to the east and community business district to the south. There are some Ada county parcels that surround us, but the ones that are directly adjacent to the west are used for industrial uses and commercial uses and so our request is to annex into the city with the zoning district of C-G is consistent with the existing development and what the Comprehensive Plan calls for in the area, which is commercial. This is our conceptual site plan. We did make revisions before the Planning and Zoning Commission the last go around to move a parking space out of the 35 foot landscape buffer that's shown on the south part of the site adjacent to Franklin Road. Otherwise, we are in compliance with the number of parking spaces that are required. As Sonya mentioned, we are proposing to expand upon an existing structure, so we will be renovating that, obviously, with new building materials and, then, adding a building addition to the south part of the site for 2,600 square feet of additional warehouse space. Our applicant -- or our client is a -- an automotive and online tool equipment supplier and they are proposing to use the site as a flex space to accommodate warehouse and office space for their building -- or for their business. So, that is primarily -- the warehouse space will be for the tools and other items that they sell online and, then, the existing structure that's going to be renovated is for employees and when they have the occasional person stop by that needs to do business with them, so -- building elevations, as Sonya mentioned, will include a variety of materials. We are including stone veneer and stucco. We have metal included as well. The east elevation will be one of the site elevations and, then, the elevation on this -- on the bottom part is actually the north elevation, so they will be facing away from Franklin Road. The west elevation is another site elevation and for Council Woman Strader that kind of depicts the grading a little bit, which there is a fair amount of on the site. Of course, our engineers will be making sure that drainage is adequately accommodated and that the building is, obviously, able to be on the site in a structural sound way.

Hoaglund: Mr. Mayor?

Leonard: The bottom elevation --

Hoaglund: Mr. Mayor? Sorry, Stephanie. Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglun: The slides aren't -- the slides aren't moving for -- obviously you are referencing some slides that I'm not seeing. I have your first slide up, but it's not -- there we go.

Leonard: Oh, really? Okay. Let me try to -- I was having some difficulty getting it to share it first. Let me try to see if I can --

Simison: And, Stephanie, after you are done if you could state your -- state your name and address for the record at the conclusion of your comments.

Leonard: Of course. I was so excited. Sorry.

Johnson: And, Mr. Mayor -- Stephanie, I think you are -- when you are sharing screen you are sharing the actual PowerPoint edit, not this -- not the presentation mode.

Leonard: I just made that change. Thank you, Chris.

Johnson: You're welcome.

Leonard: Hopefully this will work. Are you seeing the changing of the slides?

Hoaglun: No, not --

Leonard: Okay. Hold on just a second. Not working?

Hoaglun: Mr. Mayor, Stephanie, I -- yes. It's different. We are not seeing it in presentation mode. We see the slide -- your title slide and, then, we actually see the next slide smaller that's coming up.

Leonard: Okay.

Johnson: Mr. Mayor. Stephanie --

Leonard: Sorry. I have three screens open, so I think it's having a hard time picking which one.

Johnson: I'm bringing it up for you here, Stephanie. If you just tell me where to go I will drive.

Leonard: Thank you, Chris. Okay. So, Stephanie Leonard with KM Engineering. I'm representing the applicant and our client on this project. As I mentioned, we are consistent with other uses and zoning districts that are adjacent to us. Go ahead and go to the next slide, Chris. This is our conceptual site plan. Kind of went through this. But as you can see we are accommodating an existing building and the site is fairly constrained as far as the grading that I mentioned and, then, also just kind of working around an existing building with the parking requirements, drive aisle requirements and trash enclosure requirements that are -- that reviewing agencies require for the site. So,

kind of a little bit of a funky drive aisle and, then, making everything fit was a little bit of a challenge. Next slide, please. These are our building elevations. This -- as you can see we kind of have a mix of colors. Or, actually, I'm sorry, Sonya showed a mix of colors that we recently revised. This -- this version has kind of a mix of materials that we are proposing. We have got stone veneer, stucco, and metal siding, both horizontal and vertical, is proposed. We are proposing one loading bay on the back of the property. So, that will be the north elevation facing away from Franklin Road. If you can go to the next one, Chris. The bottom -- the bottom elevation shown here is what folks from Franklin Road will see. So, that will be a decorative and -- and a vast improvement on the existing home that's actually on the site. So, that is what we are proposing as far as building elevations and, of course, if this project is approved we will be required to go through the certificate of zoning compliance and design review, as Sonya mentioned. The flex use is a principal permitted use in this zone. So, that will be our next step. So, next slide, please. As Sonya mentioned, we are requesting a couple of waivers to requirements just due to the site constraints that are on the site and just kind of the natural -- the elements that are present here. So, the -- the first waive we are requesting is to omit staff condition to provide easements and to construct cross-access driveways to the east and west. As you -- as we have talked about briefly, the site does have a fair amount of slope. So, that would require grading and retention, which we are already providing a grading and retention wall to the north. You can see there is kind of a double hatched line at the top. That's our retention wall and if I remember correctly it's like an eight foot wall and, then, we are providing a little bit of that wall, too, on the west side. So, that's kind of right along with a vegetative boundary is to the property of the west. Construction of that driveway to the west would include like a -- I think it's like a five foot drop off to the property to the west, which would, essentially, be a driveway kind of to nowhere, since that property doesn't currently have an easily accessible way to get over there and doesn't have a requirement to have any kind of cross-access. The property to the east has a similar situation and challenge. That property actually is annexed and zoned into the city as well and I don't -- I wasn't able to find any requirement that they had to provide cross-access there, so that would eliminate several parking spaces, as Sonya mentioned, and would also likely be a driveway that may not ever be connected in the future. So, you know, with that we respectfully request that that requirement is waived for this site in particular, just due to the site constraints and -- and kind of the situation we are working with around -- working on the existing building. Next slide, please, Chris. So, the next waiver that we would like to request is to leave the Snider Lateral open. Typically the UDC requires that you cover or pipe any existing laterals. In this case we feel that it's got a fair amount of vegetation around it and we would like to leave it as an amenity for the site and leave it in its natural state, so that we can just -- to keep it the way it is, essentially. So, the retaining wall and fence that Sonya mentioned will provide a barrier to that lateral, so it will keep the public safe and will make it so that it's inaccessible from our site anyway. So, as Sonya mentioned it is located within a 40 foot easement, so that would also keep it free from any kind of built structure or -- or fence or anything like that. So, I guess next slide, please, Chris. With that we feel that this proposed use is very consistent with the area. I think that the remodeled house and addition to the building will be an improvement and will really elevate the properties in the area and provide another commercial opportunity to this growing part of Meridian. It's really close to major transportation

corridors and will be easily accessible and the C-G zoning district I think would be in the best interest of the city for this property and specifically this project. So, we are in agreement with the staff report, with the exception of the conditions that I mentioned for the waivers that we are requesting and with that I will stand for any questions. Thank you.

Simison: Thank you, Stephanie. Council, any questions? Seeing no questions. This is a public hearing. We have nobody in the room. Is there anybody who signed up to testify online, Mr. Clerk?

Johnson: Mr. Mayor, there was nobody signed up.

Simison: Okay. If there is anybody that would like to testify on this item that's waiting, if you can, please, indicate so by using the raise your hand feature and we will bring you in. I don't think that's going to be the case. I see no one raising their hand or coming forward. Stephanie, would you like to make any final comments?

Leonard: No. I thank you for hearing me tonight and for dealing with the technical difficulties of the presentation. Yeah, I guess I will just stand with what I said before. I think this will be a great project for the City of Meridian and we are excited for our applicant to grow his business here. So, thank you.

Simison: Thank you. So, my question for Mr. Nary that -- well, I guess it's for Mr. Nary. I don't know. But when you -- when you have a project come forward that essentially says we are not going to have any customers, but this building could be sold to somebody else as soon as it's built, how -- since we have no business licensing, is there any process by which that this would ever be reviewed or determined that a business that now wants customers or didn't want customers would have access?

Nary: Mr. Mayor, Members of the Council, that's a great question. I mean certainly the problem is is you could put in a provision in the development agreement that any business located in the site would have to be of similar nature, without on-site customers and things like that, and if they wanted to have that they would have to come back, that would be one check. The problem would be if the access may not be available then. There may not be a way to make cross-access at that point in time, because of changed circumstances, buildings, whatever gets built on site or on the adjacent property, because there is no cross-access. So, it is -- it is a little problematic that it's -- as you stated, because not only could it get built and sold, it could get sold without being built and so, again, you would have, essentially, a landlocked parcel without cross-access. It is problematic. I would agree.

Simison: Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe a follow up for Mr. Nary. Is it possible to require access and not exercise it? Like is it possible to reserve an access and then -- and, then, just not require that it be implemented?

Nary: So, Mr. Mayor, Members of the Council, Council Member Strader, great question as well. We have on occasion -- I don't know of the adjoining parcel if it already has a requirement for cross-access currently. What happens in a majority of these -- we will require the property, such as this one, preserve the cross-access easement area, but not construct it until the other side gets built and so I don't know -- and I didn't hear from Sonya if it's already required on the adjacent property, since that's already annexed into the city, because their -- their trigger is this cross-access getting built. Otherwise, they have reserved the space as well. But that would be a question to Sonya.

Allen: Mr. Mayor, Mr. Nary, the property to the west of this is actually in Ada county and they did not require a cross-access easement to this property with development back in 2002. The only -- the only issue I would note with -- if you require an easement, but don't require it to be constructed is it's fairly impossible or very difficult in the future to get it constructed if we don't require it to be constructed now with development. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, maybe a quick follow up for Sonya there. Would it be possible to require it if the -- if the property in Ada county tried to be annexed into the city at that time as a part of that application, the property to the west? Could we require them to do it at that time?

Allen: Mr. Mayor, Council Woman Strader, absolutely. That -- that is when we could obtain that.

Hoaglun: Mr. Mayor, question for Sonya.

Simison: Councilman Hoaglun.

Hoaglun: Sonya, under that scenario we require the applicant to reserve easements and with -- with the thought that to the west someday that might be coming into our -- our area and we can require that. But the parking requirements, if there is parking there, which I recall there is some spaces there and that goes away and, then, they fall under the limit and -- but they are already stuck. Everything's built. How do we handle that? Any ideas there?

Allen: Mr. Mayor, Councilman Hoaglun, yeah, it's -- it's just a -- it's a difficult situation. If it's -- it's difficult to come back to this property owner and ask them to pay money to, you know, construct and pave a driveway to the adjacent property and it would make their parking nonconforming.

Hoaglun: And, Mr. Mayor, just --

Simison: Councilman -- Councilman Hoaglun.

Hoaglun: It's -- it's -- I'm pleased to see that someone is able to use this difficult property, a sloping lot, that, you know, it's not level and to be able to fully use it. So, it's kind of like, hey, that's a great idea to -- to go down and do what they are doing. So, it's kind of -- I'm kind of on the fence about that, which is another issue if you don't pipe, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe a question for the applicant. Would it be preferable to have to build it now to nowhere or would it be preferable from your perspective to have that be an easement that exists and, then, the development of the future property might trigger it at that time?

Leonard: Thank you, Mayor -- Mr. Mayor, Council Woman Strader. I think in my opinion -- I can't speak for our client fully. I don't know that -- I think that a future building of it would be preferred. Obviously, we would be more than happy to provide the cross-access easement at this point, knowing that in the future that it could be developed. I think it just -- it would make more sense if we had kind of a collaborative effort between the property owner to the west to make sure that it was a driveway that was going to be utilized and improved at a time in which it would be used. Does that make sense? Rather than having a driveway that might age for who knows how long. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: My concern is -- is by leaving the easement there without construction, it would be very difficult to come back and require that construction process to happen, if impossible, only because we don't have the means to look over that or to be a part of that conversation, unless the property owner to the west, you know, comes to us requesting, I guess, would be the only way that we would ever do that and so in these scenarios it's -- it's almost best to do what's needed right now, knowing that in the future it's likely that that property to the west will be annexed and at that time it will be an easy opportunity for -- and we could use that -- that annexation as an opportunity to make them use that cross-connection at that time as well. So, those properties are connected. So, that would -- that would be my opinion on that issue. As my mask keeps falling down.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sorry, Treg. At least on the -- over Zoom I lost you a little bit. I think -- I think I followed what you were saying. So, if we -- so, I guess if -- if we preserve the cross-access easements -- just the easements and don't require the construction, I get it, it's not going to happen, but, then, that would allow the property to the west, if they come annex into the city, at least that easement would be there, so they would be able to construct something. Am I tracking? Is that what you were saying, too, or was it not --

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: To a -- to a certain degree, yes. There is just one spot that -- that you -- that we -- that I may have made not clear enough, but -- so, yes, that could happen. But, then, the -- this -- this property owner legally wouldn't have -- he -- that -- the property wouldn't have to make that connection unless they were good neighbors and I'm assuming that they are good neighbors and are great people, but they certainly wouldn't be forced to. It would be a gesture on their part to make it happen. I could be wrong on that. Maybe Mr. Nary could clarify, but --

Nary: So -- Mr. Mayor?

Simison: Yes, Mr. Nary.

Nary: Mr. Mayor, Members of Council, Council Member Strader, so here is what you could consider doing. If you are not going to require them to construct the access today, is we haven't done this before, so this is a completely new idea, but one of the problems with these types of easements that don't get constructed is that nobody remembers they are there and so they put parking spaces there and they park other things there, they put a building there, they do other stuff. So, one thing we have never put into a development agreement, but you could require -- if you are not going to require construction -- is that they have to put up a Jersey barrier there where that is. Just like ACHD does when they put in easements for roadways they put in a Jersey barrier that says this road will be constructed in the future. So, it's notice to the world that something's going to go here at some point in time. You could require that without construction. Mr. Bernt is correct that in the future when the future property owner wants cross-access you are going to require that property to construct it at that time. To enforce your development agreement, you are going to -- if they aren't willingly do it or they can't afford it or don't want to or whatever the reason is in the future, you do have a contract -- I mean you can sue them for compliance with your development agreement. It is a contract with the property owner that must be complied with. So, there is a mechanism to do it. It's not easy or simple. You know, again, one of the problems with future development agreement conditions that aren't tied to a permit or tied to building permits or some other function that the city is involved with, is someone has to come and tell us that it's not there and that it's supposed to be there. So, there is some clunkiness to it and -- and, again, I don't know if the Jersey barrier idea is -- is worthwhile, but it is a way to at least mark that something's there, because that's exactly what happens is people have no idea that it's there, they didn't

read their CC&Rs, they didn't read the title report, they don't realize it's there and, then, they don't want to do it and they don't realize they have to do it.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: If Chris could put that sitemap back up, I have some questions for the applicant. In my notes I have got down that to the west there would be a five foot retaining wall, because due to elevation change. I want to know if that's correct and I also want to see exactly where that easement is going and what parking spaces are there. I'm intrigued by Mr. Nary's idea, but I just need to look more into the details. And, Stephanie, if you could -- once that is up kind of talk us through that -- what -- what exists there to the west and if that -- it looks like it's all paved and that sort of thing. Can you let me know?

Leonard: Sure. Mr. Mayor, Councilman Hoaglun, we created -- I may try to share my screen again. But we created a grading exhibit to kind of show exactly how that grade changes, but roughly -- sorry. See, if I can give it a shot. It was -- it was also the -- the fifth slide of our PowerPoint, too, if -- my screen doesn't end up showing, but -- so, there is a contour that's like -- does anyone see my screen?

Hoaglun: Mr. Mayor, Stephanie, I can see it. It's not full presentation mode, but I can see it.

Leonard: Okay. Let me -- I'm going to turn off my webcam and see if that's going to be the issue, because I feel like it is.

Hoaglun: And there we go.

Leonard: Okay. So, you don't get to see me anymore, but I can actually see the screen. So, apologies on that. So, as you can see there is a line here that says the existing adjacent grade is at 2,643 and, then, there is another line that's at 2,648. If we were to construct -- you can see it a little bit. Construct the beginning of the driveway on the arrow that's further east, that would start at 2,648 and, then, it would go down to 2,643 when it got to the west property line at -- at that point in the site. I think the grade, as Sonya mentioned, it gets worse as you go north. If you look kind of further south it's not quite as bad, but the -- I think the point being, really, is that we have got a retaining wall that we are planning that's kind of along that entire boundary and, then, along the north side of the site that would be changed and as a result the engineering of the site would change as well. We also are providing -- we have one extra parking space, but we would be required to provide that cross-access driveway. It would eliminate one of those to the west. If we were to be required to provide it to the east it would eliminate potentially three to four parking spaces, which would put us in -- out of compliance with what the code requires. So, hopefully, that kind of shows the situation. One thing I would like to note, too, is that if that property to the west came in -- so, they are currently in the county right now. If they were to annex and go through a similar process to what we are right now,

they could potentially be required to do a cross-access easement at that time as well and, then, you know, as -- as Bill was mentioning maybe there could be some kind of condition in the development agreement that would be required at that time to require construction of the driveway in a way that would be -- I guess work for both sides. Hopefully I answered all your questions.

Allen: Mr. Mayor?

Simison: Yes, Sonya.

Allen: Perhaps another option would be to require this property owner to grant an easement for construction of that driveway. That might be a consideration through the development agreement. Or part of the cross-access easement. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe to follow up for Sonya. So, by using that distinction -- so, providing a construction access easement, if I'm understanding, then, the applicant here is allowing for construction to happen in the future and, then, the property to the west is paying for it. Is that the distinction with what you are proposing?

Allen: It is. I'm not sure it's a great idea, Mr. Mayor, Council Woman Strader, but it's a consideration. It still doesn't change the fact that if -- if we require a cross-access to be granted that it will likely put the parking below the minimum standards and create a nonconforming parking situation, so -- you know, Council just needs to I guess determine if it makes sense to approve a waiver to that requirement in this instance.

Strader: Thank you.

Allen: Thank you.

Hoaglund: And Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Yeah. Just -- just thinking -- trying to think ahead to the future, we could require that -- that a construction easement be placed into this and, then, when that other property looks to be annexed and -- and come into Meridian's jurisdiction, it could be a future council deciding that and they may not want to foot the construction bill to bring it up to grade to make that cross-access easement and the property owners, then, to the east, wherever that is, would say, hey, you are taking away parking spaces, we will fall under -- it just -- everything keeps kind of getting -- getting complicated and while I like cross-access agreements, I don't know if they -- in this situation may not work and I would like to see full use of this property, because it's -- it's a difficult property to -- to have full use

because of the grading of it. So, I'm inclined to lean towards that exception providing the waiver for cross-access, but others may not.

Simison: The thing that I keep coming back to -- at least from the standpoint on all -- how do you solve this for this -- I -- to me it's something like Dashwood, you know, you can -- you can put up something that says it's going to be a cross-access, they are expected to be continued in the future, circumstances of the next property are going to probably dictate whether or not that's even a possibility or not or even what's here at that point in time, more than anything else. That doesn't resolve anything great. This is on -- this is near an intersection of, you know, major state highway and a five lane roadway. Cross-access would seem to make a lot of sense. If you think people are going to go from one business to the next. If they are not going to be going from this business to the adjacent businesses, more than likely, then, cross-access doesn't seem to provide a lot of benefit. It's not like you are going from a bank to a gas station or from something. So, I think -- you know. But you got to look long term sometimes and not just what's there today and I have -- so, it's not a -- it's not a great -- I mean we could probably talk about this for another hour easily.

Hoaglund: Well, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Maybe the answer is requiring that construction easement and what happens in the future happens, but at least it's there and provides notice that action is to be taken -- some determination has to be made and we just don't throw in the towel, but have it -- have something in place that a future decision will have to be made. I would love to have cross-access to all the properties. You're right, it's Franklin Road, but it's not like it's all retail establishment, medical facilities, those types of things that we typically see. This is commercial, but even commercial sometimes can -- can benefit from it, but this is a little more challenging with the topography.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I kind of want to defer to some of my fellow Councilmen that have been on the Council a bit longer as to what would work best. Maybe Councilman Bernt has a perspective for their comments. Seems tough. Maybe we go with the construction access easement and -- on the west and -- and give them a parking exception. I'm not sure that it works as well to the east. It appears to impact parking much worse and I think it's a worse transition it seems like. So, I would be okay with that. If that works for the rest of the group.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I have been called out.

Strader: Sorry. Lifeline.

Bernt: I am -- I'm in favor of cross-access. I think this is your only shot at it. It's the only way you can control it. It's the only way that you are going to be able to make sure that it happens. In my -- I don't have a lot of experience. For heaven's sakes, Brad has more experience on Council than I do and Luke certainly has way more -- but with my -- from what I have seen lack of -- lack of access always -- almost always creates problems and if we are not in front of it right now and do the right thing now, then, it will most likely never happen and that's the reason why these property owners hire smart people like Stephanie and The Land Group to figure it out for them and I promise you that they will figure it out. I guarantee it. It will be beautiful. Stephanie will figure it out. It will be gorgeous and it will be functional. That's my thought.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Council Member Bernt, what do you think Council Member Borton would have to say? Sorry.

Bernt: Oh, I hope someone's listening.

Simison: Councilman Cavener.

Cavener: On a serious point, Council Member Bernt hit the nail on the head. We know whatever decision we make likely in the future someone will say we should have done it differently, but defaulting to access always seems to be the more prudent decision to make.

Bernt: Mr. Mayor, I don't think I have ever laughed that hard on the Dais before. Thank you for that. I think we all needed that tonight. Appreciate it.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Yeah. Question to Sonya. Sonya, was that -- you called that a construction easement? Is that what the proper term was for reserving that property and for when the property in the west comes into city jurisdiction, then, we can marry the two?

Allen: Mr. Mayor, Councilman Hoaglun. Yes, I believe that's appropriate language that Mr. Nary can correct me if I'm wrong, but allows them to go onto their property to construct a driveway.

Nary: So, Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council. So, Council Member Hoaglund, I'm more concerned about requiring somebody -- adjacent property owner construct something on a separate piece of property that has nothing to do with them. So, I think that's more problematic. You know, if -- my suggestion was simply not require construction now, but in the future. I recognize that's a challenge as well, but requiring an adjacent property to do an off-site improvement like that on -- to the benefit of a different property owner I think it's going to be problematic in the future.

Hoaglund: Mr. Mayor, follow up with Mr. Nary.

Simison: Councilman Hoaglund.

Hoaglund: So, Bill, you are recommending that that easement be -- that easement to the west property be reserved for future access. Would that get us to where we are trying to get to?

Nary: Well, Mr. Mayor, Members of the Council, Council Member Hoaglund, I think -- I think, actually, Council Member Bernt was -- was right on the money. I mean if you don't require it to be built now it will be a challenge to get it built in the future, whether it's built by the property owner at the time, whether they are resistant to doing it. It could be ten years from now. Again, people forget, people don't realize it. So, if you don't construct it now it may never be constructed or it may require another legal action to get it constructed in the future, which, again, a future council will have to decide whether they are willing to do that. So, I -- I think Council Member Bernt was right, that if you don't do it now there will be challenges either way. You are going to be challenged with parking, you are going to be challenged with access, you can be challenged with construction in the future.

Hoaglund: So, Mr. Mayor, follow up.

Simison: Councilman Hoaglund.

Hoaglund: To build -- Bill, you mentioned have them build it now. What -- what does that mean? Is it actually lowering the grade and actually making things level and running asphalt right up to the property line and maybe installing Jersey barriers, don't know what it is, but -- but they would have to get everything ready to go for that future -- future cross-access agreement that may be 20 years in the making.

Nary: Mr. Mayor, Members of the Council, yeah, it would look just like your roadways out there that have those barricades that say road to be extended in the future and I have seen many of those barricades in front of buildings that will likely never change, so you are correct, you are constructing it so that all the other property owner has to do is build on their property and, basically, the roads have to match. So, it is a complete construction

and I think as also been pointed out, on the east it's still also in the county and I don't even know what's on that property. So, it is a challenge either way. I mean -- because you will have a constructed driveway that goes to nothing for who knows how long.

Simison: Councilman Bernt.

Bernt: We need to make a decision.

Simison: Yes, you do. You need to either close the public hearing or extend it to see if they want to go out and come back with another solution or something else.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question for Stephanie. You have heard kind of some of the conversation from Council tonight. Would it be beneficial from your perspective to continue this out a month and give you an opportunity to look at some other options? Are you looking for Council to make a decision tonight?

Leonard: Mr. Mayor, Councilman Cavener, I -- you know, I don't know what the answer to that question is. I think -- I'm reaching out to -- to our client right now to kind of see what their opinion is. I don't know how big of a deal it is to grade or how much that would cost for the property owner or if that's kind of in their grand scheme of things at this point. I would like to note -- we were kind of looking at the site plan as we were chatting and just trying to figure out where we might place another parking space if -- if need be on the west side. So, say we were required to maybe just provide the cross-access at this point, knowing that in the future we would have to actually construct it, I think we could accommodate a space or maybe even two on the north part of the site adjacent to the trash enclosure, so -- so, that is -- I mean I -- I believe an option as far as being able to -- to accommodate a future construction if need be. Additionally, I think Sonya and I, when we were kind of looking through the site plan and talking about the -- the condition requirement, I talked about putting it maybe further south. I know that that might be just where the grade is and, unfortunately, the building to the west is kind of like right in the way there, but I wonder if that might be an option that would work, too, and maybe be a little bit less detrimental cost wise. But, yeah, I haven't received a response and I don't know -- I don't know if it would be best to just make the decision. I would -- I -- I guess maybe I would defer to what you folks think your decision would be if -- or what maybe some good ideas would be in reconfiguring the site plan in a way that would provide cross-access without causing too much of an issue for our client, if there are any good ideas. Unfortunately, the site's pretty -- I mean there is an existing building that we are trying to reuse and the grade of everything just makes it so we kind of configured everything exactly the way that it could and fit everything in the way that we could, so -- aside from the cross-access that's being required, we are meeting the requirements otherwise.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Stephanie, I think what Council Member Cavener is saying is do you want this continued or do you want this -- because it sounds like it's probably going to get passed with -- I don't know that to be, but those would be your two -- do you want us to make a decision or do you want to have this continued?

Leonard: Yeah. Thank you, Mr. Mayor, Councilman Bernt. I did understand the question. I was kind of trying to talk with our client to see if they had a preference on that. My gut feeling is that you might require the construction of the cross-access regardless of how the project is reconfigured and I believe that they are pretty eager to get the project going.

Bernt: Okay.

Leonard: So, I guess my -- my opinion is to just make your decision and we will figure it out and design it as required.

Bernt: Perfect.

Leonard: Thank you.

Bernt: Thank you.

Simison: With that, Councilman Bernt, would you like to make a motion?

Bernt: Yes. Mr. Mayor, I move that we close the public hearing.

Cavener: Second the motion, Mr. Mayor.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Any -- any thoughts on the Snider Lateral before we make motions? Okay. Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we approve Item No. 5, H-2020-0097, approving the waiver for the Snider Lateral on the northern portion of the site to remain open and not piped. However,

declining the applicant's request from us to waive the UDC requirements for cross-access ingress-egress easements to the adjacent properties to the east and west.

Leonard: Mr. Mayor, Commissioner Bernt, if I may -- I do know that the hearing is closed. Can I ask a question?

Simison: One second. Let me see if this has a second first.

Cavener: I will second it.

Simison: Okay. So, I do have a motion and a second. Mr. Nary, do we need to reopen the public hearing to hear from the applicant?

Nary: I think we just need -- she's going to ask a question. I think it's just -- if she wants to clarify what's been required, I think that's perfectly fine.

Simison: All right. Stephanie, go ahead.

Leonard: Yes. Thank you, Mr. Mayor. I just wanted to clarify. I think -- my understanding from our discussion is that the requirement would just be for cross-access and construction to the west. Cross-access and construction of a driveway to the east would be pretty difficult to accomplish and the property to the east is already annexed into the city and hasn't -- from what I can tell -- been required to provide that cross-access or have a constructed driveway. So, that would eliminate three of our required parking spaces, while maybe potentially never connecting to anything. I don't know if that's a possibility to open the public hearing and have that discussion again and maybe make a different motion, but that was my understanding.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: As we were discussing this that was my understanding as well. We were only looking at the west access only and not necessarily the east, so --

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I would like to modify my motion and not include the east, only the west, for cross-access ingress-egress.

Simison: Does the second concur?

Cavener: Mr. Mayor, that was my understanding is that's what the motion was being made to. So, I agree.

Simison: Motion and a second to that -- stated as that at this point in time. Is there any further discussion on the motion?

Allen: Mr. Mayor, clarification, please.

Simison: Yes, Sonya.

Allen: Does that motion include construction of the driveway or just provision of an easement to the west?

Bernt: Mr. Mayor, that would include construction. It's what -- it's what you are asking for.

Allen: Thank you.

Simison: Second concurs with that assumption? Yes? If there is no further questions or comments, I will ask the clerk to call the roll.

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

Simison: All ayes. Motion carries. Item is passed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Merry Christmas.

Leonard: Thank you.

6. Public Hearing for Southridge Apartments (H-2020-0109) by The Land Group, Located on the South Side of W. Overland Rd. Midway Between S. Ten Mile Rd. and S. Linder Rd.

- A. Request: Development Agreement Modification (Inst. #2015-112096) to include an updated conceptual development plan for the third phase of the development.

Simison: Next item is a public hearing for Southridge Apartments, H-2020-0109. We will open this public hearing with staff comments and turn it over to Sonya.

Allen: Thank you, Mr. Mayor, Members of the Council. The next and last item before you on land use applications is a request for a development agreement modification. This site consists of 8.61 acres of land. It's zoned R-15. It is located on the south side of West Overland Road, midway between Ten Mile and Linder Roads. This property was originally annexed back in 2006 and later rezoned in 2011. The existing development agreement for the property includes a concept plan for the first two phases of development and requires a modification to the agreement to update the concept plan to include a

development plan for the third phase prior to development. A total of 476 dwelling units were approved to develop in the first two phases combined. The Comprehensive Plan future land use map designation is high density residential in the Ten Mile Interchange Specific Area Plan. The proposed concept plan depicts a total of 14 structures on 8.61 acres of land containing approximately 164 dwelling units, with associated common areas, access driveways, and parking for the third phase of development. Two access driveways are proposed via South Grand Fork Way, a local street. The third phase continued is through a design of the first two phases with three story apartment buildings rotated such that no two buildings are parallel to each other or parallel with a public street, eliminating the row effect. Associated parking areas and drive aisles are angled to eliminate long parking lot views, which also assist in traffic calming. The proposed concept plan appears to be in general compliance with UDC standards. Detailed review will take place with subsequent conditional use permit application. With the third phase an overall density -- gross density of 18 units on 35.5 acres of land. That's -- excuse me. Units per acre -- 18 units per acre on 35.5 acres of land will be provided for the entire multi-family development consistent with the density desired in high density residential designated in the Ten Mile plan, which is 16 to 25 units per acre. The applicant is requesting condition number 5.15 in Section 5.1 of the development agreement, which requires the DA to be modified prior to development of phase three, to include a concept development plan for the area is removed from the agreement as the condition has been satisfied with this application. Staff is recommending approval. We have received written testimony from Jason Densmer and Tamara Thompson from The Land Group in agreement with the staff report. Staff will stand for any questions.

Simison: Thank you. Council, any questions? All right. With that we will open this up to the applicant. Can you state your name and address for the record and be recognized for 15 minutes.

Thompson: Thank you, Mr. Mayor, Members of Council. Tamara Thompson with The Land Group. We are at 462 East Shore Drive in Eagle. Sonya did a great job of giving you the overview. I just have a couple -- just items to add. This is a development agreement modification to add a concept plan for phase three. The property has already been annexed and zoned previously. It's just -- the concept plan needs to be updated for this last phase. Phases one and two already have a conditional use permit approval and CZC and design review approval and many of the phase one buildings are already occupied or under construction. As outlined in the staff report, phase three is consistent with the R-15 zone, the Ten Mile Specific Area Plan and the previous phases one and two. With your approval, the next step would be a conditional use permit for phase three and, then, CZC and DR approval. We have read the staff report and agree with staff's analysis and conditions of approval and we respectfully request your approval tonight. Thank you.

Simison: Thank you. Council, any questions? Thank you. Mr. Clerk, did we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. And there is nobody in the room. Is there anybody -- do we have anybody still online that may wish to provide testimony? If so, if you can do so -- if you can indicate by using the raise your hand feature at the bottom of the Zoom platform. Not seeing any of the three people looking to raise their hand, so I will ask the applicant -- Councilman Cavener.

Cavener: Move that we closed the public hearing on Item 6, South Ridge Apartments, H-2020-0109.

Simison: Before we have a second can I just confirm that the applicant has no final comments?

Thompson: Mr. Mayor, thank you. My final comment is Merry Christmas, because I'm the last one on the agenda. So, hope you all have a nice holiday.

Simison: Okay. Thank you. Do I have a second to Councilman Cavener's motion?

Bernt: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we approve Item 6, South Ridge Apartments, H-2019-0109 as presented.

Bernt: Second.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Real quick. Tamara, thanks. Merry Christmas. Apologies to having you kind of be the bookends of our meeting tonight. I should have caught that and moved some things around. So, appreciate your fortitude to stick with us tonight. Have a Merry Christmas.

Simison: All right. Is there any discussion on the motion? If not, clerk will call the roll.

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

Simison: All ayes. Motion carries. The item is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Thank you all for getting us to that point tonight and, Sonya, for your work this evening.

Allen: Thank you, Mr. Mayor, Council. Merry Christmas.

ORDINANCES [Action Item]

- 7. Ordinance No. 20-1908: An Ordinance (H-2020-0038 – Sagewood West Subdivision) for Annexation of a Parcel of Land Being a Portion of the NW ¼ of the NW ¼ of Section 24, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, as Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 10.41 Acres of Land from RUT to R-8 (Medium Density Residential) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: Okay. Next we are going to move on to the Clerk's show. Item No. 7 is Ordinance No. 20-1908. Ask the clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to H-2020-0038, Sagewood West Subdivision, for annexation of a parcel of land being a portion of the NW ¼ of the NW ¼ of Section 24, Township 3 North, Range 1 West, Boise meridian, Ada county, Idaho, as described in Attachment “A” and annexing certain lands and territory, situated in Ada county, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian as requested by the City of Meridian; establishing and determining the land use zoning classification of 10.41 acres of land from RUT to R-8, medium density residential zoning district, in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance and providing for a waiver of the reading rules and providing an effective date.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve Ordinance No. 20-1908, with suspension of the rules.

Bernt: Second.

Simison: I have a motion and a second to approve Ordinance No. 20-1908 under suspension of the rules. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it and the ordinance is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

- 8. Ordinance No. 20-1909: An Ordinance (H-2020-0058 Epic Storage) for Rezone of a Parcel of Land Lying in the NW ¼ NW ¼ of Section 24, Township 3 North, Range 3 North, Boise Meridian, Ada County, Idaho; Establishing and Determining the Land Use Zoning Classification of 4.55 Acres of Land from R-8 (Medium Density Residential) Zoning District to C-C (Community Business) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: Next is Item 8, Ordinance No. 20-1909. I will ask the clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to H-2020-0058, Epic Storage, for rezone of a parcel of land lying in the NW ¼ of the NW ¼ of Section 24, Township 3 North, Range 3 North, Boise meridian, Ada county, Idaho; establishing and determining the land use zoning classification of 4.55 acres of land from R-8 (Medium Density Residential) Zoning District to C-C (Community Business) Zoning District in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve Ordinance No. 20-1909, with suspension of the rules.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I second that motion.

Simison: I have a motion and a second to approve Ordinance No. 20-1909 under suspension of the rules. Is there any discussion on the motion? If not, all those in favor signify by saying aye. Opposed nay. The ayes have it. The ordinance is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

- 9. Ordinance No. 20-1910: An Ordinance (H-2020-0066 Apex) for Rezone of a Parcel of Land Situated in a Portion of the East ½ of the Northwest ¼, all of the Southeast ¼ of Section 31, and a Portion of the West ½ of the Southwest ¼ of Section 32, Township 3, Range 1 East, Boise Meridian, Ada County, Idaho, all of West ½ of the Northwest ¼ Section 5 and a Portion of the East ½ of the Northeast ¼ of Section 6, Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho; Establishing and Determining the Land Use Zoning Classification of 384.27 Acres of Land from R-4 (Medium-Low Density Residential) Zoning District R-8 (Medium Density Residential)(264.06 Acres), R-15 (Medium High Residential)(76.93 Acres) and C-C (Community Business)(43.28 Acres) Zoning Districts in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date**

Simison: Item 9 is Ordinance No. 29-1910. I will ask the clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance related to H-2020-0068, Apex, for rezone of a parcel of land situated in a portion of the East ½ of the Northwest ¼, all of the Southeast ¼ of Section 31, and a portion of the West ½ of the Southwest ¼ of Section 32, Township 3, Range 1 East, Boise meridian, Ada county, Idaho, all of the West ½ of the Northwest ¼, Section 5 and a portion of the east ½ of the Northeast ¼ of Section 6, Township 2 North, Range 1 East, Boise meridian, Ada county, Idaho; establishing and determining the land use zoning classification of 384.27 acres of land from R-4 (Medium-Low Density Residential) Zoning District to R-8 (Medium Density Residential) -- sorry. and R-8, (Medium Density Residential) (264.06 acres), R-15 (medium high residential) (76.93 acres) and C-C (Community Business) (43.28 acres) zoning districts in the Meridian City Code; providing that copies of this ordinance shall be filed with the Ada

County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing for a summary of the ordinance; and providing for a waiver of the reading rules; and providing an effective date.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we approve Ordinance No. 20-1910 with suspension of the rules.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I second that motion.

Simison: I have a motion and a second to approve Ordinance No. 20-1910 under suspension of the rules. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it. The ordinance is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Thank you all for a great meeting this evening. I know we got one more thing to do, but we will come out and just say it's been a great first calendar year 2020 of meetings. So, thank you, I appreciate the honor to chair these meeting, except for when I haven't. Appreciate the honor. Or chair the meetings. So, with that --

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I just wanted to say one thing to those who are watching or our citizens of Meridian, I wish you all, on behalf of our Meridian City Council, a Happy Holiday, Merry Christmas. I hope you all find peace and solace in all that you do and know that we are grateful for the opportunity to work on your behalf. So, Happy Holiday, Merry Christmas, and with prayer and hopes of -- of a prosperous 2021 with tons of blessings for all. Ho-Ho-Ho. Thank you.

FUTURE MEETING TOPICS

Simison: Perfect. Any item under future meeting topics?

EXECUTIVE SESSION

10. Per Idaho Code 74-206A(1)(a) To deliberate on a labor contract offer or to formulate a counteroffer

Simison: Then do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we go into Executive Session per Idaho Code 74-206A(1)(a).

Cavener: Second the motion.

Simison: I have a motion and a second to go into Executive Session. Ask the clerk to call the role.

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

Simison: All ayes. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

EXECUTIVE SESSION: (9:28 p.m. to 9:58 p.m.)

Bernt: Move we come out of Executive Session.

Cavener: Second.

Simison: I have a motion and second to come out of Executive Session. All in favor say aye.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Bernt: I move we adjourn.

Cavener: Second.

Simison: Motion and second to adjourn. All in favor?

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 9:58 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK