

A Meeting of the Meridian City Council was called to order at 6:06 p.m., Tuesday, September 14, 2021, by Mayor Robert Simison.

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

Members Absent: Brad Hoaglund.

Also present: Chris Johnson, Bill Nary, Joe Dodson, Alan Tiefenbach, Shawn Harper, Pam Orr and Dean Willis.

ROLL-CALL ATTENDANCE

☒ Liz Strader	☒ Joe Borton
☐ Brad Hoaglund	☒ Treg Bernt
☒ Jessica Perreault	☒ Luke Cavener
☒ Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is September 14th, 2021. It is 6:06 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.)

COMMUNITY INVOCATION

Simison: Our next item will be the community invocation, which tonight will be delivered by Cindy Reese of the Meridian East Stake of the Church of Jesus Christ of Latter-Day Saints. For those of us here if you would, please, join us in the community invocation or take this a moment of silence and reflection.

Reese: Our Heavenly Father, we are grateful for the opportunity we have to gather in this country to have the minds of the people heard and to have representatives who carry out the will of the people. We ask a special blessing at this time upon our country as we struggle with the pandemic and other forces and we ask you, please, to continue to watch over and bless those who watch after -- after our Constitution. Help the people on the Council to have discerning minds and listening hearts and a heart to continue in their service to their community and these things we say in the name of Jesus Christ, amen.

ADOPTION OF AGENDA

Simison: Thank you. Next up is the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Can you -- can you guys hear me?

Simison: It's really --

Bernt: I'm struggling with this -- this Zooming tonight for me has been somewhat challenging. So, with that said, Mr. Mayor, I move that we adopt the agenda as published.

Cavener: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, did we have anybody signed up under public forum?

Johnson: Mr. Mayor, nobody signed up today.

ACTION ITEMS

- 1. Public Hearing Continued from September 7, 2021 for Adoption of Proposed Republic Services Solid Waste Fees**
 - A. Request: Approval of Resolution No. 21-2286: A Resolution Adopting the Fiscal Year 2022 Rate Schedule of Solid Waste Collection Services; Authorizing Finance Department to Collect Such Fees; and Providing an Effective Date
 - B. Request: Approval of Market Labor Fee Contract Amendment for Fiscal Year 2022 Between the City of Meridian and Republic Services
 - C. Request: Approval of Recycling Processing Fee Contract Amendment for Fiscal Year 2022 Between the City of Meridian and Republic Services

Simison: Okay. Then we will move into Action Items. First item up is a public hearing continued from September 7th, 2021, for adoption of proposed Republic Services solid waste fees. I don't know if we need to hear from the applicant. Would you like to hear again from the applicant, Council? Okay. Yeah. We continued this primarily to give Council Woman Strader an opportunity to join us as the representative some SWAC. I guess I will start with Council Woman Strader, see if she has any comments that she would like to make.

Strader: Mr. Mayor, sure. Thanks so much for including me. That was really thoughtful. I, yeah, reviewed the meeting from last week, so I have gotten up to speed on it and I certainly was part of the discussions at the Solid Waste Advisory Committee. So, you know, look, I think -- certainly what Republic is experiencing is not unusual in the context of what a lot of businesses are experiencing right now with a lot of pressure in the labor market and, you know, one discussion on the SWAC, just to be transparent, was whether this made sense as an adjustment going forward, forever added to the base, or whether it made sense as a one time adjustment with the option to continue it in the base and I think what SWAC, you know, ultimately got on board with was recommending the adjustment. I will say -- you know, I chatted with Rachele and -- and they certainly are splitting their increase in their labor costs, but this is outside of the contract that we have; right? So, they have been a great partner. They provide a lot of services to the city that are also outside of the contract and there are a lot of considerations. I'm okay with more discussion, but for me personally what I think makes the most sense is to approve this as a one time labor market adjustment, not adding it to the base going forward, but giving the city the option to include it in the base a year from now, so we can see what's going on in the labor market, take a look at our contract and if it's adequate -- I'm going to assume that it is, but -- and for -- you know, for Republic to advise us on what they are seeing and if this is a permanent change that's needed and just give us some time to process that. So, that -- that's my feedback.

Simison: Okay. Thank you. This is a public hearing that we did leave open. I will just see if there is anybody from the public that would like to provide testimony on the item at this time. If so I would ask you to come forward to the podium or if there is going to be anybody online that would like to weigh in you can use the raise your hand function on Zoom and we can bring you in for any comments.

Johnson: Mr. Mayor, so you are aware I cannot see if someone raises their hand, so I might have to rely on Council to tell me.

Simison: Okay. I can do that. Seeing no one raising their hand or coming forward, ask the applicant from Republic Services if they would like to come forward for any final comments or not. Okay. The applicant does not wish to come forward. So, with that be happy to take a motion from Council to close the public hearing.

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

Bernt: Second.

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: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor, I have a question for Bill Nary.

Simison: Yes, Council Woman Strader.

Strader: Okay. So, Bill, if -- if I were to make a motion along the lines of what I just proposed, would we need to actually amend, then, the resolution and -- and come back or how would we handle that?

Nary: So, Mr. Mayor, Members of the Council, Council Woman Strader, yeah, we would have to amend the -- the MOU that was prepared, as well as a resolution, but we would have time to do that, so that's certainly -- whatever the Council's pleasure.

Strader: So, Mr. Nary, do you require -- do you require action tonight then or do you want to just hear from Council if they are in agreement on proceeding on it being a one time labor market adjustment for this year, with the option to continue a year from now?

Nary: So, Mr. Mayor, Members of the Council, Council Member Strader, so, yeah, if the direction is to move forward with what's on the agenda, which has already been provided, you can certainly do that tonight and, then, we will get the process of getting the billing adjusted and changed for the coming fiscal year. If the desire is to change that, then, we will need to go back and redo the MOU and redo the resolution, so we would have to bring it back probably not next week, because that's already expired, but probably the week after.

Strader: Oh, gosh, and, then, would we need to open the public hearing again?

Nary: Not necessarily, because if you just make a motion with direction, we just carry forward the direction.

Strader: Okay. Well, I think I made a motion. I hope it was adequate.

Simison: I don't think we had a motion and I don't think we had a second.

Strader: All right. Mr. Mayor, I will give it a try. So, I would move that we revise the Resolution No. 21-2286 and the labor market -- the contract amendment and when -- I don't think we will need to change the recycling processing fee contract, but just any changes needed in those first two documents A and B to reflect that this is a one time adjustment for the labor market increase and that the city has the option to approve it a year from now added to the base or not.

Simison: Do I have a second?

Borton: Second.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I really appreciate kind of the innovative step that Council Member Strader is kind of proposing. The part that I'm struggling with is that I -- I can't envision a scenario a year from now where Republic says we are going to pay our employees less and so while I think it's great that we are going to have a conversation about this a year from now, I'm -- I'm hesitant to tie the conversation around a labor adjustment on an annual basis. I appreciate what you are trying to do. I just don't think that it's something I can wrap my head around at this particular time.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think from my perspective it's unlikely that -- that Republic would -- would not want it added to the baseline forward, but it doesn't obligate the city yet to add it to the base going forward and that's kind of what I am -- what I -- what I care more about at this stage is being able to get a little bit of breathing room and take a look at what happens in the next year and be able to make that decision at that time. I just don't like us reacting to changes in the labor market that feel like they are coming really quickly at us without a chance to really digest it and look at it for a year.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Question for Council Woman Strader. Do you -- are you hoping for an analysis from Republic Services a year from now that -- that shows whether or not it had the effect that they were intending or is it more concerns -- more of a concern of the financial amount that it adds to our -- the base of our budget?

Strader: Thank you, Council Woman Perreault. Mr. Mayor, if I may. Yes, I think -- I think what we could see from Republic is they had to increase their wages. Is that a permanent change that they have had to sustain? You know, there is turnover certainly in their business and we might just see what happens; right? So -- I don't know. That's my -- my bias is to obligate the city less and take a look before we agree to make that a permanent change to the base.

Simison: Is there further discussion on the motion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just a quick comment. I'm supportive of it. I get the premise that Council Woman Strader is trying to do. Be a good steward. It very well might not change in subsequent years, but -- but Republic Service has been a longtime good partner with the city, so I'm sure they -- they vet and view costs that they are dealing with just like we will. So, I get what you are trying to do. So, it makes good sense. Eyes wide open. Trying to be prudent. So, supportive of the change right now.

Simison: Any additional --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I was not the motion maker, but does it need to be clarified that we are not having a public hearing two weeks from now when the resolution is back on the agenda?

Simison: No. I don't think we need any future public hearings on anything. We are in motions on these items.

Perreault: So that doesn't need to be part of the motion?

Simison: To do a public hearing --

Perreault: To not have one.

Simison: No. Is there further questions or comments? All right. Ask the Clerk to call the roll.

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

Simison: All ayes. Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: So, Mr. Nary, you will make those updates and bring them back?

Nary: Yes, sir.

2. Public Hearing Continued from August 17, 2021 for Wells Street

Assisted Living/Andorra Subdivision (H-2021-0024) by Jamie Koenig of Babcock Design, Located at 675, 715 and 955 S. Wells St.

- A. Request: Annexation of 17.5 acres of land with a TN-R zoning district.
- B. Request: A Preliminary Plat consisting of 61 building lots and 8 common lots.
- C. Request: A Conditional Use Permit to allow an Assisted Living and Memory Care Facility on the southern portion of the property.

Simison: Okay. Thank you. Next item on the agenda is a public hearing continued from August 17, 2021, for Wells Street Assisted Living Indoor Subdivision, H-2021-0024. We will continue this public hearing with staff comments.

Tiefenbach: Good evening, Mayor, Members of the Council. This is Alan Tiefenbach, Planner. Can you hear me?

Simison: Yep. We can.

Tiefenbach: So, this is an annexation and zoning to TN-R, preliminary plat, and conditional use permit. The site consists of about 17 and a half acres of land. It's zoned RUT and it's located at the southwest corner of East Magic View Drive and South Wells. If you recall at your August 17th meeting the Council continued this case to September 14th for the applicant to consider feedback from the Council. Here was the general feedback. Committing to 55 and over age restricted community. It was a few different suggestions. Reducing the footprint of the homes, deed restricting the homes, or limiting the houses to one story. Another suggestion was providing larger rear setbacks to the existing properties. There was a suggestion about removing the access from East Magic View Drive by -- where -- by providing another access to South Wells Street and the last one was whether or not they could move the pool to a location further away from the houses. What I have on this graphic here is showing what you saw at the previous hearing on the left. I'm keeping the southern side out, because this -- all the discussion for the most part was about this northern part. On the -- on the left is what you saw at the last hearing. On the right is what is being presented now. So, the applicant has provided these plans. The first thing is that they have increased the site -- or sorry. Increased the rear setback of all of these houses here to be a rear setback of at least 17 feet. What you saw here for the original access off of East Magic View Drive is now gone. That access has been moved over to here. What was a house here has now been moved up to here. They also have -- per their recommendation about the pool, they have moved the pool further away from the houses. The other thing is that if you remember with the original proposal some of the garages and/or some of the driveways -- not all of the houses accommodated four parking spaces that would be required. The applicant has made all of the lots longer, so that every house in this subdivision does provide the four parking spaces. In addition, what you see in the -- in the bulb outs is additional guest parking,

which is approximately 21 additional guest parking spaces and nine parking spaces which were provided for the clubhouse which you see here. This has resulted in open space reduction slightly of about 21 and a half percent to about 20.5 percent. Just for your reference, I'm -- I'm -- on this particular slide I'm showing you the whole thing. Unfortunately, it's so long it's not really -- it's not very helpful to try to put the whole thing in one piece, which is why I cut this apart. Staff received five additional citizen letters since the last hearing. The concerns expressed included eliminating windows on the west side of the houses, so not having any windows at all to provide privacy. There was some request to reduce the houses again to one story. At this point that -- that has not happened. There is also some comments about the unknown nature of the office building. That was this building here at this point. This would only be allowing a commercial building, but they would have to most likely go through a conditional use in order to do anything with that building and, then, there was also some comments about what kind of quality of fencing would be along the western perimeter here. I think there are some concerns about the typical vinyl fencing. With -- with that I will entertain any comments or questions from the Council.

Simison: Thank you, Alan. Council, any questions for staff? Okay. Thank you. Will the applicant like to come back forward and be recognized for comments.

Koenig: Mr. Mayor, Members of the Council, my name is Jamie Koenig, an architect with Babcock Design in Boise. Alan's memo, basically, summarized your feedback into four categories that I would like to kind of restate and expand upon a little bit and I have some items I would like to -- so, first of all -- sorry. I had this issue last time, too. Council feedback item number one, committing to the 55 age group community by reducing the footprint of the homes, deed restricting the homes, and/or limiting the houses to one story. This is really a matter, from our point of view, of attracting an older population of homeowners and I feel like the following list is a good effort toward that goal. Our small lot size and limited backyard area would be unattractive to younger families with children, trampolines, and swings, et cetera. We are providing quality of homes that have elevated design in a price range of 550,000 to 650,000, which would be financially unfeasible for most young families, thereby attracting an older, more established population. This is well above the recently announced 530,500 dollar mark of the Meridian -- median home prices in Ada county. Most homes will have master bedrooms on the main level, with additional bedrooms upstairs, which could be used as a den, home office, craft room and for visiting children and grandchildren. Lawn landscaping will be maintained for homeowners, making this an attractive community for an older population. Gated communities are attractive to senior citizens as they seek security and peace. The average home size in the concept plan is 2003 feet. This is a bit larger than Brighton Homes that are 55 plus also and yet smaller than some of the Ashbrooke and Englefield Green products, some of which have large upper level bonus rooms. If the homes were designed to be too small, they would be more affordable to a broader age group, particularly first time homebuyers and small families. Smaller homes with lower price points would also impact adjacent home values. The price range of our product is above the median home prices in Ada county. We are limiting the homes along the west property line to a single story. We are limiting the home's along the west property and reducing

the size of the footprints shown is unrealistic and would have substantial negative impact from a real estate perspective. Given our desire to have a product that is attractive to an older market, those limitations would work contrary to our goals. Requiring smaller footprints may encourage some 55 plus buyers, but our proposed square footage is well within the standard range of many 55 plus communities across the valley. Being 55 should not be assumed to be a physical constraint. Most are very ambulatory and simply prefer that most used areas be located on the main floor. The second floor is a great option for home offices, second offices, and privacy for guests. The homes are not laid out to accommodate -- the homes are not laid out to accommodate the traditional activity or storage needs of a noisy and busy family. Given the willingness and effort to provide revisions and concessions throughout the process, we feel that deed restrictions on the property are unnecessary. City Council feedback item number two was providing larger rear yard setbacks to the existing properties on the Snorting Bull Subdivision. Proximity to and interface with Woodbridge neighborhood. We agree to a stipulation in the development agreement stating that we are providing 17 foot rear yard setbacks along the west property line, which is an increase beyond -- beyond the required 12 foot for TN-R zoning. The distances from the property fence to the rear of the homes will now randomly modulate between 17 and 27 feet from the rear property line. This is an additional five foot greater than the previous version. We also agreed to the stipulation in the development agreement stating that the second story portion of the homes along the west property line shall be no closer than 27 feet from the rear property line. We are providing five yard -- side yard -- five foot side yard setbacks long the west property line, which is an increase beyond the required three foot for TN-R zoning. Roof height at the peak of the single story portions is estimated at 16 and a half feet. Roof height at the peak of the two story portions is estimated at 25.5. Both of which are less than the 50 foot peak allowed per TN-R zoning. We agreed to the stipulation in the development agreement stating that we require general contractor to provide class two trees selected from a tree list at the rear yards of the homes along the west property line. These will be larger attractive trees that will limit the view from the property -- property as shown in the landscape package. City Council feedback item number three. Removing the access from East Magic View Drive. We have done that. This is addressing traffic and parking concerns along Magic View. We are removing the north gated entry from Magic View and relocating it over to Wells. This will eliminate traffic from crossover on the way into the project and lessen the temptation to turn left upon exiting the project. Exiting onto Wells will increase the likelihood of traffic continuing to the north and the east. We are willing to pay ACHD to install no parking signs on our side of Magic and Wells Street along the property frontage, which we believe could potentially help eliminate parking issues along both Magic and Wells Street. However, recently ACHD indicated they are not supportive of that option. We are providing all homes with two stall garages and two stall driveways, which eliminate any visitors from parking along Magic View and Wells. We have increased the total parking stalls at the north properties from 263 to 274, which is greater than the required 253. This will aid in preventing vehicles from parking along Magic and Wells. We agreed to the stipulation in the development agreement that -- to provide signs at bulb out visitor stalls, restricting time allowed to park in those stalls by removing the possibility of having extra cars parked at those locations long term. The following comparison is of our proposed development on the north residential portions with a

commercial healthcare type development and the associated required parking. Current single family homes are a grand total of 122,200 square feet of building, 61 units, and 253 stalls. If we were to do healthcare of the same size, same footprint square footage -- although Meridian allows one stall per 500 of square feet of building, we typically see one stall for 250 or 200 of building. One stall per 250 would turn out to be 489 stalls, resulting in a 193 percent increase in required parking. One stall per 200 would result in a required parking stall count of 611. Six hundred and 11 resulting in 242 increase -- 242 percent increase in required parking. Commercial parking will almost certainly require higher average trips per day. Commercial development would likely find access on Magic View to be essential. A commercial use structure would seem taller, larger, more massive and have many more second story windows. Since privacy is a concern, this could have a significant impact on Woodbridge neighbors. The required parking lot lighting would have a significant impact on the view from Woodbridge -- Woodbridge of the surrounding sky. Council feedback item number four was moving the pool to a location further away from homes. We have done that, as Alan showed us in the site plan. We are providing a lot of trees and landscaping between the pool and those homes to the south and, again, the revisions that we have made brought the open space down from 21 and a half to 20.6, which is still more than twice the required ten percent. I know Andy Palmer is also available if anyone has any questions regarding the assisted living and memory care and its operations and with that I stand for questions.

Simison: Thank you. Council, any questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Where do I start? So, in general, I -- I don't love deed restricting property, because I think it affects real estate values. I understand Councilman Bern't's continued encouragement of that and I think it finally clicked for me and I'm not saying that I am promoting it at this time, but I think what it finally clicked for me is I have looked at this -- kind of tried to take a bigger picture view of it as I was reviewing it again for this hearing and it just feels so in congruent to have this assisted living and memory care facility next to -- it -- it almost feels like there is a housing facility that -- or I mean a housing neighborhood that was an afterthought to this office and -- and assisted living facility and I think that's where this -- I keep feeling like that -- and I realize it's an odd -- it's an odd property, it's odd shaped, it's hard to make that work, but the whole -- the whole development seems inconvenient and not just -- not just the -- the assisted living versus, you know, residential homes being next to one another, we see a variety of other places in the area where that's true. The things that seem in congruent to me -- and maybe they are just sticking out to me, because I have the years of real estate background, but when you -- when you have a bunch of two story homes -- so, let's take the west side, for example. If I remember correctly from the last hearing, about half of those would be single level and about half would be two story. I assume you might have to make -- make some additional homes two story along that west side, because now you have added another five feet of setback, so you lose that perimeter floor space in the homes and now you are

building up. I hope that's not the case. But whatever the case, it's -- they are just -- the incongruity to me -- and in general Council doesn't try to get as specific as to say to the applicant this is the kind of consumer that you should market to. We -- in general we don't try to do that, unless that becomes a part of the conversation through -- through other elements of the development and -- but in this situation I don't think that the product that you are anticipating is going to meet the need for the individuals that you are marketing to and the reason is because I have sold real estate to seniors for more than a decade and I know exactly what they look for and I know exactly what young families are looking for and they are looking for the same thing, which is smaller homes, single level, with minimum maintenance and so I -- I don't agree that you are not going to get young families coming in here. The average price is in the five hundreds now and if they can get a 2,000 square foot home, instead of a 1,500 square foot home, for 550,000 dollars, that's what they are going to do, so -- but that is not our role. Our role -- our role is not to determine whether you -- whether you can get the -- the consumer that you are hoping for, but you have -- not you, but the -- your application has brought that conversation into play for us as Council and so, therefore, I'm making a statement about it and that is that if -- if you are wanting Council -- or maybe I should just speak for myself. If you are wanting us to make consideration of this application based on your verbal commitment to market to a particular age group, I don't think it's going to play out that way. I just have to be really candid. Now, I think there is a lot of things about the -- a lot of changes that you made to the application that are really good and that I appreciate. So, I probably should have started with the positive, instead of the negative, but -- but, you know, adding that entrance on the west side is -- or east side, excuse me, is huge. I think that's going to be really critical and really important. So, I think there is a lot of -- this is a better -- and, hopefully, that -- that you all feel this way as well. I think this, in general, is better on the residential piece than what we saw last time. So, I appreciate very much the presentation that you gave in terms of trying to address everything that Council had requested in the last meeting. We always appreciate it when applicants come forward and take what we say seriously and -- and really try to work on it. But if you -- if you want us to take that -- that age marketed -- if that's your selling point, I should say, to us, I have concerns about that. So, if there are any changes to the number of two story units I would like to know that and just -- you know, I guess I'm just trying to understand why we are having a conversation about the -- the age of the -- of the -- of the purchaser if that's not a critical element to your application. I realize that Council have brought it up as a suggestion, but is that something that is critical to this getting approved?

Koenig: I think to clarify it, the properties on the west actually grew five foot in depth and so we won't be missing anything from our setback area for the buildings and I think from the very beginning we were -- all along we were trying to target to 55 plus and not really willing to do a deed restriction and I guess from our point of view the things that we have done -- along the way a lot of the changes have been really -- really good I think for the project and I think that it would actually attract an older population, I believe, so --

Simison: Council, additional questions to the applicant? Okay. Thank you. This is a public hearing. Mr. Clerk, do we have anyone signed up?

Johnson: Mr. Mayor, just one. Mr. John Overton.

Simison: If there is anybody else that would like to sign up, either online or otherwise, please, use the raise your hand function at the bottom of Zoom. State your name and address for the record.

Overton: Good evening, Madam Mayor -- or Mr. Mayor. Well, that's an old habit. Apologize. Members of Council, both here and joining us through Zoom. And city staff. My name is John Overton. 1922 East Bowstring in Meridian in Woodbridge Subdivision speaking for the HOA and thank you. Since we started this process -- and I'm going to try to keep this as dialed into tonight's information as I can without rehashing everything. But we made a point of wanting it to be locked into 55 for a reason. Council Member, you brought up in the last hearing four weeks ago how this was different than the previous development and just for the record we are very involved -- Woodbridge gets involved. We fill this room. But we are not anti-development. We approved the last two. We didn't say no. We approved them. We approved the one on these -- two of the same lots. But when we approved that one, if you remember back, the adult -- the senior living aspect. In the multi-function building, independent assisted living, was tied together with the housing. It was bridged. It had shared functions. It had pathways. It was -- it was built and designed as almost one scale project. This, we said from the beginning, didn't have that feel, because now what we have done is we have separated the housing unit from this memory care assisted living unit and we put a blank warehouse spot there. They are separated. There is no tie in. So, we have a real hard time believing that this is going to be this same feel as it was the first time. I want to tell you right now all the changes that they made -- they look positive. The biggest one that we were here kind of cheering on was the one I was hoping that ACHD would be right behind me to say, yes, we are all for the no parking on Magic View and Wells and we will support that. That's very discouraging that they are not willing to support that, considering not only do we have Woodbridge going west through -- or the traffic going west through our subdivision, but we also have probably the worst designed three way stop in the city on the other side. So, we are just adding to this traffic confusion and you don't have to go too far out of this room to find people who have had to deal with several accidents at that three way intersection, especially in the wintertime, and now we are going to have parking on both sides on Wells as this develops if we don't get some help or something doesn't go different. We have struggled as an HOA and as homeowners with some people wondering whether -- was this the best we are going to get. Serious concern. And we said this still isn't what we think is the best fit for this area. We don't think having a housing area separate like this is the best. When it was tied into the senior in the previous we were all in. We met with that developer. We met with those engineers. It was a very well done, very cohesive design. You could see by looking at it how everything worked together. This doesn't work together. They are separate entities and we still believe without those deed restrictions, without something that guarantees that this is going to be 55 and over, I think -- I'm kind of preaching to the choir here, I don't think that's going to happen. I think we are going to end up with all courses of people moving in and I have argued with traffic engineers for years who brought me statistics about, well, you know, the housing is going to cause less traffic than those businesses. That doesn't -- that's not reality. That's not reality where

we are at. We have one way out to the west. No way out to the north or south. Think about this for just a second as we are talking about just traffic. People going to a business -- many people use this wonderful thing in their car -- they got these navigation systems. Almost every navigation system will not tell you how to get somewhere through a residential neighborhood. It will wander you all the way around and it will take you through and get you there. And that's five days a week, 8:00 to 5:00 generally. Now, we are talking residential. We are talking 61, 62 homes. Sixty-one. We are talking 24/7 they are all going to figure out that they can cut through our subdivision. The ones that go to the races, the WinCo, the Home Depot, the dog park, everything to that west side they are coming through our subdivision. So, none of this really addresses our traffic concerns. It helps. Bringing them onto Wells will help. If we didn't have access onto Magic View that would help a lot, but that's not a possibility and we know that. Which is why the HOA -- and I'm telling you right now there is -- there is not a vote of approval. We are still against this. We still vote against this. It's the wrong fit. They are just -- we know the right fit is out there. We think we had it before. But we think this is still the wrong fit for the subdivision. It's the wrong fit for safety for our -- from our littlest kids to our seniors. When we talk about traffic and coming through that subdivision -- and you are talking especially about housing traffic coming after 5:00 o'clock and driving through the weekends, that's when we have the heaviest amount of kids on our streets. When the businesses are open and the cars are cutting through, even those that figure it out -- during the school year our kids are in school. We have the least amount of conflict. But when it's housing we have the most amount, because it's happening all the time. So, with that said we don't support this project. We do want to give the developer credit that these changes are positive, but it does not change our vote. We still believe that there is significant changes that would have to be made. With that I would stand for any questions.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe I lost him.

Simison: If you ask the question he will come back.

Strader: All right. That works for me. Yeah. I was just curious. I mean in terms of support from the HOA, if this is a commercial development would that -- would that be a -- more favorable with the HOA or is the HOA's position that the last one you saw was so great that you really want to see more of that? Because that's kind of a tall order; right? I think we are all kind of -- that's the problem I think this applicant is facing is we all saw a really great plan and, unfortunately, that's where the Overton window got moved, but if you were looking at a commercial development, like a huge medical office building, would that be preferable to the residents of your subdivision?

Simison: Mr. Overton.

Overton: Thank you. That -- we have seen probably ten to 15 medical offices open up in that area east of us since all this development started. It is not giving us the amount of traffic through that we believe a residential development will, because a lot of those folks -- even some I have talked to that go get their eye appointments from the same eye doctor for the last 15 years -- don't know they can cut through Woodbridge and I'm not going to tell them. There is hotels back there, which also in one way do kind of support the hospitals, as well as other events in the city. They are very quiet. They work very well. The residential issue is not. It's -- it's -- I truly believe everything I have ever known from what I did in my previous career is going to cause us a lot more traffic, a lot more people, and it's going to do it seven days a week. Did I answer that?

Strader: Mr. Mayor. I believe you did. I guess I would just ask -- it -- do you feel that this is unanimously opposed or do you feel like there are some people that feel like this is better than -- is that correct? Everyone's against it? They would rather have a medical office building or would you characterize it that maybe some of these changes got some more people on board and it's a little bit more of a mixed view at this stage?

Overton: Council Member, let's see if this helps. When this was first presented and we went to Planning and Zoning, it was presented that this was the same thing as what we looked at before and those of us that had really looked at the plan realized it was not. It was a total different animal. There were parts of it that were the same, there were parts of it that were different. We did have quite a few members of our development that said, hey, this -- you said yes last time, let's do it. This is it. The other part we have got -- because it's not unanimous against it -- is we have got people that are just flat tired of doing this -- of having to stand up and having to protest and say, you know, how many times are we going to have to fight this and how many times are we going to have to stand up and -- and come to City Council and say no on another development and what's -- what's going to come next and I don't blame them. There is -- we are seeing burnout with our own development on people wanting to stand up and say no and they are just getting tired of coming. There is fewer people every single meeting. I know we have a few on Zoom tonight, but we don't have 150 that we have had before. They are just tired and we don't have unanimous on -- we certainly don't have unanimous support, but we don't have unanimous -- overwhelming 80, 90 percent saying don't build this.

Strader: Thanks for that context.

Simison: Council, any additional questions? Okay. Thank you. Mr. Clerk, did we have anybody else sign up?

Johnson: Mr. Mayor, there were no other sign-ups.

Simison: Okay. If there is anybody in the room that would like to come forward and provide testimony, please, do so. Or if you are online use the raise your hand feature. Seeing no one, would the applicant like to come up? Oh.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Sorry. Mr. Mayor. Just real quick. Alan, I should have asked you this at the start. On page 19 and 20 of the staff report -- are you able to pull that up on the screen?

Tiefenbach: I can try, but it might not be quick. What -- which page, sir?

Borton: I think it's 19 and 20 of the 35 page --

Tiefenbach: If you would like to give me a minute I can get that while you talk to the applicant. I won't have it instantaneously. Just give me a few minutes to get back.

Johnson: Mr. Mayor. Alan, I can bring that up right now if you want.

Tiefenbach: Oh. Thank you, Chris. It's a little harder for me to -- sorry.

Borton: It will just help clarify a little confusion perhaps. Multitasking.

Tiefenbach: Are we good, Chris? Okay. I can navigate over and get it, but it will take me a minute --

Johnson: Alan, I just had to change computers.

Tiefenbach: That's exactly what I would have to do.

Borton: So, page 19 and 20. It's the next page, I think. I meant to ask you this before. There you go. It's the plat dated next month and if you scroll down this page and the next page it shows a different layout for the roads and the pool and --

Tiefenbach: Wrong date on that, but, no, that's not the most updated plat. All I have received since the -- whatever -- since the recent was the color -- the color concept.

Borton: Like if you look at this picture on the screen, this has caused some confusion that the applicant can probably address, but it shows a different layout of the pool. It shows it's bisect -- or surrounded by roads on all four sides and I don't know -- there you go. Look at that. Is this what's presented today? Because that's different than what we saw at the start. That was my confusion.

Tiefenbach: Did you want me to answer that or do you want that to go to the applicant?

Borton: Oh, if you -- Mr. Mayor. If you --

Tiefenbach: I received a landscape plan yesterday. This here is one from many versions ago. I have probably received ten different versions of this.

Borton: Okay. Well, I will ask the applicant that as well. Thanks, Alan. This is what it --

it says October 22nd up top.

Tiefenbach: That was my mistake. I'm sorry, sir.

Borton: Okay. No worries. I just want to make sure I understand what the --

Tiefenbach: Well, the most recent versions are the color concept plans that you -- that are the color concept plans that you have seen and an open space plan. Those are the -- the newest -- most newest revised plans I have got. Like I say, I received a landscape plan yesterday that I'm sure the applicant can bring up or I can bring it up.

Borton: Mr. Mayor, last question. Can we pull up --

Simison: Councilman Borton.

Borton: -- have that yesterday's -- whatever was presented on the screen when the applicant --

Tiefenbach: Are you able to get to the laser --

Johnson: Mr. Mayor, I'm getting that --

Tiefenbach: Can anybody get to the laserfiche and get that up?

Johnson: Bringing it up now.

Tiefenbach: Thank you.

Simison: Mr. Borton, do you have anymore questions? If the applicant wants to come forward and be -- I say would say pull this up for your final comments.

Koenig: Thank you, Mayor, Council Members, for letting us come back. The latest landscape plan is the correct plan. We did get information over, but it was not apparently in time to get all the documents updated, so I apologize.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: You said the latest plan is the correct one. I don't know -- still don't know what that means. Like I literally would love to see it like on the screen as we are talking, so we all reference the same thing. We just have things a little sideways.

Winger: Yes. Sorry. T.J. Winger with Babcock Design. 800 Main, Boise, Idaho. If you could go back to the original plan that Alan started with that would be wonderful. Thank you. I understand your confusion.

Johnson: This is what I was showing before you came up.

Winger: I -- the -- the plan that Alan had up initially when he had one on the left and one on the right.

Simison: His presentation.

Johnson: Alan, you will pull that up?

Winger: Thank you.

Johnson: Mr. Mayor, just making sure Alan heard. Can you bring up your presentation, Alan?

Tiefenbach: My apologies. I thought it was up already. Let me try it again.

Winger: There we go. Thank you, Alan. Appreciate that.

Tiefenbach: Sorry about the pause. I thought you were already looking at it.

Winger: No. You are fine. Thank you. So, Councilman Borton, yes, to answer your question, the image on the left was the original design presented last meeting. The image on the right is the latest current image and I was thinking that we had the plat updated and submitted. I'm seeing, yes, a shake back there. But apparently that was maybe not incorporated into the packet. So, the plat would reflect the image on the right.

Borton: Okay. Very helpful. Thank you.

Winger; Yeah. Thank you. I just wanted to respond to a couple of comments made by the HOA and a few things that are out of our control. The property owner on the previous -- from the previous applicant -- we were his planning architect as well and the dynamics were different, because we had owned -- or he had all the parcels and so the connectivity was able to be different. For example, the road at the bottom of the screen that you see, Shadowbrook Lane right there, was going to be abandoned and so -- or vacated, because he owned all of the pieces or had them tied up, so we had an application to vacate that road, so that all the properties were connected contiguously and that made the site plan very different -- the feel very different, because we didn't have that divided circle there and all that property was connected in a continuous manner. When the new landowner picked up the property he wasn't able to pick up all of the parcels. The roadway is not able to be vacated and so it becomes a very kind of divisive element as you do your planning. Unfortunately, that's -- that's a real thing and it breaks up that continuity. To -- to just share a little bit of -- on your comments about the -- the pieces in play there, when we were planning the -- the parcels and the property we felt -- we did do some layouts moving the assisted living memory care up north on the property and felt it a big commercial building up north at the main entrance into Woodbridge was not an appropriate solution, so we felt that the scale of the building was better down on the south

end closer to the other commercial and residential -- not residential -- the other commercial and professional office spaces and, then, transition to smaller, less dense single family homes as you get closer to the entrance into Woodbridge, just kind of scale planning from commercial back to residential. That was our thinking behind that as that transitioned back building wise. The comment about the parking counts and the preference for a medical office building I think might be a matter of opinion. We met with the Woodbridge quite a bit and there is quite a strong opinion about the height of houses along the west property line and with the 50 foot allowable in the TN-R we would probably have a four story medical office building on that lot, which would have a lot of windows and a lot of proximity and a lot of presence on those adjacent homes. We, in our office, did a lot of layouts looking at office buildings there, looking at medical office buildings and looking at how that could play and we felt that that would actually be a very inappropriate response to the adjacent neighborhood, providing a four story building in that proximity to Woodbridge. The main concern seems to be what's on the other side of my fence. We feel it's a very responsible solution to have smaller scale homes with lower roofs on the other side of the fence, so -- and parking and traffic counts -- an opinion is one thing, but code is another and when we do a medical office building and we have to provide four or five hundred stalls compared to 200 stalls, an opinion is one thing, stall counts are another thing. I would probably argue that you are going to have more traffic with a medical project there than you would a residential project, just because of the parking stall counts required. That's just -- I speak parking numbers and counts and so that to me seems like -- I have a pile of cars -- that's 500 and a pile of cars, that's 250 -- they are different size piles. Those are some of the comments that I wanted to share as part of my feedback.

Simison: Thank you. Council, I'm going to start off with a very unfair question.

Winger: Yes.

Simison: Why -- based upon your comments of working on this project and the previous project, why is it in the city's best interest to annex this parcel in this fashion at this time compared to when a better project could bring it all at the same time to create the things that this one is lacking?

Winger: Very good question. Yeah. Just to answer that a little bit, designing the previous project was very interesting. The densities on the housing side were actually more dense, even though it seemed less dense. They were attached product, which I think is, all in all, a lower quality product. If I'm going to own a property and have a comparable when you have a duplex type product versus a single family product, I would say that's a little bit lesser of a caliber product. The previous -- I'm kind of answering by my -- kind of not, so I'm getting there.

Simison: Yeah.

Winger: The previous project -- I really liked it, too. I thought it was fantastic. I loved the continuity of it. I loved that we had all of the parcels and we were able to make that continuity. Where we find ourselves today it -- I'm not sure how the current owner could

get all of the parcels. I know he has really tried. I have been privy to a lot of the conversations and if that were possible I believe our applicant would -- would love to do that. I do feel like this is a very high quality project for the city. I think the caliber of homes that are coming in are not your everyday developer level. I won't throw out names, but I think this is a high tier development. So, as far as the city stands when I look at the quality of the building -- we design multiple assisted living, memory care buildings. The budget that he has set aside for this one is about one and a half times our typical developer grade assisted living memory care project. It's a -- it's a nice building. It's really nice. The -- the housing product that he is wanting to put on the project site is a high caliber housing project. So, honestly, if I lived in Meridian and I was able to pick a project, I would go what's going to be low density in my backyard. Single family is the lowest density. Who is going to put in a nice project that's an elevated finish. I would want that. I love the fact that it's assisted living memory care. I think that's low traffic count. A skilled nursing facility, for example, that's kind of comparable, but not, is more transient in nature. It's medical. It's -- people tend to stay for two or three weeks, four weeks, as they are recovering from hip surgery or a fall or whatever. They tend to have more visitors in a two or three week window. Assisted living memory care have visitors and, sadly, visitors and frequency of visitors fall with the longer the duration. Tend to get visits once a week, every other week. So, it's actually lower traffic count if you were to compare a skilled nursing facility to assisted living memory care. So, as -- if I were to live in Woodbridge I would love a nice quality project with something that's as low traffic count as I can get. As I look at it, these are two pretty low density traffic count projects. Does that answer --

Simison: 'ish. Yeah. It's basically comparing quality at the last one versus this one in your eyes, that this one will be a higher quality as compared to the integration and the flow and the vacation elements that existed with the last property. I mean that's -- that's kind of where I was going, more as like, you know, from a practical standpoint where the other property, you know, had the vacation that created -- was more seamless.

Winger: Uh-huh. It was more seamless.

Simison: And I think quality is subjective. There is nothing that says this developer is going to have a higher quality than the previous one. That you hope, but -- so --

Winger: We have to do a lot of preliminary designs to get to this point and so as I look at his preliminary elevations and floor plans and materials discussed, it might be subjective, but they are different. When you are talking EIFS and cheap materials and you are talking nicer design and elements --

Simison: We can always hope.

Winger: We can hope. Yeah. Well, the drawings -- the drawings that we have done on the previous application and this application to this point -- different design criteria. Different design level subjectively from an architect design.

Simison: Council, any additional questions for the applicant?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Question about the increase in parking spaces. Are those mostly from the additional -- the driveway spaces that were added that weren't there previously with the alley loads? Those aren't additional guest spaces, those are -- those are spaces that were added from extending the driveways?

Winger: Yeah. We deepened the drives, so that all houses could have a driveway.

Perreault: Okay.

Winger: Yes.

Perreault: Thank you.

Thompson: Thank you, T.J. Brent Thompson. St. George, Utah. And the owner of the property. Appreciate your -- again hearing our application. I just wanted to echo what T.J. said of the quality of the development. I understand, Mr. Mayor, your concerns regards the previous one. The previous one, as I stated before, had a one car garage product as attached product and was about a thousand square foot size home. So, a much lower priced unit for a for sale fee simple product than -- than what we are presenting here. But I just wanted to at least express two things. Number one, I appreciate Mr. Overton and his explanation for the HOA, but there are, as he mentioned, many people that were in support of our project. We had probably 40 people I would imagine -- I'm sure we have got a roll of how many people were at our neighborhood meeting back in March next to the Holiday Inn -- the Holiday Inn conference room and I spoke with several couples that were actually highly in favor of our project, simply because it had a high quality appeal to it and they appealed to the -- the higher price points that we would be selling at and, unfortunately, as you know, the people that don't come are the ones that usually support the project and when we have had the experience of having a full staff report that was fully supportive of our application, as well as going to the Planning and Zoning Commission and having the full support by the Planning Commission, not one of these negative elements really came up and so it kind of took us by surprise last -- last Council meeting when it was brought up immediately about it being 55 and older. Just for the record, the -- and this can be reviewed. There is some misunderstanding. The previous application was not required to be 55 and older that was approved last May -- I think it was May 19th of 2020. And, unfortunately, I can't really pull that up at the moment, but I was a participant online and I recall the discussion being that we could not limit it to 55 and older and it was not required to be 55 and older. I also believe I have a copy of the development agreement, which was prepared and sent to me, which I did not sign out of integrity, because we didn't include the other property and I told Alan or one of the planners that, that we were going to hold to see if we could work things out and get the other property. But one thing I wanted to read is just something that came to us just to kind of give me a little bit of support here. At our neighborhood meeting just two days

later a person had e-mailed TJ and Jamie and it said: Hello to you both. We wanted to reach out and thank you for hosting the meeting Tuesday evening at the Holiday Inn Express regarding the Wells Avenue project. If you would be so kind to share this e-mail with the developer from Iterra Homes we would appreciate that as well. Who is myself. As was evident there were very -- very concerned property -- property owners, not only in Woodbridge Subdivision, but Locust View Heights that want to ensure the right type of development goes in this area, which we certainly have heard. While traffic was a prominent topic that evening, we are aware that the developer cannot do anything to mitigate that problem, which has been in place since the beginning. We agree that Iterra would be a good partner to develop that land. The big piece, the single family homes and a gated community with all the amenities, works and we do believe the 55 target would be the targeted demographic and would attract much higher end buyers similar to what was proposed. After listening to your presentation and reviewing your design, we have come to the conclusion that this is a quality project that would fit well next to Woodbridge. Our biggest concern is having the wall of two story houses as has been discussed. We hope there can be a design change to address this concern. Which we have done. We have increased the side setbacks from three feet to five feet. We have now increased the setbacks much further than the city standard in a standard 8,000 square foot lot, which is typically I believe 25 feet minimum and most of these are even going down to 15 feet. We are now limiting ourselves to 27 feet and that's something we are imposing on ourselves. So, I just want to show you that we are listening to the neighbors and we are trying to make those adjustments. If you would be able to share with the board your design changes prior to our first time going to City Council, which we did, it would allow us to share with the Woodbridge residents to increase support when your application is submitted. Again, thank you for your time on Tuesday, the Woodbridge homeowners board. And so as a developer it's very difficult when we go through the process. We have had the neighborhood feedback. We have tried to mitigate any concerns that they have. We have gone through the planning staff, they give us a full approval or support of our project and we go through Planning and Zoning Commission, they give us a full staff for the project and, I will be honest last -- last month I felt attacked. It was very much in a situation where we are -- we are imposed this 55 and older -- that we had to impose it upon ourselves and financially we just cannot do that and, to be honest, it's frustrating to hear the challenges that are out there of this kind of anti-family. You know, what happens if a family moves in? Heaven forbid. And I guarantee you that if the city -- the citizens of Meridian were aware that all this is going on -- we are trying to limit having families, heaven forbid, that's not what we are targeting, but who cares if a family moves in? Who cares if they are able to move in? I agree the traffic problems are challenging all throughout the city, not just the Woodbridge community. It seems like that seems to be the focus every time is this discussion with Woodbridge and the traffic issue. We cannot fix that. It's something that exists. But I just want to make those statements and I also want to just be clear that we are developing a very high quality project. It would be a shame for the city to lose such an asset as what we are proposing on this three story building. It costs 20 million dollars to build. That's our cost and we have had bids up as high as 26. So, if you don't think that we are here and we are not in it trying to create a quality development, Mr. Mayor and Council Members, you are mistaken. We have put our money where our mouth is. We have purchased the property. We don't have it tied

up. We have made every -- every effort to make this a success. We have listened to the -- to the residents of Woodbridge. Poor Jamie, I guarantee you, could supply over 200 e-mails that he's answered and tried to listen to the residents of Woodbridge, which has never been said or spoken of or appreciated and I have let Jamie interact with residents and try to make the best concessions that we can and that's a fact. Despite what -- what may have been said or what may have been felt. We hope that you vote yes in approval of this project and I'm here if you have any other further questions.

Simison: Okay. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Brent, thanks for coming up. I think you touched on it. A month ago the conversation got a little spicy towards the end and --

Thompson: Icy.

Cavener: -- I wanted to apologize for my role in that and I was going to do it before a vote, but since you came up I wanted to let you know I appreciate you being here and, frankly, I appreciate a lot of the responses to the -- the neighborhood feedback that you got. You didn't have to, but you I think made what you felt was your best effort to try and address some of that and I want you to know that that doesn't go unnoticed by the Council.

Thompson: I appreciate that. And I just wanted to also -- if I have a moment to just clarify. When I mentioned we cannot have ex-parte communication, that was not accusing any Council Member of having ex-parte communication, it's the frustration that I have as a developer that we can have the neighborhood meeting, get positive feedback. We can talk to staff, have positive feedback. We can get through Planning and Zoning Commission, have positive feedback. But we do not have an opportunity -- we do not have an opportunity to meet with Council or the Mayor necessarily to discuss our project and we felt, as I mentioned before, a little blindsided based on the city's feedback from staff, Planning and Zoning, that all of a sudden our project is terrible, it's not going to work. That's our market risk. If these don't sell that's on me. But, anyway, I just wanted to clarify that that was not an accusation, that was simply stating we -- and that's on the record if anybody wants to go back and look at it. We cannot have ex-parte. That's what I said.

Simison: Council Woman Perreault.

Perreault: I would like to clarify this conversation regarding the deed restricted 55 plus community. I think that what -- I want to clarify -- I can't clarify for Councilman Bernt who -- who had asked about this at the last meeting, but for myself I want to be really clear, because I -- what you just repeated back to me is not what I know I had communicated. So, I want to be really clear. I am not a proposal of deed restricted property. I didn't ask about the 55 plus, because that's what I am proposing to have happen. I don't like deed

restricted properties in general. What I want is the public to know what it is that you intend on building and what you intend on doing, because we frequently hear from the public this is what I thought was going to happen and it didn't happen. So, I want to clarify that this isn't about requiring the 55 -- for myself. I can't speak for my fellow Council Members. This isn't about requiring a 55 plus. I would guess that that was brought forward as a suggestion, because it would make sense given the other uses of the property, maybe some concurrency to it. Personally I think from a real estate standpoint it's not wise. However, if you say that you are going to market to a certain age group and -- and -- and a different age group comes in, I have absolutely no problem with that. None whatsoever. But what we don't want is people to come back and say I thought this was going to happen, but this is what would -- what happened, because that's where we, then, get that feedback that you don't and so as -- as individuals making decisions that have a broader scope for the city, we have to take those kinds of things into account and all of us have had years of feedback from our residents and the reason we ask the questions that we ask and we bring the things that we bring up is because that's what we are doing week on week off that we are hearing from our own residents and so much of the questions that you are getting are because of the background that we have in these conversations on a regular basis. So, yes, you didn't get to speak to us directly, but all of us have -- have frequently answered the same questions -- or asked the same questions of developers that we are asking you. We ask those questions to -- to every applicant that comes through and -- because of the feedback that we hear. Whether it's feedback specific to your application or it's feedback specific to other -- other applications or it has to do with our Comprehensive Plan, which we just finished. We had a year and a half or more of feedback from our residents in our Comprehensive Plan about parking and streets and all of those. So, those are all things that come into play that may not be specific to your application, but we feel a duty to ask those questions to get them answered.

Thompson: I appreciate that and if I just may respond briefly to that. I agree. Deed restrictions are very difficult and difficult to enforce and it's a whole different animal that -- that I'm not familiar with and it's just not our focus. We have never suggested that it's a 55 and older community. We do believe that there are going to be a lot of 55 and older buyers into that community. I come from a little bit different background and maybe where there is some confusion is where Boise is such a -- a spec home community where builders build spec and they build what they want to build and, then, the buyer comes and they buy it. We are visualizing this more as we meet with the buyers, we have plans available that they may select, and that's why we want to have the ability to have a two story product. They may all very well be single family, but it's going to be more customer driven and we are not going to go build 60, 61 spec homes, if that makes sense.

Simison: Council, any additional questions for the applicant?

Thompson: If I can make just one more statement, Mayor -- Mr. Mayor. Excuse me. Which just in regards to the quality and Councilman Perreault was asking about how can we guarantee. We have gone to the extra great lengths -- in fact, Councilman Borton was a victim of that. We had been looking at the landscape plan, that was actually our landscape plan from a group that -- out in Portland, very high end landscape planner.

Unfortunately, that's the one that correlated to the existing original plan. I have one that was sent to me yesterday -- or this morning that's up to date. We have gone through with all the expenses. We have this redesigned in CAD, which we had to send to the landscape architect, but if you look in detail into our -- our level of quality of -- of this entire project as far as its presented, we have spent countless dollars and time trying to make it right and trying to have the -- the examples of the homes that are going to be built and certainly the assisted living building, which, quite frankly, has been completely overlooked of the quality of -- of that asset to this community and what that would mean as well, but we hope that what we have done and what we have prepared -- and, unfortunately, Alan's received lots of copies from Jamie, it's just because Jamie wants to make sure he has the most up to date and I can see how that can be confusing, but we are not switching things. Jamie's just very detail oriented. If he changed a little bulb out and deleted two parking spaces, he wants to send it to Alan and make sure he has the one that has the two spaces left. Does that makes sense? Okay. Sorry. Thank you.

Simison: Thank you. Councilman Cavener.

Cavener: Just kind of meatier topics, we kind of -- sometimes we leave the public hearing open, so I will just -- I will start, because I think the cat has got kind of all our tongues. I think a lot of thought behind this. I touched on some of my comments with the applicant. Appreciate them responding to some of the feedback from the neighbors. I have kind of looked at this as kind of three parts. Assisted living, memory care piece, which I really like. I think we need more of that. Some of you know my wife works for the Alzheimer's Association and -- and so I hear almost every day about the importance of facilities like this in our communities. I have struggled a little bit with the -- kind of the -- the two story commercial element, what it will, what it won't, what it could be. I think I could get over that hurdle. The piece that I'm -- I'm struggling with is the piece that I think Council Woman Perreault did a very excellent and articulate job of kind of summarizing is that it feels to me incompatible with kind of the existing uses and the continuity piece I recognize is out of the applicant's hands, but compatibility is and I have struggled with what this potentially could be. Mr. Mayor, I think you did a -- I think a really good job of asking a very challenging question. I appreciate TJ responding about it. Is this the highest and best use and is this the right fit at the right time and I -- as much as I would like to wrap my head around the yes on that, I can't, and I have tried really really hard to not compare it against what we have last seen, because if we are going to compare it against what we have last seen, we should also compare it against the nine or ten other applications that we have seen and this one's vastly superior to some of the other ones that we have seen. So, I have tried to really take it on its own merit and there is about a third of it that I really like, a third that I'm neutral, and a third that I just don't think is the right fit. So, it's a struggle for me to be supportive of this application as presented. I'm open to the conversation, but that residential piece is a very very big hurdle for me.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Question for Councilman Cavener. So, in the last hearing we gave the applicant really specific feedback on what didn't quite make sense to us. Do you have something specific this time that you have in mind?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Council Member Perreault, appreciate the question. Thank you. I mean the -- the easy answer is -- is the hard answer; right? They could say we are going to deed restrict this. They were very clear they don't feel that that's something they want to get behind or that they can't. What I didn't hear was any type of a structure -- structurized, if that's a word, plan to market and sell this as a 55 and up community. You hit the nail on the head. We hear all the time about the -- the seller or the applicant or the builder said it was going to be X and, then, it was going to be Y and -- and, frankly, I think it's good for your future residents that you give them some assurance, because if one day I want to be 55 and older and if -- if I live in a community that's market as a 55 and older and there is certain things that I want, it's a little more quieter, a little more peaceful, if young families show up, well, that's counter to what I chose to invest my money in. So, with -- without a plan from them it's -- saying here at a City Council meeting on a Tuesday night this is going to be marketed as a 55 and up community and, then, what they actually do to achieve that are two separate things and I think they had an opportunity to bring what that plan would be and they didn't present it.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: As I mentioned earlier, it's not always a topic of conversation, the specifics of the sizes of the residences and to occupy those residences. However, the more developed Meridian becomes, the more projects that we approve, more often we hear from the public about wanting us to get specific about what we are approving and how the planning process works and that the public knows what's going to happen. I'm hearing that more and more and so while the -- the element of whether you do a 1,500 square foot home or a 2,000 square foot home isn't technically part of the application that we are considering, we are doing what we feel is our due diligence to understand the entire concept in response to the feedback that we receive. So, I wanted to just share that. I have -- again, I'm here on the ground selling homes to seniors and have been doing it for years. This is not the product that they are buying in our area. So, I -- I am not -- I am not saying that to -- frankly, in my -- in my opinion that's not an element of the decision for me. If young families buy these homes I'm okay with that. I don't have an issue with that. I have an issue with whether or not that is going to be a part of the communication to the public, as Councilman Cavener explained. I think once you get a home that's two stories, above 1,800 square feet, you are going to have young families all day long. It doesn't matter how big the backyard is, because it's getting harder and harder to find homes that are above -- above about 15, 16 hundred square feet in general, that are even in the

range that is being suggested. But, all in all, big picture out of the weeds, I don't -- this location for a higher quality subdivision doesn't make sense to me at all. It's -- this area is -- has such a variety of different types of properties and I wouldn't come in and say, yeah, that's definitely where we want to put a high quality, higher end residential subdivision. The oddness of the roads, the hotels nearby, you have got businesses right close up, you have got medical offices, you have got interesting traffic patterns -- I don't see this as being a location where I would like to see a high end neighborhood. That being said, I don't see that there are any technicalities that the applicant has not addressed that have been -- that are in the staff report. I mean the applicant has essentially agreed to nearly everything that we have asked and it's my understanding they have agreed to all of the requirements of the staff report. So, I don't see anything in particular that I don't think the applicant has addressed or attempted to address that would go against what planning staff has recommended. So, that didn't share my exact opinion, because I can see both sides. This is the struggle. This is why we have been back here three times.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, I think -- I don't know if this helps or hurts, but I think it needs to be part of the conversation. This is -- this is an annexation and the Mayor asked the absolute correct question on that and that really is your decision point. I think Council Member Cavener is spot on to say, again, if that's not their plan to do that that way, then, that's not their plan. So, that's your decision point. I'm a little concerned -- and I don't -- I don't see the Council going there or I would have brought this up sooner, but on mandating that -- a property owner can mandate that restriction and that's allowed and if the Council's preference is this is the kind of community that makes sense to us in this location, that's fine, too. But it is difficult for us to require it, but we certainly don't have to annex it if it doesn't fit, as Council Member Perreault just stated, it doesn't fit the area, the feel, the right -- the right type of development in that location. So I just wanted to make sure we didn't digress, because Planning has pushed my buzzer a couple times to say make sure we don't mandate that and I don't see us going there, that wasn't the intent that I ever thought was the Council's direction, but I did want to bring up that -- I mean, really, if it isn't -- Touchmark is a great example. Touchmark does not have a restriction from the city to be a 55 and older community. That's their business. So, that's why they built it that way and that's what they market it for and if you are 25 years old with three kids and you want to buy a house there, they may not sell it to you and they don't have to. So, I mean that really is -- the plan you have in front of you is where your decision has to lie.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I -- I have never been a fan of the deed restriction. I think that goes a lot

further than we have ever gone as a Council and I don't think it works in our best interest either to ask somebody to do that; right? In 30 or 40 years maybe 55 and up is not an appropriate use of this piece of land; right? So, I -- I'm not -- I'm not a fan of that. I think they vocalized a business plan that hopefully addresses a concern about traffic. I don't -- I think what we are suffering from is we are comparing it to the last application. I don't think that's entirely fair. I think to everybody's point it's like -- it's not just a comparison to the last application, it's a comparison to any potential use and I -- this is, to me, a lot better than other uses that could be right next to a residential neighborhood with a big medical office building or, frankly, denser housing. I mean this to me -- some of the -- I think real points of concern I think have been mitigated by changes that the applicant made. I appreciate that. I agree it's not their responsibility to solve the traffic issue and, you know, I think what they are asking for is optionality for their two stories as they are marketing. But that the setbacks go a long way to address that concern and I -- you know, I hear comments like we can't have windows on the west side. That's an unreasonable request; right? Like we need to strike the right balance between the property owner that owns this land and the potential uses of it and the neighbors and people deserve to live in this new neighborhood, if it gets built, deserve to have light and air and all the things that come with windows and -- you know. So, we have got to strike that balance and we need housing and I -- personally I think that there is a lot to like about this application with the changes that have been made. Yeah. I'm leaning towards supporting it at this point.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I appreciate the dialogue this evening with my fellow Council Members. Appreciate the dialogue and the presentation as well. At the end of the day I don't feel that this -- this application fits the highest and best use for this -- for this section of our community. So, I -- and, honestly, my thoughts haven't changed since -- since last -- since the last City Council meeting when we heard the original presentation. I won't be in favor of this application or annexing this property into the city at the current time.

Simison: Anybody else like to make some comments on the application at this time?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Sure. Just summary comments. I -- I think that the -- the overall balance of considerations that -- in particular the changes that were addressed from the Council comments, they do hit the mark. I think anything on this location, no matter what it is, causes traffic, it causes challenges and increases use and -- and that is a difficult scenario to remedy absent keeping it vacant forever. The renderings are attractive. I think it's -- it's a less intense use than what other -- otherwise might be there. It appears to be laid out in a way that can integrate adjacent parcels successfully, both to the east and the west. It's a difficult parcel. It really is. I think getting rid of access on Magic View is a

really big improvement to the inherent challenge that this parcel will have forever, just because any use is going to create traffic and this area is just -- has that challenge it has to deal with. So, I'm supportive of it as changed and in the comments that the applicant provided that would all be incorporated into the DA. It's not a deed restricting issue, but the comments in the packet. Or I think the applicant read them, but they are literally dated today. Walking through the four feedback topics and how they intended to address some or all of them. Council Woman Strader's comments with regards to rear yard setbacks and the windows I think is spot on as well. It's that balancing of consideration. We take in remarks from adjacent properties as part of our consideration. Whether adjacent property support or reject doesn't dictate or drive the decision, but it certainly is a valuable piece of input that we consider. But I guess all of that combined together makes me supportive of this application as it's been amended.

Simison: Well, we have an odd number this evening, I would say -- I asked the question earlier that was to me the big question and at the end of the day when -- what we use to evaluate this is like top half is residential, which abuts residential. The bottom half is commercial, which abuts commercial. The adjacent parcel is actually adjacent to county land. So, it's really -- it's thought out -- while I would prefer to see everything come in at once, I think it would have -- you know, maybe you could address a few things. I can't, in my own opinion, hold this person responsible when the next property over from this one is a county subdivision, there is county property as well, and I would like to know how that's going to develop. I would like to know how all of this is going to redevelop long term, because that's what we spent doing our Comprehensive Plan on. You know, we really tried to stay focused on this area to try to have a better understanding about the -- what the long term look and feel of this area was going to be and, you know, it's not going to happen until I think some of us -- our tenure is up here, but at the end of the day, if you separate out the north and the south from two parcels, the integration with the adjacent land uses seems to be pretty spot on accurate as far as what is concerned from the number of houses that are adjacent to other houses in Woodbridge, it's not completely out of proportion from my standpoint. So, while my question earlier was maybe a question I think it was important, is now the right time, because we don't have the entire picture, I don't think you need the entire picture for this piece, because you are continuing the orderly development west into the county parcel over time. So, for those as you consider what your position is on this, take that food for thought for this closing the public hearing and making a motion. Oh. And maybe just one other -- you know, the 55 year old or -- at least personally -- again, I think at the end of the day it's the developer risk-reward, what you build, where you -- you know, how nice you build, how small, how big, who you sell to, who you market to -- you know, I -- I don't have a viewpoint that it needs to be a certain demographic. I do think that that's market driven concerns, as compared to expectations of marketing from my standpoint, because you got a road -- you have a road, you have a business, you have a drain and, then, you have a medical -- you know, it's not integrated the same way the last one was. You know, they are different. So, thank you for allowing me to comment.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Move we close the public hearing on item H-2021-0024.

Strader: Second the motion.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I don't know if there is additional discussion that needs to be had, but I will make a motion and we can discuss it. If it gets a second. I move that we approve H-2021-0024 and to incorporate into the approval and the DA all of the adjustments and remarks presented in the plat of September 14th, as well as I think the staff -- or the applicant's e-mail of September 14th that identifies certain adjustments that will be made and incorporated into the DA. Hopefully that's specific enough for Legal to incorporate into the findings that will come back before us, so I won't have to list them here.

Strader: I would second the motion.

Simison: I have a motion and a second. Is there discussion on the motion? Okay. Clerk will call the roll.

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

Simison: Motion fails two to three.

MOTION FAILED: TWO AYES. THREE NAYS. ONE ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I will make a motion to maybe get a conversation started. I move that we deny Item 2, application H-2021-0024.

Perreault: Second.

Simison: I have a motion and a second and would like more information -- I believe Mr.

Nary is requesting.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: On the basis that it's not an appropriate fit at the appropriate time for this piece of land in Meridian. Incompatible.

Simison: Does the second agree?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Question for Councilman Cavener if I may. Does Council want to consider giving the applicant another opportunity and continue this? And the only reason I ask that -- I -- we haven't given any specific direction, so that doesn't help the applicant. However, as we know when we deny an application it's a year before the applicant can apply again and I don't want to limit the applicant in this way. So, that's why I take these denials so incredibly seriously and so curious the first thought on that.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: That's a great question tonight. I think all of us take denial seriously. It's one of the reasons why I paused before I -- I made my -- my motion is that I think -- this is just my perspective -- that Council gave some pretty clear direction about what we were looking to see. Quite frankly, Council Member Perreault, I think you and I gave some really good suggestions on action that the applicant could have proposed this evening. They chose not to. And I haven't heard any request from them for any type of continuance. So, it seemed that we are -- we are at an impasse on this, unfortunately. As much as I -- I'm a firm believer of giving lots of bites at the apple, but I just think that we are at a point where I think what makes sense for this particular piece of dirt isn't what the applicant is able to do and so, therefore, that's why I'm recommending denial.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Councilman Cavener. The second agrees.

Nary: Mr. Mayor?

Simison: Motion and a second with the agreement. Council -- Mr. Nary.

Nary: Yeah. I just wanted to add that that's just that the applicant would not be allowed to submit substantially the same application. So, a different application certainly could be. Even this application changed to some degree could be. That would be up to the planning director to determine that. But that -- there is -- so, the year prohibition isn't for any application, it's just the same one.

Simison: Is there further discussion on the motion? Okay. Clerk will call the roll.

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

Simison: Motion carries.

MOTION CARRIED: FOUR AYES. ONE NAY. ONE ABSENT.

Borton: Mr. Mayor?

Simison: Mr. Borton.

Borton: Just -- just for what it's worth, I supported the motion. I understand the will of the majority of the Council and -- and that decision has been made, so I -- it was a good discussion, but understand the motion passing. That's why I supported it.

Simison: Motion passed. The item is agreed to and the item is denied. Council, we are going to take a five minute break to reset for our last two items.

(Recess: 7:49 p.m. to 8:00 p.m.)

3. Public Hearing for Bright Star Care Meridian (H-2021-0052) by Hatch Design Architecture, Located at 3336 and 3340 N. Meridian Rd.

- A. Request: Modification to the existing Sundance Subdivision Development Agreement and Addendum (Instrument #'s 102056126 and 106133465) to remove the subject property (Parcel A & B, ROS 8756 which is a portion of Lot 46 & all of Lot 47 of Block 7, Sundance Subdivision No. 5) for the purpose of entering a new agreement to allow a reduction to the existing 20-foot residential landscape buffer to construct 5,800 sq. ft. nursing and residential care facility consistent with the approved conditional use permit (H-2021-0040).

Simison: All right. Council, we will go ahead and come back from recess. Next item up is Item 3, a public hearing for Bright Star Care Meridian, H-2021-0052. I will open this public hearing with staff comments.

Tiefenbach: Thank you, Mr. Mayor, Members of the Council. Alan Tiefenbach, associate planner with the City of Meridian. This is a modification to the existing Sundance

Subdivision development agreement for the purpose of entering into a new agreement to allow a reduction to the required 20 foot residential landscape buffer. This is to allow an approximately 5,800 square foot nursing and residential care facility consistent with a conditional use. I will come back to that in a minute. Here just to -- to familiarize you where the property is. North Meridian. Settlers Park is just right across the street on the west. This is an existing office complex. The subject property is presently two vacant lots --

Simison: Alan, we can't see --

Tiefenbach: Yes, sir.

Simison: -- we can't see the presentation.

Tiefenbach: Okay. Hold on. Let's see.

Simison: There you go. Got it.

Tiefenbach: Got it?

Simison: Yep.

Tiefenbach: So, again, just to familiarize yourself, this is the -- you all know where Settler's Business Park is. This would be on the west side of North Meridian. What you see highlighted there in blue is basically two of the leftover building pads that have not been built yet in this office complex. The subject property is presently two lots, about a -- just a little less than a half an acre. Like I said, it's in the Settlers Business Park and it's within the Sundance Subdivision development agreement. In July of this year the Planning Commission approved a conditional use on this property to allow a 5,800 square foot nursing and residential care facility. The landscape plan of this facility reflected a ten foot wide buffer adjacent to the residential property to the north and I will show you that in a minute. However, a requirement of the Sundance Subdivision is that due to the single family uses on the boundary of the north there, a minimum of a 20 foot planting strip was required along that property line. Because this was a requirement of the DA it can only be reduced through the action of the Council. Consequently, the Planning Commission approved the conditional use with -- with a condition that the applicant meets the 20 foot residential landscape buffer requirement or request a development agreement, which is what's happening this evening. The applicant states that the Settlers Business Park Properties Association that they said that the original intent of this buffer was it was a requirement to mitigate the impact of any commercial properties on the adjacent residential, but since this is such a residential use the applicant contends that this was not meant to apply to this situation. The applicant also added that there is fencing between the subject property and the properties to the north and the tree buffer that's there is roughly not quite three times the density that would be required. The applicant submitted a letter of no objection from the Settlers Business Park property owners and we have not received any negative comments from the adjacent neighbors. Because

there are no objections, the applicant is providing fencing -- nearly three times as much fencing, like I said, so staff does not object to this. Staff has reviewed the requirements of the original DA and the DA addendum and the subject property is located internally within the Settlers Business Park and all the parking infrastructure and public improvements are already there. The only pertinent requirements to the existing DA would be to allow the reduction in the landscape buffer. This is a copy of the landscape plan that was approved by the Planning Commission. The landscape buffer that's being discussed is what you see here. That there is the ten foot buffer. Meridian Road is over here to the west. There is an existing office building here. Existing office building here. They are all sharing parking and just for your information, this is elevations of the existing building. And with that I will stand for any questions or comments, Council.

Simison: Thank you, Alan. Council, any questions? Okay. Would the applicant like to come forward? State your name and address for the record, please.

Hatch: Good evening. Jeff Hatch with Hatch Design Architecture. Our address is 200 West 36th Street in Boise, Idaho. 83714. Good evening, Mayor Simison and Council Members. Thank you for your consideration of our development agreement modification this evening. I appreciate Alan sticking in there. I know he's not feeling the best, but thank -- thank you for that wonderful presentation. I think you did a great job kind of recapping our efforts so far. We have done four of these assisted living centers in the valley and typically when we present these in a business park the first thing -- and this kind of happened at P&Z, too. They go why would you want to put in this residential assisted living in a business park. We do this for a number of reasons. Mainly because the residential nature of these really compliment neighborhood development. So, in many cases we tuck these next two residences, but in many cases there just aren't available lots -- or lots the appropriate size for a facility of this size. So, the next best thing would be to be in a commercial park that is adjacent to a neighborhood and so we recently did one adjacent to a gym in a residential neighborhood. We just recently got one approved that's in a business park similar to this tucked up to a neighborhood and those two scenarios are kind of interesting and unique in that you get -- you get the input and -- input and feedback of the direct neighbors affected, which are typically in these cases, especially the commercial lots, tend to be quite a bit more verbal of concerns and considerations. Most of our residents, similar to this, have minimal concerns. When we did our neighborhood meeting the neighbors were very concerned about parking. They were very concerned about frequency of visitations and through our dialogue with them they came to realize that we are proposing a single low density proposed project on two parcels, which could be two independent businesses with independent parking needs separate of that. From the feedback we got from the daycare to the east of us and the attorney to the south of us, you know, our proposed parking counts are two to four capacity most of the time. Be a little bit of excess in the -- in the weekends, but for the most part we came to the conclusion and so did our adjacent neighbors, that this -- for this area, especially having the density and frequency of parking demand on the daycare, is actually a really nice use and the daycare was exceptionally excited, because they had been trucking their kids across the street to another daycare or assisted living center to engage them in caroling and other seasonal activities and so having that adjacency was

something that they got excited about. The other consideration that we found positive was that the individuals living in assisted living centers were excited to be next to a daycare, because the lively nature of having children next door actually helps invigorate these individuals. So, with that, you know, we have achieved some concerns that they had in -- in our direct adjacent neighbors with concerns for parking and congestion. Really felt that we complemented the surrounding area. Looking at the proposed development, we did a couple different iterations trying to get the 20 foot landscape buffer to work and, really, based on state regulations, on the size and demand of what the bedrooms actually have to be, became very restrictive to be able to get the quantity of housing -- housing that we are trying to propose on this lot, which is really what we are -- we are wanting to achieve. Really the sweet spot for this type of assisted living center and care is to get to about eight to ten bedrooms and we are proposing ten, but we weren't able to get to even eight if we restrict that ten feet, because a ten foot rule the entire length of -- of the property eliminates about five bedrooms from this and -- and makes it fairly difficult to try to fit onto this parcel. As Alan kind of recapped, the nature of this -- this particular development is residential and versus a product that's three story and more commercial in nature, we really have worked with Bright Star Care to make these residential feel and a space that residents that live there feel like they are at a house and we have a rocking chair alley where they can engage and enjoy winter months. We have an outdoor patio and pergola where they can enjoy the outdoors in the summer months and really feel like they are at a house and so with that we have a current photo of one of our recent projects and so versus, you know, a one or two story commercial building, these are very residential, very low profile, with hip roofs and so with that we -- we did follow up with the HOA and -- and requested that they provide us with a finding, because they were kind of -- you know, very much involved in the development agreement and their intent for that and they were able to provide us with a letter that says in their opinion the original intent of the 20 foot landscape buffer within the development agreement was due to the proposed commercial uses, which they found that the residential nature of this proposed project they were in -- in support of that reduction and with that I will stand for any questions.

Simison: Thank you. Council, any questions? Okay. This is a public hearing. Mr. Clerk, did we have anyone signed up to provide testimony?

Johnson: Mr. Mayor, we did not.

Simison: Okay. If there is anybody in the room that would like to come forward and provide testimony, please, do so now. If there is anybody online that would like to come forward, please, use the raise your hand function at the bottom of the Zoom. Seeing nothing -- nobody, would the applicant like to make any final questions -- comments?

Hatch: I really thank you for your time this evening and I appreciate Alan for finding it very important to make sure that this -- this particular item came in front of Council and had your blessing and your view on it. I feel that we have done a prudent job doing two neighborhood meetings, several public hearings, provided three times the density of the trees, privacy wall, getting that approval from P&Z. But also at P&Z after we presented, you know, the daycare owner actually came up and testified in favor of our project and I

-- I feel it's exciting and -- and it's unusual to see a project in an in-fill site where you get everybody around you to say, yeah, this makes perfect sense and it fits well and it helps resolve a lot of the concerns that we had for what might have happened in this location and so we feel that, you know, this really still preserves the intent of that commercial landscape buffer, but also achieves a lot of what, you know, both commercial and residential would like to see in this location. Thank you.

Simison: Do I have a motion to close the public hearing?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I move we close the public hearing on H-2021-0052.

Bernt: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, I wanted to share that I won't be voting on this application this evening. Bright Star Care has been a client of mine for a very long time -- a past client of mine. I'm not currently in -- in a contractual agreement, but because of my knowledge of their -- of their business and have had the pleasure to be involved in many of these properties that have been built, I'm -- I am opting not to vote because of the closeness of my relationship with the owner of Bright Star Care. I did chat with Mr. Nary about legal elements and he has no concern if I were to vote. I just think that -- that it's wise to disclose that, so I will not be voting on this application.

Simison: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will make a motion and see if it follows with some discussion. I appreciate Council Woman Perreault's disclosure and recusal on this one. I also appreciate the applicant's comments. Alan is fantastic. He's a champ. No question about it. Does great work. But in preparation for this hearing it appears as though there was a great work done on both sides. Alan's done a marvelous job, but hats off to the applicant in rounding

up support and in articulating a reasonable explanation for the amendment. It does have that residential feel to it. I think the intent of -- of the prior provision contemplated something that might not be so residential in feel and -- and harmonious, so -- and I'm supportive of the request. I'm going to make a motion that we approve H-2021-0052 as presented in the staff report of September 14th, 2021.

Bernt: Second.

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

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

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

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

4. Public Hearing for Briar Ridge Subdivision (H-2021-0036) by Gem State Planning, Located on the West Side of Meridian Road Between W. Lake Hazel Road and W. Amity Road, Directly South of the Mid-Mile Point

- A. Request: Rezone a total of 40.99 acres of land from the R-4 zoning district to the TN-R zoning district (Traditional Neighborhood Residential).
- B. Request: A Preliminary Plat consisting of 227 residential building lots and 47 common lots on 38.86 acres of land.
- C. Request: A Modification to the Existing Development Agreement (Inst. #2016-007070), as required by the existing development agreement provisions, for the purpose of updating the development plan and to redevelop the subject property to incorporate the proposed preliminary plat

Simison: Next item up is Item No. 4, a public hearing for Briar Ridge Subdivision, H-2021-0036. Open this public hearing with staff comments from Joe.

Dodson: Thank you, Mr. Mayor, Members of the Council. Thanks, Chris. I'm going to go ahead and share my screen real quick. Before we start I just wanted to let you know I apologize for not being in the -- in the chambers. I'm usually one of the ones trying to hold down the fort for everybody, but I'm not feeling a hundred percent and just not -- not trying to risk anybody or myself trying to be safe for my family. So, I appreciate the opportunity to present remote. And just for the Council Members in the -- in the chambers, when you guys speak it's very difficult to hear you on the electronic side -- on the Zoom

side. So, just want to make you aware. Next item as noted is Briar Ridge Subdivision. This site is located just south of the half mile mark between Amity and Lake Hazel on the west side of Meridian Road as you can see. For a little bit of reference about adjacent projects, you can see on the map on the right directly adjacent on the east side of Meridian is Shafer View Estates. North of that is the Prevail Subdivision, which is basically in three phases, Prevail North, that little piece just north that we recently approved. The application before you tonight consists of 40.99 acres of land, currently zoned R-4. It was annexed into this city as part of the South Meridian Annexation in 2015. As we all know it was a much larger annexation. Much of what's in the center map is what was annexed at that time. The future land use designations on the site are both medium density residential, which allows three to eight dwelling units per acre, and medium high density residential, eight to 12 units per acre. The requests before you are for a rezone of the 40.99 acres of land from R-4 to the TN-R zoning district, the traditional neighborhood residential, which we do not get many requests for. A request for a preliminary plat consisting of 227 single family residential building lots, 121 of them which are detached and 106 are townhomes, which are attached products, and, then, with 47 common lots on 38.8 acres. In addition, there is a requirement to do a DA modification and once the site is being developed in the existing DA from 2015 really it's just to update the concept plan and provide the city an opportunity to require any additional provisions within that DA. As noted, the property was annexed in 2015 and the city made commitments to these properties that are, quote, unquote, on the periphery to provide those services. Services are available. They will have to -- if approved they would have to do about 800'ish feet of water line, but sewer is readily available. The project is proposed in three phases. This is the revised phasing plan. The revised phasing plan, the biggest change is just having only one entrance, instead of both entrances on the collector street on the north boundary of West Quartz Creek is proposed in the first phase and they are including and are required to include the secondary access to Meridian Road, which is only in emergency access. Then as you can see it's kind of hard I guess with the pink line. Phase one is kind of the east two-thirds. Phase two would have the larger open space. Some more detached. And, then, phase three finishes it out and moves south. The project area does contain two future land use designations as noted, medium high and medium density residential. Mixed use regional does abut the property to the south. Designations call for a mix of housing types and different densities between the two. However, the designations are not parcel specific, so either designation can be used and the applicant is proposing an overall gross density of 5.8 dwelling units per acre, which falls right in the middle of the medium density designation. Theoretically, the applicant could have proposed a project with twice this density and still been compliant with the comp plan, at least in terms of density. Although the proposed project density is consistent with the medium density residential, the applicant is aware of the existing commercial zoning to the south, which, again, is part of the South Meridian Annexation and is part of the mixed use regional designation. To the south would likely incorporate higher intensity development, both commercial and residential. So, the applicant has proposed a higher density product, which is the attached townhomes, in the southeast quadrant of the site and places the alley load townhomes in this area. Staff does find this project and it's design to be consistent with the Comprehensive Plan. The applicant is requesting the TN-R zoning district as noted, which requires six dwelling units per acre of

net density and it requires two -- at least two housing types and tree oriented design that is more focused on the pedestrian than the car. Overall site design proposed by the applicant is consistent with the Comprehensive Plan future land use designation and the requested zoning, because they have transitional -- transitional density, multiple housing types, the inclusion of parkways throughout the entire development and the extension of a collector street along the north boundary for future connectivity. The project is proposed with three housing types. Detached single family, which is the majority on the -- in the northwest and the west boundary. They have alley loaded detached single family, which would be these alleys here, as well as these alleys here. And, then, they have -- sorry. Alley loaded townhomes, which are the rest of these in the southeast quadrant as noted. Staff supports the proposed housing types and the overall site design, which includes five foot detached sidewalk and eight foot parkways on every street. The project is proposed with at least four and a half acres of qualifying open space, which is approximately 11.6 percent consisting of the required buffer to Meridian Road, the large centralized open space, MEWs between the townhome units and other small open space areas throughout the site. The proposed parkways also count as qualified open space, but the applicant has not included this area in the calculation, because it is not needed to meet the minimum amount. Staff is not concerned that this has not had any of the calculation, because the requested TN-R zoning district requires parkways. So, the city has multiple avenues of ensuring they are constructed per the submitted plans. So, when I noted that at least four and a half acres of qualified open space is because the parkways are not part of that calculation. The amenities exceed code requirements, which for this plat would be two -- two minimum. A minimum. Sorry. A minimum amount of two amenities, because of the size of the plat. They have proposed a multi-use pathway, children's play structure, picnic shelters, open space in excess of code, which is the large open space lot. The landscaping and fencing meet the code requirements, except for those few areas noted in the staff report, which the applicant has agreed to and understands. The noise abatement, which is required along the buffer to Meridian Road also meets code. With the proposal for multiple blocks of alley loaded homes and 33 foot wide street -- street sections, for those local streets, there is ample on-street parking. The required off-street parking will be maintained for each building lot as well. So, specifically, in the south half of the site where you have these alley loaded, because there is parkways along all of these quadrants, every linear foot can be used for on-street parking, which we do not get a lot of in Meridian. So, that -- the parking should not be of any concern in this project. The access for the site is proposed to be a construction of a new collector street as noted, which is the east-west collector street on the north boundary, West Quartz Creek Street. The secondary emergency access is proposed to Meridian Road at the very southeast corner of the property. Down here. The preliminary plat also shows two stub streets to the west for future connectivity. The West Howlite Street -- you can't really read that, but that's the east-west street along the southern boundary. It also is -- it will be constructed half plus 12 of pavement -- half plus 12 feet of pavement. Sidewalk on the north side. When the property to the south redevelops they will be required to construct their -- their piece of the sidewalk -- or curb, gutter, and sidewalk and that will offer multiple opportunities for connectivity to the south, not just at the -- this corner here. The Meridian Road, State Highway 69, is currently being studied by the Idaho Transportation Department for core improvements from Overland all the way south to Orchard Avenue

in Kuna. The mid mile intersection that's directly at the northeast corner of the site -- right here -- is part of that project and is part of the study. It is proposed to be designed with a reduced conflict U-turn intersection, which this is an example of that that ITD provided or is actually in their online project map. It is very different from anything else that we have in the city right now. It does eliminate left turns from this collector street and through traffic -- it eliminates left turns and through traffic from the lower volume road, which would be West Quartz Creek Street. So, in order to go north you would have to turn right, go to the left lanes and do a signalized U-turn to head north and same thing if you were going to go across the street to Prevail or any of that other -- the other side of the collector street. The applicant is required to participate in a cost share agreement for those future improvements of the road and the intersection. This is due to the corridor being part of a future project and the proposed traffic generation not exceeding more than ten percent at any one intersection along the corridor of Meridian Road, which is also why ACHD is not requiring any mitigation methods. In addition, Meridian Road is not in ACHD's jurisdiction, because it is a state highway. ACHD did provide a staff report to the staff after the Commission hearing that agrees with the ITD conditions and required some revisions to the internal street network, just to ensure compliance with street widths. Nothing that changes the plat in any meaningful way. The Commission did recommend approval at the Commission hearing. There is three pieces of written testimony discussing concerns with water usage and increase of traffic when compared to the estate lots to the east on the east side of Meridian Road. There has been no written testimony since the Commission hearing. The key issues of public testimony was just the -- the layout of the road along the southern boundary and if it -- it's -- if its intent was to be fully constructed or only partially, which I noted it is going to be half plus 12. The Commission discussed the McBirney Lateral, which can be noted here. That's going to be piped and, then, put in an easement. The applicant is also proposing to continue a piece of the multi-use pathway in this segment as well, so that way it can have really good connectivity to the central open space a lot. They also discussed anticipated construction around the proposed development in terms of both residential and commercial and if any other portion -- any portion of the project was going to be for rent or if it was all for sale. The applicant noted it will be for sale product and a very specific question came up about the school boundaries, because the high school for this is actually noted to be Meridian High School, which is seven miles away and not Mountain View, which is closer. It is my understanding -- and I -- it was confirmed that that is accurate as of now, but by the time this will -- any of these homes were to come online it is my understanding that those boundaries will be redrawn again and because of Owyhee High School will be online there is high probability that Mountain View would be the appropriate high school for future high school students in this area. The Commission did not change any -- any conditions or provisions. The applicant did make some revisions that staff had noted, which this is probably the best way to show you. They moved two lots from the central open space lot to make this more visible and open. They put those two lots over here to match what's on this side. They lost that parking lot. They removed this parking lot to add more open space in the south portion of the site, but are keeping these two extra off-street parking areas. That is my presentation. I will let the applicant talk more -- talk more about the elevations and the proposed -- what those proposed product types will look like. I will stand for any questions. Thank you.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Joe, did I correctly understand that the street on the south side is intended to be emergency access only?

Dodson: This West Howlite you are talking about?

Perreault: Yeah.

Dodson: Just this segment here is emergency only access. The rest of it is public road.

Perreault: Okay. So, vehicles won't be accessing from the highway onto that for -- for residential purpose?

Dodson: No. No, ma'am. Not at this time. They will have to access through West Quartz Creek Street on the north boundary.

Perreault: Okay. And question number two. Do you -- did you get any time frame from the state on when that RCUT intersection would be implemented?

Dodson: ITD did not include that in their letter or any of those things. The ACHD staff report noted that all of the intersections are slated to be widened probably after 2025 and so my assumption is that the ITD corridor would coincide with that. Again, they -- unfortunately, they did not give us a specific timeline. They are doing a very in-depth study right now. You can -- I put the project map link in my staff report. If you didn't have time to go through that I understand, but it does discuss a lot of the major intersection points along the State Highway 69 corridor through this area of the city.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks. There is a couple -- there are a couple of things in the staff report that I felt like were alluding to something. We weren't really getting very granular about them. On page nine there is a highlighted section about staff having concerns on the timing of the development in relation to nearby developments, but that we have already committed to servicing it and developing it. Can I -- can we just flush that out a little more? What's the concern? If you put that commitment aside -- I don't know what that commitment was exactly. It wasn't a part of my commitment. But put that to the side. What -- what is the concern actually?

Dodson: Yes, ma'am. That's a fair question and I apologize to the applicant, because it's

probably a little harsher than I intended to be with the first -- my first rendition of the staff report. The concerns are just with that Comprehensive Plan that that's noted is the -- the urban services, you know, grocery stores, gas station, commercial development. Commercial is a fair ways away from this property. I think that will change. Since this has been in the -- in the hearing process I have already gotten multiple calls and a couple meetings about adjacent property. So, I think this area of the city is growing and it's creating a lot of interest. So, I think that the commercial is closer than what I originally anticipated two months ago when I wrote the staff report. That doesn't mean that that's going to change now, though, and that -- that's just where my concern lied is, hey, if they need to go get gas where are they going to go? If they go to the grocery store the closest one is going to be the new Albertsons to the northeast off of Eagle or -- yes. Eagle. Right. Or if they go south to Kuna I'm not as familiar with that. I don't know how close anything down there is, but at my -- from what I can see on a map it's pretty much the same. Pretty much anything within a mile radius is -- you can't walk anywhere that's for sure. So, that was just more of my concern. The applicant did discuss a little bit more of the timing with the phasing and how that's all going to work at the Commission hearing and it's going to be some years out and that definitely helps quell some of those concerns, because I think more of the commercial around Albertsons, more than commercial in the Hill Century Farm, even that up further north of Meridian Road is going to continue being developed, even to the southeast along Lake Hazel and the Apex Subdivision area, Lake Hazel and Locust Grove, I believe, that should be coming online more as well as more homes get developed over there. So, my concern was more about the urban services, not the infrastructure, that's going to be readily available. It was just those urban services.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Got it. Okay. That makes more sense. So, I'm assuming that all of the actual water and sewer services are like up to this property. It's more of a chicken and egg question, like do you put all the people there and, then, bring the commercial or do you try to build the commercial and, then, bring the people. So, I could see the dilemma there. Just to make sure -- you don't have any concern, though, about we are leapfrogging something in terms of our sewer shed or -- we don't have any issues with actually extending -- I believe our sewer shed is extended already through here. So, this is a priority growth area. There is no services that are missing.

Dodson: Council Woman Strader, great points, and you are correct on all that. Yes. The -- the only difference with what you said and the reality is that the water line -- I'm not throwing anybody under the bus, but the water is not coming straight down Meridian, it's actually at this point in West Quartz Creek Street -- or I should say East Quartz Creek Street, so they have to run water down the collector road that Prevail is constructing and go across Meridian and, then, they will have water. Sewer is all the way -- already down here, yes. The water was the only thing and they are well aware of that. Originally they thought they were going to have to pull it from further north, but they are actually going to pull it from the east, which is a little easier. You don't have to disrupt Meridian Road as

much. But it is available and Public Works has signed off on it. There is no leapfrogging of any sewer sheds or anything. As we get further to the southwest with any of those properties, that will be more of a concern, but we are not there yet and that's not what's on the docket tonight. I do agree with you, like traditionally you got to have houses first and, then, you get to commercial. Just kind of the way that goes. Nobody's going to put a gas station on this corner, even though it's probably needed, until they know that they are going to get people that are going to be nearby to get the gas and --

Strader: Got it. All right. Thanks a lot. I appreciate that.

Dodson: Very well.

Strader: Maybe while they are digging up for the waterline they could go ahead and do ITD work for them, too.

Simison: Council, any additional questions for staff? Okay. We will have the applicant come forward, please.

Suggs: Good evening, Mayor, Council, city staff and guests. I'm Jane Suggs, Gem State Planning, at 9839 Cablecar Street, representing Briar Ridge Subdivision. I think Joe, as usual, did a really good job of kind of talking about Briar Ridge and talked a little bit about some of the things that he had suggested that we made those changes, so that we have what we think is an excellent project. We do appreciate the P&Z Commission recommendation of approval and I just want to start off the presentation tonight with just saying something you always want to hear. We agree with the conditions of approval in the staff report. So, relax for a few minutes. I do want to tell you a little bit about the history and I think this is helpful and many of you know this history very well. In 2015 the City of Meridian worked with dozens of property owners in the south part of town to annex their land into the city and I brought some of those drawings that were shown during that process. This is the annexation. Comprehensive Plan. The B.R. there in the middle is Briar Ridge and so you see all these crosshatched properties were those that were annexed all at one time. So, this was a few years ago. Well, let's see, I think I missed one. There are those properties crosshatched and here is -- okay. Oops. I'm going too fast. I'm getting a little delay here in my tapping. Okay. So, here is the comp plan and you can see in the B.R. there is a kind of an orangey color, that's the medium high density and the yellow is the medium density. Okay. And here is the zoning and this shows the R-4 zoning and most of those properties were zoned with an R-4 designation. You might remember, those of us that worked on this, this was Charlie Wood's property under the name of Rock Contractors, if that rings a bell for you. The development agreement at that time that annexed the property, it -- the development agreement allowed the property to continue to be used that was as it was presently used, even though it was annexed into the city and that included raising livestock, which you don't normally see here in the city, and even -- even the discharge of firearms. I thought that was an interesting thing that they put in the development agreement, that you are annexing and you shouldn't be able to do that, but you can. So, in agreement for -- in exchange for the agreement to annex, the owners and developers would need to develop according to the

Comprehensive Plan, of course, and the current city codes and, then, they would also have to amend the development agreement. It turns out that the first DA modification actually is at no cost. So, we haven't had to pay a DA modification fee to do this DA, it was part of that original DA and the first rezone would be at no cost. So, that's kind of an interesting thing. This was just an anticipation that we would be doing exactly what we are doing tonight. Just to address I think one of the questions. The development agreement also had some of the commitments that the city was going to make and that included extending the sewer. So, it has been extended down Meridian Road from the Meridian Heights area and down past Amity Road. There have been some recent developments in the area and you just saw that. The map. Prevail. The Shafer View Terrace over here off to the right and a little south and east is Apex and, then, a piece you don't know about, because it's -- that Lynrock, I'm just going to cut some of that off, but over to the west is a project called Lynrock and that's in Kuna. So, that's a little carve out of Kuna that happened. Let's get to the good stuff. The TN-R zone for Briar Ridge, traditional neighborhood residential, and by code that requires a variety of residential uses and we are providing the attached and detached single family residential and townhomes. The TN-R zone also promotes open space and pedestrian activity with well designed streetscapes. That's right out of your code. We have worked with staff over the course of some time on this, originally thinking we would have a lot of apartments, but we thought that the townhomes were much better and convenient housing type there. Briar Ridge has all of the TN-R features that your code requires. The planting strips along the street. That means we have some tree shaded sidewalks that are throughout the property. We have over 11 percent qualified open space, as Joe described, not including the planting strips. The large park for all the residents. We even have -- and just see if I can make this -- point this out. In these little areas right here -- you see these little marks in these MEWs, these are little shade structures that are in the MEWs. So, kind of little gathering spaces to do that. We think that's just a nice little extra. Plus you will notice that a sidewalk runs all the way through the property, so -- in those townhome areas. We did have a suggestion from the staff, as Joe explained. We had these extra parking spaces that are accessed from the alleyways. So, they are landscaped in front along the street, but if you have friends visiting and you tell them come through my alley and park, we have these extra parking spaces. We did take one of them out at the suggestion of staff. The green space. That's the one -- again, see if I can make this pointer work for me. Move it over there. That one was a parking area and we have decided to make it into another green space, just to have a little climbing boulder there for the kids to play on and it's right across from one of the pergolas. So, it's just kind of another little community gathering spot. Of course we do have the regional pathway all along Meridian Road and you know about highways. We have to put in a wall -- actually, not just a fence but a wall that has the top of the wall ten feet above the centerline of the highway. So, that wall is all on Meridian. We do have a break in the wall and that follows where the McBirney Lateral comes through. We are putting a ten foot pathway all the way to our park through that area, too, and one of the suggestions was that when we cross a street we have the bump out. So, that's one little change we made to our plan since our planning -- the Planning Commission meeting. We have designed the southern street, Howlite, to run along the south boundary. We believe that provides good separation from what could be commercial properties, but also a good connection to that commercial land as well. We

will start our phase one in the northeast corner of the property with Quartz Creek, but we also will put that emergency access in. The second phase will be to the west and, then, the third phase will be the southern portion of the site. We have talked to Joe, Fire Marshal Joe, and we know about the fire station going in and he's very convinced -- we are all convinced that we can get our winter work done tonight -- I mean this summer -- sorry -- this winter. If we get approved tonight we can get our winter work done. That's the McBirney while the water is lower out of the McBirney, so we can do that work. We can start on our phase one. We will probably match up having a fire station ready by the time we get to our housing construction. So, we think that that's a great balance. We worked that out with Joe. So, he feels very confident that in about a year, year and a half, you are going to have a fire station operational that will service this area. We still also can be serviced by four, which is up on Overland Road, but we think the Fire Station 7 is going to be the better station to service. We did include some housing types and here are some examples of our front load detached single family homes and some of them are all narrower lots, some of -- you will see -- I have to go back to the plat, but if you look at the plat you will see that in some places we have mixed up some of the size lots. We have some 50 foot wide lots and, then, beside it we have some 60, then, we will go back. So, we have an opportunity to mix up those housing types a little bit, instead of having them all exactly the same and, then, we also have the alley loaded lots, one and two stories. A cute little cottage down there. And also the townhomes, so -- and those are the connected townhomes. You can see this is pretty well planned. Like I said, we have been working on it for a while. We really appreciate the staff suggestions. I think the committee gets together and they help us make some changes, like opening up the west side of that park. So, we were happy to do that. We are excited about this project and we request your approval of our rezone, development agreement modification, and our preliminary plat and I will answer questions if you have them.

Simison: Thank you. Council, questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Jane, for sitting through our long meeting. You know how we love our open space.

Suggs: Yes.

Perreault: So, what struck me when I first saw the concept was why not divide some of the open space up into various sections of the development, because this is so dense in some areas. It seems to me like the large park area is -- is where the lot sizes are the largest. So why have the open space there versus in the denser area? And, then, my other question is -- is has the developer considered putting in a dog park, because I would guess that these MEWs in the townhome area could become quasi default dog parks with -- and all that comes with it. So, just curious if -- if there were any other design -- designs that you went through that -- that you decided against those options?

Suggs: Well, I will address the open space. We think this centrally located open space is a really good place. Instead of splitting things up we have a nice large open space for people to recreate and it's not that far to walk from those commercial -- I mean those townhomes and we did want to have the density by that commercial. We didn't want to have open space next to the commercial. So, we really like the density there. Again we had gone through some designs with apartments, but we were discouraged by the staff from doing three story apartments in that area. So, we really like the larger open space. It gives an opportunity for some kids to come out and set up and play soccer and stuff like that, instead of breaking it up and we think the MEWs -- as far as dog parks go, I don't have one designed in this area. You are right that I think all of our areas -- because we have the park strips and we have a great walkable community, that you are going to see a lot of people just walking their dogs all over the neighborhood, not just taking them someplace where they will just stand and watch their dogs run around. If the MEWs -- if the homeowners association want to set aside a portion of one of those MEWs to be fenced off for a dog park, we -- I don't think there would be a problem with that. I just don't know that we want to designate a specific area behind someone's home to be that or in front of someone's home, because these MEWs actually have people facing them. So, I believe that we have plenty of open space and that is something that the homeowners may decide to do. Again, I'm -- I'm very partial to having a nice central open space where people can gather and not split the neighborhood up. I think this is going to be a great community.

Perreault: Mr. Mayor, a follow-up question.

Simison: Council Woman Perreault.

Perreault: I was -- I was referring to the -- sort of the cleanliness of dog -- you know, dogs and dog parks and kind of keeping some of that in one particular area. Is there -- would the applicant consider moving that open space, keep -- keeping the similar size, but moving it closer to the more dense housing?

Suggs: I appreciate your concern. I believe we have a really great designed property right now and it's -- we are very happy and I think the staff is happy and the P&Z was very happy with the project we have. I mean, again, I appreciate there could be lots of different designs on this, but we are very happy with this particular design. Again, wanting to put the density down closer to the commercial and having this nice open space. You will see that the McBirney Lateral -- actually we are utilizing some of that open space. Oh. Sorry. There. The McBirney runs along this pathway. Okay. This is a funky little mouse. Okay. The pathway that you see -- and, then, it runs north along that larger open space and so part of that is getting McBirney Lateral into that open space as well. So, as much as I appreciate that, I really think that we have done a great job of putting our different housing types in locations where they are needed and, again, I think it's a short walk to the open space and we have the more intimate open spaces next to some of the townhomes there. But I would appreciate it if you might consider this as a great design that's been through a lot of -- a lot of review. I think three years ago there was another planner that was hired to do the same project and we had something that was similar, but, again, a little bit -- not

quite as attractive with the TN-R zone. So, we were looking at multi-family. We were looking at just big single family of all one size. So, I hope you appreciate the effort that's gone into this.

Simison: Council, additional questions for the applicant?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks, Jane. I'm super worried about traffic and we have had some projects in the past where we have come across this issue of, you know, reserving and contributing cost share with ITD, but I know you can only control what you can control; right? But there is a challenge there. Maybe it would happen by 2025, but maybe not, and I guess I'm just wondering about traffic mitigation. In the meantime how you think traffic interacts with your phasing plan. Really concerned about mainly those left turns, you know, coming out onto Meridian Road. How do you see that playing out? If you have any creative ideas I'm really open to any creative ideas. I know with the Apex Subdivision -- I think with -- no. I'm sorry. Pinnacle, I believe, with ACHD -- you know, Brighton was doing a lot of road work. Is that something that you have looked at here to help ITD, maybe, in some limited way? Just walk me through the traffic and any thoughts you have.

Suggs: Well, my thoughts mostly about traffic is that we are building the only ACHD main road that actually will be used, other than our local roads, and all of our traffic will end up for a while, until the other properties develop, which, actually, I know the developer that I'm working with controls some of these, so we might be seeing some future traffic and other ways of getting through the property. But this is the one that's available now. So, Meridian Road is ITD based and we are participating whenever they ask us to do any kind of improvements on Meridian Road and any of those. I don't have, just like Joe, a time schedule on that. That could be several years out. This property, as we discussed previously, is ready for development. It was planned for it. The city's made an extension of sewer to this area. The time is now to develop this. You have got other properties that are adjacent, just like Prevail, that all their traffic goes out to Meridian Road as well and the Shafer View. Apex is not on a highway. It is located on two ACHD arterials. So, they will be participating with ACHD on their traffic mitigation, according to their staff reports. Our traffic studies -- our traffic study basically says we will participate in all the ITD requirements that they set for us when they do these improvements. I don't know that the developer can do anything with ITD. That -- they are their own entity. They do have ways in which they require us to participate, especially in these types of projects. That's all really I can say. I -- ACHD hasn't asked us to participate in any other streets or intersection improvements that we aren't a participant, but in most cases we will be much less than ten percent of the traffic. So, even if you go down to Lake Hazel and Locust Grove, our amount of traffic would be very small for those ACHD roads. Does that answer your question a little bit? I mean I think what we are doing is we are talking about -- what we are willing to do, which is everything that ITD or ACHD asks us to do, but we don't have -- we leave it to the traffic engineers to come up with the solutions to traffic concerns

on both the highways and on ACHD roads.

Strader: I know. That is just such a problem. But we are relying on them, too, but it's just taking a long time.

Suggs: I will say this. I have been talking to Erika Bowen and, you know, Erika is with ITD and she talked about the money that ITD is going to get, which is over and above what they had been basically planning for. Now, we were talking to her about a project up on Chinden and she thinks that there are some improvements on Chinden that will be done prior -- before we would expect them to be done. Some of the projects that not only in Meridian, but all the way out to Caldwell, because I have been working on projects out there and they think that now that we have some money and the governor's kind of focused on transportation, that we might see some of those schedules improve. But that's from a conversation with Erika about Chinden Boulevard, not necessarily on Highway 69. But I'm just keeping my -- you guys probably know more about those schedules than I do, because you are working with ITD, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I also share Council Woman Strader's concern. We received a letter from a resident in Shafer View that -- that really got me thinking and that is that every time she attempts to turn left when she's headed south she's kind of, you know, running the gauntlet and -- and so I would imagine there are not a lot of individuals coming from the south attempting to turn left into Briar Ridge. Most of the traffic is probably going to come from the north. But even with that, just the size of this development, 227 lots, I do have the same concerns about turning left and there not being any kind of -- you know, could be a long time before that new intersection is done and they may choose to even change the design before then. That -- that design is being used on State Street. I know there has -- there has been a lot of mixed, you know, feedback about that design and so I don't know if they will use it in this location or not, but I just -- do you have any thoughts on safety with, you know, vehicles turning -- I had the same -- very much that same concern.

Suggs: I believe I understand and, again, Joe may know a little bit more about this, but I believe that across the street from us they may have eliminated the left turn lane already. There are some recently installed. So, you know, when you are coming out of Prevail, which is exactly across the street, same issue, left turns are the more dangerous turns and that's hence the RCUT, the reduced cross -- tell me what it says, Joe. Where you have to take a right and, then, go right to go left. That's what the RCUT will do and that's what people are already doing in some situations is because if you are coming out of Prevail I don't know that you can make a left turn out and I think that what might happen here is if that becomes an issue, like you say running the gauntlet, it won't be now, but it may be that those left turns may be changed and that's something, of course, ITD does that. We don't say, oh, we want you to do that, that's really something ITD has to do and they do it based on traffic studies and they are a continuing thing. So, I -- I do think that's

what an RCUT kind of does, it makes you go right to go left and that can be done without the full on intersection, but it could be done with barriers. So, it does kind of create a little bit of an access issue, but that's the way sometimes those are handled in the meantime. Again, I wish I could say that there was something magic about getting this intersection improved before we build anything, but I don't have that control. I do know that the additional -- that -- that you have approved projects already that access that very intersection and this area is ripe for development as according to the development agreement and the already infrastructure that you have extended to this area for development and, as Joe said, there is already people contacting him about future developments and the fire station will be in place for this, so we are very -- very comfortable with our design and, again, this will be phased over the course of -- I would say probably -- even though it says one, two, three, we have enough units that we are talking about a five year build out. So, it could be five years before we get this many units. They are not going to show up tomorrow. So, I think we have a really nicely designed project with phasing that -- that meets all the requirements of your code and meets your Comprehensive Plan. It's already annexed into the city.

Dodson: Mr. Mayor?

Simison: Maybe just -- you are actually underneath what the FLUM would allow in this area.

Suggs: Underneath the future land use map -- the densities that are allowed. Yeah, we are at --

Simison: Lower than what could be brought forward.

Suggs: Yeah. We did calculate I think our gross density just under six and our net density, which is kind of part of the TN-R, has to be at least six. I think our net density is closer to ten or 11, which is good for the -- because of the type of project that we are doing. That's a net density. It takes away all the open space. You will be surprised I'm a 38 acre project, that the buildable area is about half of that, actually. The rest of it is in roads and open spaces. That gets you your net density.

Simison: Joe, you were going to say --

Dodson: Yes, sir. Thank you. I just wanted to confirm what Jane said about the intersection. You cannot turn left out of East -- you cannot head south out of East Quartz Creek Street out of -- from the Prevail Subdivision. ITD already has put that in there, so you can't turn left and there is very minimal trips coming out of there already, because they only have a few homes constructed and so my assumption is that they would do the same for Briar Ridge for the west side very soon. As soon as things started coming -- as soon as West Quartz Creek Street got constructed I assume ITD would do the same to help with the safety concerns and, secondly, yeah, like you just said, Mr. Mayor, that the future land use map calls for more density, frankly, than what is here. But staff does appreciate the transitional density and assumes, because of the canal -- I believe that is

the -- the Rawson Canal that kind of splits that property to the south that splits the corner off, that area may not go commercial, just because of topography and access issues. So, that may be where some apartments come in or something like that. So, staff does believe that the transitional density is a great fit and, you know, I understand the concerns from Council regarding traffic and I guess being out kind of on the periphery in some regards it -- I hate that there is any negative potential for this project, because site design wise it's one of my favorite projects I have worked on. This is really well designed and I appreciate that very much from the applicant. Having that parkway throughout the entire development and detached sidewalk, it just -- staff cannot speak highly enough of that and what that does for pedestrian safety and overall just livability of the project, so that's all I wanted to say.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: And there was a reference in Deputy Chief Bongiorno's -- his staff report about perhaps there would not be a CO until Station 7 is occupied and operational. Is that a condition that you --

Dodson: That is not a condition, Councilman Borton.

Borton: Oh. That is a condition?

Suggs: It's not a condition.

Dodson: It is not that I saw. No.

Suggs: No. He didn't put that condition on the COs. He just let us know that according to the approved schedule at this point that we would have an operational -- about the time that we would have our first houses being built and ready to occupy he would be having the grand opening of Station 7. So, they would fairly coordinate, but we know how projects goes sometimes, just like this could be delayed. Already we are seeing -- I hate to say it, but a little slow down in the housing market. I mean in sales. And, then, I don't know what the schedule -- I know what the schedule is for your fire station, but I know sometimes larger projects can be delayed, so --

Borton: Sure. So, the reason I ask that question is it sounded like -- or at least I read his recommendation to be not that the two would be correlated just happenstance, but, in fact, the operation of Station 7 would be an important part of having this development be successful and, therefore, a condition might be -- might be warranted. Tell me about that.

Suggs: I believe we can be serviced with almost -- well, with a few houses, maybe ten to 20 houses we can be -- all the houses can be serviced from Fire Station 4, they are just a little bit over the five minute -- maybe a five and a half minute response. You know, when you draw the map, the map came down and they didn't do analysis, but it's better

served by seven. So, I guess I'm just trying to say if you must put a condition on it, we will accept that, but we would hope that we would have something that we could work out with a number of units or something, so that if there was a six month delay in the fire station we wouldn't be sitting there with roads built and sewer ready and no -- no -- well, houses built, but no COs, so -- yeah. So --

Borton: I don't know if I have -- Mr. Mayor?

Simison: Councilman Borton.

Borton: I don't know if I have an answer necessarily, but it's just something I observed in -- in the prep that he had made that -- I read it like a recommendation that there might be some need to have seven operational before some benchmark. It used the CO reference in his letter, so I thought I would see if there was some other reason why that was specifically not a condition in this application.

Suggs: I think he just felt like that we -- given our schedule for what we needed to do and what the fire station was -- that we would be building next year sometime and you would be probably first quarter of 2003; is that right? You would have a fire station operational. So, in the first quarter he -- we talked about that and when he expected to have that open. So, we felt like, well, we will have our subdivision built next year when we will be building houses, so that would coincide.

Simison: July to August of 2023.

Suggs: Right. Okay. We were talking March, April of 2023, so --

Simison: Yeah. I think it's probably a little bit later than --

Suggs: Okay.

Simison: -- that time frame.

Suggs: Yeah. In fact, I think --

Dodson: Mr. Mayor?

Suggs: Go ahead.

Simison: Yes, Joe.

Dodson: Sorry. Thank you. Yeah. Council Member Borton, that's a great point and I appreciate you bringing that up. My discussion with Joe do coincide with what you are saying. He did not recommend this was a revision I think because he, frankly, just wasn't aware if he could make that kind of a condition to tie development to construction of an off-site building. I think his preference with response times would be to have seven

constructed, because this does lie just outside of the five minute response. I think it -- I think the five minutes is literally like 400 feet north of the northeast corner. So, it is close, but, again, obviously, we want it to be within and Fire Station 7 would provide that. So, I think your sentiments are correct, your assumptions based upon what discussions I have had with Chief Bongiorno.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I don't know how that would ever work. I mean COs aren't something we can -- I don't know how we would be able to track that. It would have to be some permit issue, which would be a different animal. That would be something like -- like phase one only -- I'm just spit balling here; right?

Suggs: Right.

Borton: But phase one only before seven is operation; right? No permits for two and three, but would be a tough one. It might take some time to figure out if that would even be acceptable. We just -- we just really want to make sure, obviously, that the concern that deputy chief has raised is -- is addressed and we don't have this thing fully built unoccupied --

Suggs: How would we write a condition that would be tied to COs, but we could get rid of that if the -- I don't -- yeah. Yeah. It is. And building permitting -- I mean you are talking about another three months to build the house. I mean, then, you are trying to tie it to building permits and you are waiting, you are waiting and, then, it's -- so, maybe -- and, again, Fire Station 4 is very close and with a few houses -- I mean -- well -- and, then, we have got Prevail, which is across the street, that doesn't have any conditions. So, I mean I guess I'm just -- and Shafer View. I mean we haven't gone through that. We could say no more -- only phase one until the fire station is done and that's a limited number of homes and they are mostly the single family. So, we could say that. We could put a condition that phase two and three can't get started until the fire station is operational. But to say no houses -- that might be easier, because -- or have a certain limit on -- again, I think there might be at least -- well, the first final plat would probably be phase one. First one. And, then, you could say no more final plats approved until after the fire station is operational. Boy, I'm going out on a limb there in case you all don't build a fire station, but I think it's planned and budgeted, which is important.

Simison: We hope.

Dodson: Mr. Mayor? Mr. Mayor, that -- the way that both Councilman Borton and Jane have stated regarding the phasing plan, that's fairly easy for myself to track. I don't see a major issue with that. At least tracking it. We do that fairly often that certain things are tied to a certain phase. So, I think that would be doable. There wouldn't be any hiccups on my end. If Council sees that as an appropriate condition.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Question on that. Joe, is that a -- is it as Jane described, no permits for phase two and three, for example, in a DA? Is that where it's placed or how do you --

Dodson: Councilman Borton, I would say a provision within the DA, rather than a condition -- because, again, that gives us a little more teeth there and, then, I would say building permits. I wouldn't be opposed to them having permits and some occupation in phase one, but also having the ability to plat phase two to at least get that started. I don't see any issue with that, because planning takes a little bit -- especially right now with the county, they have some major delays on recording plats right now. I have heard like in the realm of four months, so -- after it leaves us. So, it -- it's -- that's going to delay some things as well. But the -- I think the building permit is fine. I think that would work well. That's -- that's a little easier to track for us.

Borton: Okay. Thanks, Joe.

Dodson: You're welcome.

Simison: My -- my guess is the -- the station will be up and operational before any of these receive occupancy. If I was a betting person I would be happy to take that bet. To be honest, from my -- the more difficult part -- and I don't have an issue with the traffic generation. It's more the -- putting the challenges of the right left -- I'm actually more concerned about potential traffic -- traffic accidents doing that U-turn movement, which is further down the road, a little further away for Station 4 to get to. I'm hopeful that won't be the case. I'm just -- you know, we are starting to see a few more of these integrated into the area. You know, Victory and Cole has the same kind of -- you got to go down, do a U-turn and turn around concept, and I -- I just -- you know, Meridian Road, because it's such a high speed, is different to a certain extent, so it will be interesting to see how it impacts, but it is what it is and that's why the traffic engineers are there and there is certain things that are out of our control in those regards. At least they are going to have to hopefully say it works on that road.

Dodson: Mr. Mayor, thankfully, the project map does show that the U-turn would be signalized, because, otherwise, that would be a disaster consistently. So, I agree with you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Jane, you had mentioned that the applicant's in agreement with the staff report. In the open space section L, staff had recommended making -- moving some of the lots around, shifting some things around. Is -- is that reflected in the current rendering that

we have here?

Suggs: Yes. Yes. The open space on the west were lots -- two lots, two single family lots, and the staff suggested they thought that actually the police would appreciate the fact that they could see across the park and through and so we remove those two, but instead of just losing lots we put two more townhomes down in the townhome area that was originally a parking area and they said with all that parking you don't need the additional parking, you already have two on the south part and, then, one just above it. There is a little alley loaded parking. So, they said you can put those two houses there. So, that was a change we made on the suggestion of the staff. So, we didn't lose lots, but we did open that up quite a bit and we appreciate the staff -- I mean they are really good about looking at some little things like that that can make a big difference opening that park up.

Perreault: Mr. Mayor, another question.

Simison: Council Woman Perreault.

Perreault: I am thinking of them as they come. My apologies. We have had some recent conversations and a question from the public about communities -- denser communities that are going to be all rented, instead of sold, and in general I don't -- I don't know that that's a factor really for us in deciding these, but that is something that the public is wanting us to -- to know. So, would you mind sharing that with us.

Suggs: Every one of these lots has been -- is going to be platted for individual sale. So, none of the townhomes -- but you see sometimes they are just built as six units in one building, they look like townhomes, but in this case they are all going to have the firewall between them. They are all going to be individually platted for sale. Now, I have to tell you that doesn't keep you or someone from buying two or four or six of them, but that's how they are -- we like that, because I believe some of these smaller lots and some of the townhomes in my life that's how you build equity and wealth and we are just lucky we have still an opportunity to have this mix in some lay-cations where you are not going to have an 8,000 -- or even a 5,000 square foot lot, you are going to have a smaller lot with little yard, but you can actually maybe get into it and you know as a realtor how hard that is right now. So, no, these will all be platted for sale individually.

Simison: Council, any additional questions for the applicant?

Orr: Mr. Mayor?

Simison: Yes, Pam.

Orr: Thanks. To answer Joe's -- Council Member Joe Borton's conversation in regards to what Joe Bongiorno was talking about in his report, his staff report, he did, in fact, make the recommendation that this -- that they do not receive a certificate of occupancy until Station 7 is up and running. He did discuss the amount of response and what the

response time was for that. So, that was a recommendation that he did make on that and the fire station that's actually closest to that Station Number 6; right? And six is 3.6 miles from the project. But that still is over the five minute response time for that -- for that housing area.

Simison: Thanks, Pam. Council, any other questions for the applicant? Okay. Mr. Clerk, do we have anyone signed up to provide testimony?

Johnson: Mr. Mayor, we did not.

Simison: Okay. If there is anybody in the audience that would like to provide testimony at this time, if you would like to come forward. Or -- there is someone coming forward. Or if you are online and you would like to provide testimony, please, use the raise your hand function. State your name and address for the record, please.

Percy: I would not like to consider myself wanting to come to testify, but I am going to. I have the property that is just adjacent to this parcel.

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

Percy: Sorry. My name is James Percy. 1250 Stegerman Court, Meridian, Idaho.

Simison: Thank you.

Percy: I apologize, sir. I'm not very handy at this. I'm not very comfortable doing it. But I am in favor of this. I was the prior owner of Prevail Subdivision. I know the difficulties it is to try and get a corridor off of Meridian Road, because it lies on a property line and you have to create a section, so each property owner gives away what it takes to create that collector. It's a very difficult process and these people have gone through a lot. I know we did on Prevail and I just want to congratulate them on what I think is a great layout and all the efforts they have gone through to make this happen. Or hopefully it does happen and I want to show my support or voice my support and I see that it will not create any problem to my farm ground to the north and it's good to see that it's this -- it's part of what the plan was when the major annexation happened going southeast. That was a big project and it was handled really well. Appreciate the City Council and Mayor -- and the previous Mayor and Council for doing that.

Simison: It's nice to see you again. Council, any questions? Thank you. Seeing no one else here or online to provide testimony, would the applicant like to make final remarks.

Suggs: Thank you, Mayor. Again Jane Suggs representing Briar Ridge. And thank you, Mr. Percy, for coming forward and talking about the work that we have done with all the property owners in that area to make sure that everybody is going to be satisfied. I think at the P&Z a representative of the property to the south was -- spoke, just to introduce himself, and we have since spoken. So, it's good to know that we have support of the people around us. Again just very respectfully request your approval. If we feel like we

need a condition on the fire station I would accept that -- the one we talked about with Mr. -- with Council Member Borton to say maybe phases two and three building permits cannot be issued until the fire station is operational and I think that's a pretty good compromise, especially seeing that there are other projects that haven't been faced with that. It's not one of those same conditions that are like right next -- right across the street. So, I'm just asking for a little understanding there and I really think it's -- again, it's a great project. I appreciate Joe again working with us and the fact that we went through a few iterations of this with the staff, like I said, with the different designs and we think this is one -- the best. So, thank you and I will stand for other questions if you have them.

Simison: Thank you. Council, any additional questions?

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, I know you have heard me say this before. C of O's on residential properties are very challenging for the city to manage. Usually because the person that's asking for the CO is the property owner who is there with a moving truck and so those are very difficult to manage. The building permitting process, like Joe said, is a lot easier, because the city has more control at that point as well and we do track those a lot closer. I mean not that we don't track those for residential, but, again, most of the time it's Friday afternoon at 3:00 o'clock and the guy's there with a moving truck and a family. So, I would prefer if -- if the Council's desire is to do that limitation, to do it on the phasing plan as -- as Jane suggested, just because we will be able to keep track of it better, they will know it right up front, there won't be any issue to cause conflicts with the property owners.

Simison: Thank you, Mr. Nary.

Bernt: Mr. -- Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, just to clarify what Bill said, it's easier to track on building permits instead of a CO. Is that -- is that what you are saying, Bill? I think that's what Jessica was talking earlier as well. Is that right; Jessica?

Nary: Yes.

Simison: Thanks. Council?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will just kick it off here. I -- I won't bury the lead. I'm supportive of the application. I do like the diversity of design -- or the housing options and the design. I think it's a great layout. It is already annexed, so we are just merely rezoning R-4 property that's already within our city. So, I'm supportive of it and I appreciate the applicant's kind of meeting in the middle somewhat to address the concern that our Deputy Chief of Fire raised and I think that would be an appropriate condition in the DA with regards to no permits for phases two and three until seven is operational. To be included with all the other conditions of the staff report.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm kind of in the same boat. I like that condition, because I feel like it will buy us some time. Fire services that we are committed budget wise, I feel good about that, but that will buy us some more time also for ITD to try to get their study complete or get as much of that done as possible. I am worried about the traffic. It's a challenge. We can't control our partners and when they do things, but, you know, I would hope that maybe, you know, staff could communicate with them. If this were approved, just to follow up with an update, like, hey, this was approved, there are a lot of houses and see if that somehow accelerates anything, but I don't -- I could see there being challenges here. I just -- I would hate to punish the applicant for something completely out of their control. It's not like a STARS agreement or something would work here from what I understand. So, I'm supportive of it with that condition about the first phase and, then, the subsequent phases have to have our fire station done.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't know if this question is for staff or for the applicant, but is there going to be a dedicated right turn lane heading south onto the collector? I don't -- it doesn't sound like that was a condition that would be required from the applicant, but I -- there is a neighborhood that's technically in Kuna that's just south of here and -- and I -- I go into that neighborhood regularly and just slowing down to turn right is dangerous, because people are right up behind you going 60 miles an hour and I actually pull into the shoulder for fear of getting hurt turning right, just -- just a little way south of here to go into a residential area, so --

Suggs: So, the -- you are talking about coming from the north heading south, a right turn lane. Actually, what they -- in the right of way of Mr. Percy's property, who is north of us. So, I -- it is my understanding that the improvements to Meridian Road will actually increase the width and have more lanes, so -- eventually. That's not just putting in intersections to the two lanes each way, there is going to be three lanes. We don't control that property, so -- but I can definitely -- well, you have a transportation department -- I mean transportation committee, right, that probably knows a whole lot more about this

than me, but -- but I can get you some information about what their ultimate build out will look like and that will include that RCUT, but it is a much -- like three lanes north and south and, then, the -- like the turn area that are north and south of this intersection, so -- I mean there are additional lanes being planned. I can't build one now, because I don't think there is a right of way out there until those properties develop. I mean that happens sometimes if we had a middle -- like a right -- a street in the middle where they would let us do that and we could turn in and we could dedicate right of way now to get something in. But I don't know that we can do that at this point. But good -- good thinking about that, because I feel the same way sometimes on the highways. Just making the right turns on the light at intersections, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. I appreciate that. That's what I anticipated you would say, it was -- about the right of way. It's -- and if I remember correctly from the staff report, the widening to the -- the three lanes on either side is not until the 2030s sometime, so -- okay. Thank you.

Simison: Council, do I have a motion to close the public hearing?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I move we close the public hearing on Item H-2021-0036.

Perreault: 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 and the public hearing is closed.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: After hearing staff, applicant, and comment from the public, I move that we approve H-2021-0036 for Briar Ridge Subdivision, inclusive of the conditions in the staff report of September 14, 2021, as well as a condition added tonight that was agreed to by the applicant that no building permits will be issued beyond phase one until the Fire Station No. 7 is open and operational and that would be memorialized within the DA.

Bernt: Second.

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

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

FUTURE MEETING TOPICS

Simison: Next item up is future meeting topics.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, suggestion for a future meeting topic. It's been a long time I think since we got -- have received a COVID update from the city in terms of how we are doing, are we seeing any issues and what measures we are taking. Just seems like with the delta variant maybe it's a good time for one of those updates.

Simison: Duly noted. Mr. Borton.

Borton: Just a comment. So, thank you, folks, for participating -- for attending Art Sip and supporting the arts in Meridian. So, it's not a future meeting topic, but I will hijack that topic just to say thank you for each of you that -- that took the time to show up and support the arts. So much appreciate it.

Simison: Councilman Bernt.

Bernt: Yeah. Great night, Mr. Borton. You and your board did a great job. We had a good -- good time as well. So, I just -- just one comment as well. I have been recently hit up by a lot of downtown businesses with regard to parking. It probably would make sense in a future workshop to have a discussion on parking, what that looks like. Clarify some certain things and -- and just put -- and put that on the public record, so folks can follow along and understand what the expectations are and what the plan is.

Simison: All right. Duly noted. Anything else? Do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting.

Strader: Second.

Perreault: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

MEETING ADJOURNED AT 9:30 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK