

A Meeting of the Meridian City Council was called to order at 6:02 p.m., Tuesday, September 6, 2022, 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, Jaime Del Barrio, Brad Purser, Sonya Allen, Joe Dodson, Shawn Harper, Joe Bongiorno 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 6, 2022, at 6:02 p.m. We will begin tonight's City Council regular meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Our next item is the community invocation, which tonight will be given by Christopher Ellis of Capital Church. If you would all, please, join us in the community invocation or take this as a moment of silence and reflection. Mr. Ellis.

Ellis: Thank you, Mayor. Mayor Simison, Council Members, if you could join me in the invocation. Lord, we just -- in common we just spend a little bit of time just looking at the beauty of the -- the environment that you have created around us. Lord, we just marvel in -- in not only the heat wave that we have, but in all the beauty of the mountain ranges that -- the rivers and everything that you provided to the great state of Idaho and, Lord, I just take this time to -- to recognize your authority, Lord, as all authority is given by you, so we just focus on you and we thank you for the authority given to this Council and to the -- to the Mayor and be able to guide this community into a bright and prosperous future and, Lord, we just lift you up and we thank you for this time and we pray that wisdom

would just be given to everyone and, Lord, I pray that you would continue to guide and direct all of us, in Jesus' name, amen.

ADOPTION OF AGENDA

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

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Item 10 on the agenda will be removed. That's the only change. There is going to be a couple of continuances when we get into the public hearing. So, with the removal of Item 10, I move that we adopt the amended agenda.

Cavener: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Simison: Mr. Clerk, do we have anyone signed up under public forum?

Johnson: Mr. Mayor, we do. First is -- well, the only person signed up for public forum is Kevin Johnson.

Simison: Yeah.

Johnson: Come up to the podium, Mr. Johnson.

Simison: Mr. Johnson -- do we need -- do we need an address? I don't think we need the address, do we, for any purpose?

Johnson: I don't believe so.

Simison: So you are recognized for three minutes.

K.Johnson: I would just like to talk about maybe where I'm coming from and I can give you a reference right now. We just said the Pledge of Allegiance and there was a line in there, one nation under God. My father was directly responsible for putting that in under Dwight Eisenhower and my dad was head of the VA in Washington DC. He served on the Civil Rights Commission with Martin Luther King and I would just like to honor him a

little bit so you know where I'm coming from. I wanted to talk about the housing and just how much there is a need and I think this is a responsibility of the community to try to prevent housing -- or try to provide housing and I'm really having a hard time getting housing right now with the service dog and I want to tell you how many veterans are trying to get housing. I know three veterans that have committed suicide under this problem. It's a real need. And I got put into some housing here in Meridian and I just don't know how a home like that could ever be rented. It was so filthy dirty. Violations everywhere. I just wanted to let you know there is a real problem with housing here and I -- I'm refusing to take this house that was given to me in Meridian to live in, because it was so filthy and dirty and violation after violation and I have talked to plumbing inspectors and other people and it's just really is a problem in this community to find housing. Thank you.

ACTION ITEMS

1. Public Hearing for Ordinance No. 22-1992: Approval of Proposed Fiscal Year 2022 Amended Budget

Simison: Thank you. Appreciate you providing that perspective. So, with that, Council, we will move into our action items this evening. First item up is Item 1, a public hearing for Ordinance No. 22-1992, approval of the proposed fiscal year 2022 amended budget. We will open this public hearing with comments from Mr. Purser.

Purser: Mayor, Council, I have a riveting PowerPoint for you guys. I know you are excited. So, I'm here today to talk about the FY-22 budget -- the final FY-22 budget. The agenda is really simple. Not asking for anything really new. This is really our formal process where we inform the state and our citizens where we ended up with the FY-22 budget. So, this is the finalized budget. We -- we ended up at 194,955,456 dollars. In the coming slides I will break down by fund, you know, what that is and it's really the result of the last ten months of different budget amendments as the departments came to you requesting additional funding for like a fire station or fire truck or -- or whatnot. But -- so we will go through that. Looking for your approval of the FY-22 amended budget and, then, we will come to you with a finalized budget ordinance for your approval. So, looking at the -- the final amount, as I mentioned it's about 194.9 million dollars. We a year ago began with a budget of 185.2 rounding dollars. That's a 5.27 percent increase over what was originally approved. You can see the majority of that was with our capital. I will break down exactly what that is. So, beginning point last year was 185.1. We ended with a 194.9 million dollar budget. When we look at that, that's made up of about 37 budget amendments, totaling 9.7 million dollars. You can see that was really made-up in our governmental funds and our capital improvement funds made-up the difference there. As you can see governmental funds was increased by 6.3 million or about 6.16 percent. Government -- or capital improvement fund, a little over five million dollars or 51 percent. I will go into some more detail. Our Enterprise Fund overall was down versus what was originally approved by 1.57 million. So, beginning with our -- our governmental funds, we began the year at 102.3 million. We ended with a 108.6 million dollar finalized budget. Up 6.16 percent. You can see the majority of that is in -- in capital. We were down on -- on carry forward. So, what makes up that -- that -- that amount? That makes up about

29 budget amendments made up the 6.3 million dollars. The top four amendments that we saw affecting the governmental funds were the Lakeview Golf Course capital improvements. The -- the ladder truck that we originally had in '23, but moved into '22. We received -- were awarded 1.8 million dollars in -- in various grants and we received 1.5 million dollars in funding from award for the golf course and pool funding. So, high level, the governmental funds increased by 6.3 million dollars. Those are your -- the top four and by far -- by far the largest increases there. Our capital improvement budget, you know, that was up 51 percent. The reason for that was due to the North Precinct, Fire Station 7 and 8. We -- there was budget amendments to increase funding for -- for those projects. The total funding increase 5.3 million overall with everything involved. The largest contributing factor were those three projects for the Capital Improvement Fund. Now, our Enterprise Fund, we began last year at 73 million dollars and we ended at 71.4. So, we reduced the budget. A lot of that was due to our -- our carry forward and the way we handle carry forward. So, carry forward is just simply projects from prior years that we carry forward in the next year. When we adjust that that's what reduced our budget down -- as you can see 15 percent for the Enterprise Fund, so -- and this is very high level, but that gives you an idea of over the last ten months what has been approved, what is the impact of the -- the budget amendments, what were they and what were the amounts associated with those things. As you can see, here is a breakdown of our Enterprise Fund. Overall we were down 1.5 million. However, you can see between the carry forward and we had several different budget amendments. You can see how -- kind of how that played out, between having the well, water line extensions, and a biosolid truck offsetting the overall adjustment for the carry forward. With that I guess next steps, we need your approval for the FY-22 finalized budget. The total amount for that will -- will need to be 194,955,456 dollars. With your approval we will come back with an ordinance for you to review and approve to make that official. With that do I have any questions? Any -- Council or Mayor?

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

Purser: Thank you.

Simison: This is a public hearing. Mr. Clerk, do we have anybody signed up to provide testimony on this item?

Johnson: Mr. Mayor, nobody signed up in advance.

Simison: Okay. Well, if there is anybody here that would like to provide testimony on last year's budget as we work to finalize this process, feel free to come forward or use the raise your hand feature on Zoom and we are happy to give you the opportunity to speak on the budget from last year or the year we are in. Seeing no one coming forward at this time, do I have a motion to close the public hearing?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Move we close the public hearing on the proposed fiscal year 2022 amended budget.

Cavener: Second.

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.

2. Public Hearing for Overland & Wells II (H-2022-0030) by Morgan Stonehill Partners, located at 2600 E. Overland Rd.

- A. Request: Development Agreement Modification to change the existing development plan (Inst. #2016-060157) on the northern portion of the site from a retail grocery store to multi-family residential.
- B. Request: A Conditional Use Permit for a multi-family development consisting of 351 apartment units on 11.65 acres of land in the C-G zoning district at a gross density of 30.21 units per acre.

Simison: Okay. Thank you very much. Anything else that you would like to discuss on that -- okay. We will look forward to seeing that back in the near future. Okay. All right. Next item up is Item 2, public hearing for Overland Wells II, H-2022-0030. We will open this public hearing with staff comments.

Allen: Sorry. Give me just a minute here, Mr. Mayor. All righty. The first development application before you tonight is a request for a preliminary plat time extension. This site consists of 6.12 acres of land, zoned R-15 and C-N, generally located on the south side of East Amity Road, a quarter mile east of South Eagle Road. The preliminary plat was approved back in 2016. The first phase final plat was signed by the city engineer and recorded in 2018. A two year time extension was approved by the director in 2020 and expired on August 29th, 2022. Oh, I'm so sorry, Mr. Mayor. Thank you, Chris.

Simison: Thank you, Chris.

Allen: We just forwarded -- fast forwarded right away. Yeah. The -- the Item No. 2, Overland and Wells, the applicant is requesting continuance to August 25th -- October 25th in order to have adequate time to consider the comments from the Commission hearing and evaluate the project design as it relates to open space and traffic prior to the Council hearing. It's been a Monday for me all the way around since I woke up this morning, so apologies.

Simison: Technically this is Monday'ish.

Allen: It is, man.

Simison: Okay. Thank you. Council, any questions for Sonya on Item 2, the Overland Wells time extension -- or continuance? Okay. Mr. Clerk, do we have anyone signed up to -- to provide testimony on this item?

Johnson: Mr. Mayor, we did not have a sign-up sheet for it, since we did not plan for the applicant to be here.

Simison: Okay. And this is requested to continue until October 25th, 2022. Is there anybody that was here for this item that cannot be here on that date that would like to make any comments regarding this public hearing? Okay. Seeing no one, do I have a motion to continue this item?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we continue Item No. 2, Item H-2022-0030 to October 25th, 2022.

Cavener: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

3. Public Hearing for Hill's Century Farm Commercial Subdivision No. 2 (TECC-2022-0002) by Brighton Development, Inc., generally located on the south side of E. Amity Rd., 1/4 mile east of S. Eagle Rd.

- A. Request: A One-Year Time Extension on the preliminary plat (H-2016-0092) for Hill's Century Farm Commercial Subdivision in order to obtain the City Engineer's signature on the second phase final plat.

Simison: Next up is Item 3, a public hearing for Hill's Century Farm Commercial Subdivision No. 2, TECC-2022-0002. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. As I was saying, this is a preliminary plat time extension. This site consists of 6.12 acres of land. It's zoned R-15 and C-N generally located on the south side of East Amity Road, quarter mile east of South Eagle Road. The preliminary plat was approved in 2016. The first phase final plat was signed by the city engineer and recorded in 2018. A two year time extension was approved by the director in 2020 and expired on August 29th, 2022. The time extension

was requested prior to the expiration date as required. The Comprehensive Plan future land use map designation is mixed-use neighborhood. The applicant is requesting a one year time extension on the preliminary plat in order to obtain the city engineer's signature on the final plat for the second phase of development, which consists of four building lots on 2.79 acres of land. The applicant won't be able to get the plat signed by the city engineer in the required time frame due to delays pertaining to market conditions. The applicant plans to complete the subdivision improvements in the next phase in the fall of this year. Approval of the subject time extension will allow the applicant to obtain the city engineer's signature on a final plat for the second phase of development and proceed with development of the property. If City Council does not approve the requested time extension, the preliminary plat will expire and a new preliminary plat will be required for the remaining area that has not yet been subdivided. With all extensions the director or Council may require the final plat to comply with the current provisions of this title. Staff is not recommending any additional conditions of approval with this extension. Written testimony was received from David Palumbo, request for Amity Road between Cloverdale and Eagle to be expanded prior to any further development occurring on Amity between Cloverdale and Meridian Roads. His full letter is in the public comments section in the public record. Staff is recommending approval of the requested time extension to expire on August 29th, 2023. Staff will stand for any questions.

Simison: Thank you, Sonya. Council, any questions for staff? Okay. Is the applicant here?

Beach: Good evening, Mayor, Members of the Council. Josh Beach with Brighton Development, 2929 West Navigator Drive, Suite 400, in Meridian. I don't have a lot to add, so if you have any specific questions for me I would be happy to answer those. We are, as Sonya mentioned, at most a couple months away from having this plat recorded. It's been under construction and we don't have much left to do, honestly, so -- I'm happy to answer any questions and I will just sit down.

Simison: Thank you, Josh. And nice to see you. Council, any questions for the applicant? Okay. Thank you. Mr. Clerk, did we have anyone signed up to provide testimony?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Well, if there is any present -- anybody present that would like to provide testimony on this item if you would like to come forward at this time or if you are online use the raise your hand feature on Zoom. Seeing no one coming forward or no one raising their hand, would the applicant like to make any final comments? And they are waiving their right to final comments. Then do I have a motion?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we close the public hearing.

Cavener: Second.

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.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: It seems like a pretty straightforward request for a time extension. After considering all staff, applicant, and public testimony, I move to approve file number TECC-2022-0002 as presented in the staff report for today's hearing date.

Perreault: Second.

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

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

4. Public Hearing for Brundage Estates Subdivision (TECC-2022-0001) by Engineering Solutions, LLP, generally located 1/4 mile south of W. Victory Rd. on the east side of S. Linder Rd. in the west half of Section 25, T.3N., R.1W.

- A. Request: A Two-Year Time Extension on the preliminary plat (H-2021-0061) in order to obtain the City Engineer's signature on the first phase final plat for Brundage Estates Subdivision

Simison: Next item up is Item 4, a public hearing for Brundage Estates Subdivision, TECC-2022-0001. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application is also a request for a time extension on a preliminary plat. This site consists of 136.63 acres of land. It's zoned R-4 and is generally located on the east side of South Linder Road, a quarter mile south of West Victory Road. The preliminary plat was approved in 2016, consisting of 366 buildable lots, 20 common lots and one other lot on 136.63 acres of land in the R-4 zoning district. A two year time extension was approved by the director in 2018

and a subsequent two year time extension was approved by Council in 2020, which expired on July 26th of this year. The subject time extension was requested prior to the expiration date as required. The reason for the previous time extensions was due to incomplete sewer and water line extensions, as well as upcoming improvements to Harris Street. The Comprehensive Plan future land use map designation for this property is low density residential, which is approximately 64 acres of the site, and medium density residential, which is approximately 73 acres of the site. The applicant is requesting a third two year time extension on the preliminary plat in order to obtain the city engineer's signature on a final plat. The reason for the subject request is that the developer has been focusing on development of the adjacent Biltmore Estates and Graycliff Estates Subdivisions and needs additional time to submit a final plat application for Brundage Estates. Construction plans are in the process of being completed for phase one and the applicant anticipates design completion of the first phase later this year. Sewer and water lines have been extended to Linder Road to serve this property and improvements to Harris Street with turn lanes on State Highway 69 are currently under construction. With all extensions the City Council may require the preliminary plat to comply with current UDC provisions. Since the preliminary plat and previous time extensions were pre-approved, the qualified open space and site amenity standards have been updated in the UDC to require a minimum of 12 percent qualified open space. That's up from ten percent. And a minimum of 27 points of site amenities. Six site amenities were previously required. We have since changed to the point system as you know. A total of 14.99 percent or 20.48 acres of qualified open space was provided with the preliminary plat consisting of an 8.24 acre city neighborhood park, two pocket parks consisting of .8 and 1.3 acres, a linear open space area where the Williams Pipeline is located, containing a multi-use pathway, half the street buffer along South Linder Road. All of the street buffers along collector streets and parkways along internal local streets within the development, which exceeds the current standards. Amenities approved with the preliminary plat consist of the following. A tot lot with children's play structure and seating area, multi-use pathways within the Williams Pipeline easement and along the Calkins Lateral. Open space commons, including a city park, a gazebo shelter, a basketball court with benches, which total 40 points, which exceeds the current standards. Approval of the subject time extension will allow the applicant to obtain the city engineer's signature on a final plat and proceed with development of the property. If City Council does not approve the requested time extension the preliminary plat will expire and a new preliminary plat application will be required. Written testimony has been received from David Palumbo. His letter is in the public comments section of our public record on this application. Staff is recommending approval for the subject time extension to expire on July 26th, 2024. Staff will stand for any questions.

Simison: Thank you, Sonya. Council, any questions for staff? Okay. Is the applicant here? Good evening, Becky.

McKay: Thank you, Mr. Mayor, Members of the Council. Becky McKay. Engineering Solutions. 1029 North Rosario. I'm representing the applicant on this particular application. To kind of give you a little bit of history of this particular project, Mr. Centers owned a large area within the center of this section. He had us plan and get preliminary

plat approval for Biltmore Estates, then Graycliff Estates and, then, Brundage Estates was the third component that completes kind of that area there and gets us out to Linder Road. We have -- we have been focusing on Biltmore and Graycliff and now his focus is -- is on Brundage, so we have started our design of phase one civil plans and I know, you know, this is an additional time extension, but I want to assure the Council that even though this was approved back in 2016, what we have approved still meets the Comprehensive Plan and exceeds the open space and amenity requirements under the ordinance as it stands now. The project includes an extension of West Harris all the way -- so, it will go from Highway 69 out to Linder. That's the mid mile collector. We also have a southern collector in this property that will go to our south boundary. Is this working? Is this working, Sonya?

Allen: Should be.

McKay: Oh, there I am. Okay. So, you can -- you can see -- so, if you -- if you look at this, we have a collector roadway that goes -- that goes out to Linder Road and, then, one that goes to the south. I think Sonya's running it now. That will eventually go out to Amity. So, this particular piece of property provides for a portion of the southern mid mile collector and the east-west collector. As you know, State Highway 69 and Harris is intended to be signalized. The Stapleton Subdivision has been making the improvements and widening there, which is necessary prior to signalization. One of the other things that was part of this particular project was a new regional well was required to support this service area and that well was put down a few years ago. We did donate the property. Another thing within the Comprehensive Plan was a neighborhood park was designated on this property, so we do have 8.24 acres of a neighborhood park. We still need to sit down and meet with the Parks Department. Mr. Centers had previously -- we went before the Parks Commission, he agreed to install sprinklers and the appropriate sod and get it greened up and get it kind of going when once we get to that area, so that -- that that park can get under way sooner than later. This particular development, as Sonya indicated, we are low density and medium density. We are at 2.68 dwelling units per acre. So, overall if we were just at three across the board on the entire property that would be 411 lots. We are at 366. The other thing this property incorporated was the multi-use pathway along the Williams Pipeline and the Calkins Lateral, which is still starting -- a part of your pathway plan. So, we still are in compliance with the master street map of ACHD and the south Meridian master street plan. The R-4, the density that was approved on this particular property, we felt was appropriate. We have an average lot size of over 10,000 square feet. It's all single family and we are starting over on Linder first and starting to build that collector and when we get that collector built as it moves eastward and get the signal in at Meridian Road, obviously, that will help provide another interconnection for vehicles and take some heat off of the Victory and Linder intersection and the Amity and Linder intersections. Do you have any questions?

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Becky, I'm glad that you guys -- even though it's been -- will be six years, you are meeting the open space and the amenities that are updated. Are there any other notable areas of the UDC that this project wouldn't meet? Like, you know, we have changed our common driveways now, things like that.

McKay: Mr. Mayor, Council Woman Strader, no, we -- we did not delineate any common drives, because they weren't allowed at the time. We don't -- we don't have any three foot setbacks in here, because it's all R-4. We meet all of the collector buffers, arterial buffers and plus we also check those if -- if an arterial gets upgraded when we go into design we make sure that we meet whatever the current buffer requirement is, because that will be caught when we submit plans and final plats. So -- so, this -- this -- what's before you, obviously, complies, like I said, with the UDC as it is in its current state and the Comprehensive Plan and I don't think I would do anything different than -- other than probably add more density if I were to bring it through. Well, you know --

Strader: Everybody's got to try.

McKay: It was kind of low at the time and I like it, but the clients sometimes don't like it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks, Becky, for answering that. Appreciate it.

Simison: Council, any additional questions for the applicant?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just to comment, I'm supportive of the request. I think the fact that you comply with the current UDC provisions, obviously, I think that's a good policy that we always require compliance with the updated most current UDC provisions as a condition of giving an extension. You would have no objection to that here. I think it's a great practice. So, I appreciate you doing that.

McKay: Thank you. Thank you. This one's held up to the test of time. I know some don't.

Simison: Council, any additional questions for the applicant? Okay. Thank you, Becky. Mr. Clerk, do we have anyone signed up under this item?

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody present that would like to provide testimony on this item? If you would like to come forward at this time or use your raise your hand feature on Zoom? Seeing no one coming forward or raising their hand, does the applicant waive any final comments? Applicant waives final comments. So, Council?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I move that we close the public hearing on Item 4, TECC-2022-0001.

Cavener: Second.

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.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: With the applicant ensuring that they will -- the preliminary plat will comply with all current UDC provisions as a requirement for the time extension, I move that we approve TECC-2022-0001 as presented.

Cavener: Second.

Simison: I have a motion and a second to approve Item 4. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

5. Public Hearing for Regency at River Valley Phase 3 (H-2022-0057) by Bach Homes, located at 2480, 3270, 3280 E. River Valley St.

- A. Request: Development Agreement Modification to change the development plan (Bach Storage - Inst.#2020-062947 for 2480 and 3280 E. River Valley St.) for the site from self-service storage to multi-family apartments and include an additional 0.65 acre of land at 3270 E. River Valley St. that is currently governed by the Development Agreement (SGI-AZ-12-010, Inst. #11300560)

Simison: Next item up is Item 5, a public hearing for Regency at River Valley Phase 3, H-2022-0057. We will open this public hearing with staff comments.

Allen: Thank you, Mr. Mayor, Members of the Council. The next application before you is a request for a development agreement modification. This site is located at 3270 and 3280 East River Valley Street and 2480 North Eagle Road, midway between Ustick and Fairview and north of East River Valley Street in the C-G zoning district. An application for a modification to the existing development agreement for a box storage was submitted in 2021 to change the development plan from a self-service storage facility to a multi-family development. City Council denied the request due to the following reasons: They felt access with some of the contiguous properties to the north had not been adequately flushed out and issues with traffic circulation and parking. They felt it wasn't the right time for the city to approve the modification. Since that time a new development agreement was approved for the abutting property to the north, the Copper Canary, that removed the requirement for a cross-access easement to be provided to the subject property and, instead, required only an emergency access easement be provided if the subject property developed with residential uses as planned. The Comprehensive Plan future land use map designation for this property is mixed-use regional. A modification to the development agreement for a box storage for 2480 and 3280 East River Valley Street to change the development plan for the site from self-service storage to multi-family apartments and include an additional .65 of an acre of land at 3270 East River Valley Street that's currently governed by the SGI Development Agreement, which is entitled to develop with a multi-tenant retail store or a restaurant with a drive-through to allow a multi-family development. The proposed modification would allow the applicant to develop the site with apartments as a third phase of the existing multi-family development to the east at Regency at River Valley. The reason the applicant hasn't developed the property with the storage facility is that after completing the development agreement and the design process construction costs rose such that it wasn't feasible for them to move forward with the project. A conceptual -- so, the -- the plans before you are what I just described. There are the existing conceptual development plans in the existing agreements. The one on the left is the box storage facility and the one in the middle is the southern property that was -- had two different concept plans for retail and a restaurant drive-through. The concept plan that's shown here is what is proposed. This was submitted for a five story multi-family structure with parking on the ground floor and four stories of apartments above containing 128 units. Rooftop amenities consisting of fire pits, hot tubs, a pavilion, multiple barbecue areas and lounge seating are proposed. Additionally, residents will have access to the existing amenities in phases one and two, which include a large swimming pool area with a hot tub, barbecue areas, activity room, outdoor pavilions, game room, fitness center and common open space. Two driveway accesses are proposed for interconnectivity with the first two phases of the multi-family development to the east and here are some concept elevations of the proposed structure. High density residential apartment uses are desired in the mixed-use regional future land use designation, especially when located adjacent to State Highway 55 and Eagle Road. An employment destination -- destination center, such as those along the Eagle Road corridor. The proposed high density residential development at 43.69 units per acre will contribute to the mix of commercial, retail restaurants, et cetera, office and civic, Kleiner

Park Senior Center uses in the area. Further it will contribute to the variety of housing options in this area in close proximity to employment uses and Kleiner Park. For this reason staff is supportive of the proposed amendment and has included recommended provisions for the new development agreement in the staff report. If the subject amendment is approved, a subsequent conditional use permit application is required to be submitted and approved for the proposed multi-family development in the C-C and C-G zoning districts. Development is subject to the specific use standards listed in UDC 11-4-327 for multi-family developments. A detailed review will take place with the conditional use permit application to determine consistency with the specific use standards and other UDC standards. Written testimony was received from Shawn Freeman. He is against approval of the amendment to the development agreement to allow more multi-family residential projects in this area that will impact the infrastructure of Meridian. Staff is recommending approval. Staff will stand for any questions.

Simison: Thank you, Sonya. Council, any questions for staff? Okay. Thank you very much. Is the applicant here? Good evening. If you would state your name and address for the record.

Ames: A little taller than the previous applicant. Brandon Ames. 270 North 2250 East, Layton, Utah. I would like to thank you for your time and thank you for your comments. The previous time that we were here it did force us to reconsider some of the design, the site layout, and also be more active in our communication with the development to the north, as well as review the traffic study and just make -- essentially what we decided as well was to make more connection points between this development and our previous two phases and we feel like we have been able to come up with a better product based upon your previous comments. So, thank you for that. I don't have -- I -- I really feel like I would just like to be open to questions if you have any questions for me.

Simison: Council, any questions for the applicant?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: One design that -- at least when I look at this, the proposed parking on the east side of this phase and the parking garages to the east of it, there is just a gray strip. I don't -- I'm not sure how to exactly ask the question I guess, but between the two rows of parking garages that go north and south are parking -- covered parking?

Ames: Yeah. Those are currently garages.

Borton: Is that -- is the -- the garage -- are the garages on the east side abutting the garages to the east? I was just curious when I looked at it. If you could put your cursor where I'm talking. Yeah. That -- that vertical gray space, are those --

Simison: The one just to the right of it?

Ames: Correct. Those are garages for the previous phases.

Borton: Right. But are we talking garages in this phase would abut and touch the garages on the other or is there a spite strip in between or what?

Ames: No, there are no garages in this phase. It is -- it's the first -- it's the podium building is --

Borton: Bad question. Garage is the wrong word. There is covered parking on this phase as you propose on the east side; right? No? What am I missing?

Allen: I'm not sure what --

Strader: Mr. Mayor?

Ames: I think those are existing --

Allen: Right here.

Ames: -- Councilman Borton.

Borton: And just to the east of it --

Allen: It is a driveway.

Borton: Okay.

Allen: On the adjacent side.

Ames: That's a drive aisle -- an existing drive aisle on the previous phases.

Borton: Okay. So --

Ames: So, there is a garage on each side of that drive aisle that pertain to the previous phase.

Borton: Okay. And is that a drive aisle that -- how -- I'm just curious, because it looked really funky that -- is it a two car wide drive aisle?

Allen: I would guess it's 26 feet wide, but I'm not sure.

Borton: Yeah.

Ames: I'm not certain, but I -- that would be my guess as well is 26.

Allen: The -- the development to these has already been approved by Fire and Planning, so it's -- it's -- it's done. But the boundaries of this side is where the -- the red line is here.

Borton: Okay. Got it.

Ames: One -- one thing I would like to point out is that I know that there were some parking concerns in addition to traffic flow. We with this design are currently overparked beyond city code and so it may alleviate some of the parking within our current phases as well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Do you have covered parking within the building itself? I'm assuming it's on the ground floor. I mean how many -- so, how many parking spaces, could you remind me, are within the building footprint?

Ames: I will see if I can -- if that's on my notes. I'm not certain that it is. Let me see. One hundred and twenty-four.

Strader: Got it. Okay. And so -- and, then, you have got the additional I guess guest parking as additional parking here. Could you walk through the connectivity from a pedestrian perspective toward the other amenities in your previous phases? So, I see that you have some -- I guess they are like little crosswalks.

Ames: Yes.

Strader: And will people be able to access a -- it looks like they are kind of -- one of them runs into a carport it looks like. Maybe the other one hits a pathway. If you can kind of walk us through that.

Ames: So, on the -- on the north side we have the crosswalk coming into our existing phase. I'm not certain -- one thing that I want to be careful of is this is a really really preliminary drawing. So, the connection points we would plan on doing the exact location of crosswalks are roughly this, but as far as whether it goes into an existing garage I don't think we would do that, but I -- I -- this really is illustrative right now. We would plan on going through a much more thorough and detailed evaluation of the site with staff if we are able to obtain approval on the DA modification, which is -- I -- I don't mean to deflect your question, but that really is our main goal today. We have not gone really far down the design of this site yet until we know we have a DA modification approval.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. So, can you talk to us about how you have improved circulation? So, the entrance on the south side was there before, that's -- that comes from River and -- River Valley and that -- there is -- that's a right-in -- or, excuse me, that is a -- yeah, that's a right-in, right-out only; right?

Ames: Correct.

Perreault: So, that really hasn't changed. There was a connection there on the very south side with the -- the drive aisle from the west to the property to the east, that -- that hasn't really changed. That was already connected in the last -- the last rendering. There is the new pedestrian connection and, then, to the north there is a new cross-access connection. But I don't see anything -- I mean I'm still kind of struggling with how, obviously, a majority of the residents are still going to use the eastern main access to Regency to get to this area; correct? I mean they are going to be directed to use the main entrance to the site to the east.

Ames: Yes. And -- and that's typically common, because that's where the clubhouse is, the main amenities. I -- I don't know what the percentage of people will be that go to that entrance versus coming in off of a -- directly from the south or how many might go all the way to the east if traffic is heavy on -- I'm not sure what the percentages will be, but --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Is there a way to access this? This whole project off of Records directly or is it just coming in off of River Valley? Is there an access to the east -- very eastern boundary of the whole Regency project from Records that would flow around to the northern entrance on this?

Ames: I can -- I can look.

Allen: Mr. Mayor, Council Woman Perreault, there is an access on Records. There is also one on River Valley Street. There will be a right-in access as well.

Perreault: Thank you.

Ames: It looks like it aligns with Tahiti Drive.

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

Ames: Thank you.

Simison: Mr. Clerk, do we have anybody signed up to provide testimony on this item?

Johnson: Mr. Mayor. Yes. Perry Coles.

Simison: When you come forward if you can state your name and address for the record and you will be recognized for three minutes.

Coles: Yeah. My name is Perry Coles.

Simison: Just make sure you get in front of that microphone.

Coles: My name is Perry Coles. Thank you, Mayor and Council Members, for allowing me to speak. I am the owner of the property directly to the north, Copper Canary, and -- of this -- of this residential modification plan and -- and, of course, the apartments, the phase three they want to put in. I wanted to mention that I really appreciate Bach Homes working with us to develop the traffic flow going to the south to East River Valley Street. As you know on April 12th we came forward to you and were approved to establish the emergency road exit and gate to be established on the eastern part of our property. This stops all traffic from the apartment complex and the development that's going into the north of us right now going through the -- the -- the center of our parking lot. So, we really appreciate the fact that we did get approval, so that we could basically not destroy our property and our -- and our parking ability on our -- on our lot. So, really really appreciate that. I -- we have looked at the plans with Bach Homes. We think it's just a wonderful design. We like what they are doing. They have worked well with us and we are definitely -- definitely in favor of allowing it to go residential. We think it's a -- a great asset to -- to the area and, again, I like the amenities, the design. I did -- when I first came to Meridian and I saw the -- the first couple phases when we were looking to purchase the property and that's -- you know, one of the comments I made to my wife is I really liked, you know, what -- how the apartments looked and the design effort that they made to make them, you know, really nice. So, again, we are very very much in favor and we are very excited to be in Meridian. My family -- my -- my kids are all here and we are really looking forward to being part of the city here as Copper Canary. Thank you.

Simison: Thank you. Council, any questions? You are good. Mr. Clerk, do we have anybody else signed up?

Johnson: Mr. Mayor, that was the only sign in.

Simison: Okay. If there is anybody else that would like to provide testimony on this item if you would like to come forward at this time or use the raise your hand feature on Zoom. Seeing no one else coming forward, would the applicant like to make any final comments? Applicant is waiving any final comments. So, Council, turn this over to you for additional questions, comments, discussion, motions.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: If the applicant would come forward again. I'm sorry to keep going over this. I just -- I have been in this complex many times and every time I have been there it's

absolutely packed. There is like no place to park. I have been there mostly in the evening. There is hardly any spots to find. So, I really do want to understand more about the flow of traffic, because I can very easily see, having been in there, that it would be difficult not to get hit with somebody backing out of the covered stalls and so I'm wondering if maybe Sonya could pull up just a Google Maps or an aerial of the entire Regency project. It's just going to show this as an empty lot, but I want to take a look at how the traffic will flow around the entire complex, because I'm -- I'm just not convinced that the -- the right-in, right-out to the south should be the area where most of the vehicles would be coming in and out.

Simison: So, Council Woman Perreault, it -- it took me a second to find it. Did you see that there is an access -- cross-access right above that right-in, right-out?

Perreault: Where is that? It's right at the very southern portion of the application.

Allen: Yep.

Simison: Okay. I -- I didn't see that, because I thought that was referencing your question earlier about where the cross-access points were. Okay.

Bernt: Mr. Mayor?

Simison: Councilman Bert.

Bernt: Question for the applicant. I -- I remember in previous discussions regarding the previous applications there was a conversation about whether or not these buildings would all be able to be sold individually if you decide to do so in the future and how that would impact the amenities and, you know, the usage of those amenities. What are your -- what are your thoughts on that?

Ames: Are you asking if this new phase three would be on its own lot and be able to be sold as an individual building? It is on its own lot because of the way that everything was platted. We did combine two lots into one in order to be able to fit one building, so, technically, it could be sold. I'm not typically involved in our sales. Bach, as long as I have been there -- or as far as I have known very rarely sells apartment buildings. We have our own property management company and we manage over 3,000 apartment units right now and it's just something that's in our business plan is to keep them. However, technically, it could be, because it's on its own phase. If I were to speak kind of off the cuff a little I would say selling that with the ability to use amenities, that brings a higher value than selling it and saying you cannot use amenities, you know, in the adjacent property. I -- but I -- I'm typically not involved in that.

Bernt: Mr. Mayor, follow up.

Simison: Councilman Bernt.

Bernt: Just to confirm, is -- is there enough -- and do you meet all of the code requirements for this one project to be a standalone project without having to use other amenities and have open space to be considered for approval?

Ames: We have not -- our intentions are to work with staff to meet all of the code and -- and to work through that, especially, you know, after we have obtained this -- until we have obtained this I -- you know, we have put a lot of resources into it, but we didn't want to go too far down that road yet. So, again, I'm not trying to not answer that question, but that's where we are right now is we read through the code, we designed the building and we felt like we are really close.

Bernt: Mr. Mayor, follow up. I -- you know -- and this one -- and I get this is just a DA mod and we are asking you a bunch of questions that are detailed and I think that -- the reason for those questions are just to create some clarity of -- or, you know, what this approval will look like going forward and so -- and -- and I don't know -- this is more of a comment and truly nothing to do with your development specifically, but it just seems like a lot lately there is -- we have -- we have -- we have had a lot of applications come before us that are zoned C-G or whatever, plan to be, you know, office or retail, whatever, et cetera, but -- but because those projects don't pencil, you know, let's build some apartments.

Ames: Well, in -- I can address that and for ten years we did have this for sale and we were under contract at least four times and I -- I believe more than that and I can -- I can pull proof of that. I -- I just didn't work for Bach at the time. But the -- the owners were -- have expressed to me a number of times and they started listing them that we were under contract to sell that. But once the due diligence phase was completed with the potential buyers they all backed out. They -- they wanted access off of the -- off of Eagle and if they didn't have that they weren't buying the property. So, we -- we were under contract and trying to sell the property for almost ten years and, then, maybe more history than you would like, but, you know, one of our employees who was our development manager thought it would be a good idea for us to get into some storage units, not just here, but in other locations that we have and he kind of really started to run with that, but once we got down to actually talking to companies to construct those and build those and what that looked like, it was not looking very good and we felt like -- we started looking at our -- our occupancy rates and -- and what the area was needing. We talked to our property managers, we talked to other property managers around the area and we felt like this is the best use for this property. We -- we attempted to make it work commercially, but residential is what we know, it's what we are the best at. We -- we do a good job of it. We manage all of our own properties. We put a lot of money into rehabbing our own properties, because we do keep them for a long time and everything started to point towards let's do what we know how to do and let's do what the -- really the people are telling us and that is that this is a -- this is a highly sought after area to live. It's a great area to live in.

Simison: Council Woman Perreault, back to your -- you got the map up.

Perreault: Thank you. Are we able to zoom in just a little bit? So, on the very east side there is a street coming off of Records, Tahiti Drive. It looks like there is supposed to be a connection. Is that on -- is that part of the Regency property and is that going to flow around to the north side or is there a connection there -- yeah, that -- that -- where -- where Sonya -- it looks like that section dead ends. So, where is the connection off of Records going to -- where is the -- the connection off of Records in relationship to this loop and -- and how would -- would they take the down -- the area where it says Downey sub lateral, so, essentially, that's what a majority of the residents are going to do, they are going to come in through this main entrance there on the south side and come around through all of these garages and carports to access that third phase; correct?

Ames: I don't know. I can't speak for what I think -- I -- I -- I can probably tell you what I would do and I feel like I would drive down to the main road and, then, turn in as close as I can to my apartment building. But I -- I don't know what -- I don't know how many people would come off Records, drive around through the apartments and, then, enter in. Probably some would. I -- I don't know that.

Simison: Council Woman Perreault.

Perreault: Well, they can't make a left from there -- this -- this map is old. It says Stokesberry, but that's River Valley. They can't make a left from River Valley if they are coming off of Eagle Road into the -- into the first entrance they cannot make a left. It's blocked. So, they have to go further down east on River Valley to access the development.

Simison: It's the main entrance right there -- that first main one is where you can turn left into.

Ames: Correct.

Perreault: Right. My concern is that that main entrance was not designed for a whole other phase.

Ames: I -- I don't have an answer to that.

Simison: Council, any additional questions, comments, action?

Strader: Mr. Mayor?

Simison: Councilman Strader.

Strader: I have a question. You don't have to answer it. I want to give you an opportunity to answer it just because we are researching housing affordability in our community. Do you have any idea of what kind of rent ranges you were expecting or you are getting in your other phases ballpark? Just -- is it more affordable than the mean? Is it average?

Any insight you can -- you don't have to. It doesn't have to do with your approval, but it's a big topic right now and --

Ames: Sure.

Strader: -- part of that is increasing supply. We are wondering if that's helping, but I'm -- I'm worried that we are just approving a lot of Class A highly amenitized beautiful apartments, but it's not really moving the needle on affordability.

Ames: Sure. And I -- I -- I appreciate your question, because we -- you know, like I said, we -- we manage apartments in a lot of different cities and we are still developing and that's something that we have talked to a number of city councils about and -- and so I understand where you are coming from. I don't -- and I -- I -- I hesitate to answer this to a degree, because I don't know yet, like I said, but I -- in speaking with our, you know, property managers at Regency and at Kensington and other areas that we have, we are realizing that one of the things that we need to do more frequently and especially in this building we have considered is having a lot more studio one bedroom units. It just -- it cuts down on vehicles, it cuts down on traffic and it allows us to provide a more affordable living unit and that is something we have discussed, but I don't -- I don't want to be held to any unit counts or anything yet. We are -- we are doing that in a number of places where we are filling in additional phases, because we are realizing our three and four bedroom units are getting too cost prohibitive. They are creating too many vehicles and so that's a direction that we are heading in general.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks. No. I appreciate that and I understand, you know, you are running a business and you can't get into specific rents, but just those kind of anecdotes I think are helpful for us. Thank you.

Ames: Thanks.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: One of the concerns that came up last time this concept was discussed was queuing on River Valley trying to exit if a project like this, heading to Eagle Rd to go north -- or south most likely. A hundred and twenty-eight units. Any new information you have gathered about the previously expressed concern that you can have cars stacked?

Ames: We did -- we did a traffic study and I -- was that presented last time with Mr. Carlyle? Sonya, have you seen a traffic study?

Allen: I do not recall if he submitted one with the last one. I doubt it, as it was only a DA modification as well, so it's not required.

Ames: I apologize for that. Mr. Carlyle, who was working on this and has very recently moved on to another firm and so I'm -- there are some things I'm not fully capable of answering. I -- that is something that we -- I know he was in talks with Ryan Hales, traffic engineer. I believe Ryan attended one of the meetings here and I know that we have the study and my -- I know that Ryan said that he didn't feel like this was anything that was causing major changes to traffic queues, but I don't have the numbers or the data to support that right now. I apologize.

Borton: Okay.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Candidly that's one of my two main concerns with this type of use. Storage, obviously, much less intense from a -- from a total usage, but also a time of day usage.

Ames: Sure.

Borton: About the -- the other challenge being this is truly so disconnected from the other two phases in all respects, it's -- it would never have been designed if it was built as three phases in the way this would ultimately be laid out with two rows of parking separating this third building. So, that was one of the challenges and -- and the queueing issue with folks trying to get onto Eagle Road from this potential phase three is a real struggle with this type of request.

Ames: Yeah.

Borton: So, just wanted to let you know some of the concerns.

Ames: Sure.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. So, I -- I mean I think you are improving -- like you are heading in the right direction. So, I -- I appreciate that. I -- I feel like you are much closer to showing you have adequate parking. I think the pedestrian connectivity is helpful in going part of the way toward -- toward overcoming that kind of like design challenge that Councilman Borton just mentioned. I think the -- I think when we are talking about the flow of traffic and the site overall and the concern about queueing to get out and especially to get onto Eagle Road to go south, I think that is still the main hurdle and understanding that there

has been kind of a change in personnel, I mean would you -- do you feel like you have new information to present from a traffic perspective and you would like to do that at a later meeting? Did you want to ask for a decision today? I just wanted to try to understand kind of how you are thinking about that aspect, because I think that concern about the queuing is -- is still pretty important to me, although you have done I think well in addressing some of the other concerns.

Ames: I think that that's a good question. I -- so, may I ask if we seek a decision today what are our options regard -- with both outcomes? Is there a time frame that we have to wait to come back? Is there a -- are we able to come back in the next meeting if we can send the traffic report or what -- what are our options depending on the results today?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I -- I don't know if I'm going to answer that question direct, but I will tell you my -- from my -- my concern is I think -- I mean you can stack it looks like about six cars in that -- in that turn lane, you know, and you got 128 units, so you got folks trying to head south on Eagle Road from phase one and two and, then, add 128 units -- you know, traffic study will talk about general traffic counts and trips and average daily trips and I don't know if that answers the question that might -- it appears obvious in front of us, which isn't necessarily your fault at all, but it -- it's just going to be stacks of cars piled up trying to get out of this. It just is.

Ames: Yeah. I --

Borton: They can go north.

Ames: Of course -- of course units are going to have vehicles. I -- I want to fall back on, though, I feel like this is -- I feel like this is the best use for the property. I know it -- I know it brings challenges. I don't know very many that don't, especially when you are trying to build within the city. I -- I think if it's commercial it brings challenges. It's own set of commercials. If it's retail or -- or restaurants it brings its own set of challenges. It brings its own set of vehicle queues and times and I -- this is something that we have done elsewhere and it's -- it's proven really successful. We are able to provide a product that's a little different on property that we already own. We can manage. We maintain. We take care of. We know it really well. And we can offer -- we are doing this -- something similar, actually, in our plans in American Fork where we are building one building and across the street we are building another building that's similar and, then, we are planning on building this exact building off to the corner. It just is -- allows us to provide more like one bedroom and studio and a different -- it appeals to a different group of people who want to live in the area. The amenities are there. Most of the amenities that most people use will be there. Just the pool. We will have the mail room in there. You know, we are trying to keep -- we are just allowing access to those who want to go swim can go swim. I -- I don't anticipate a tremendous amount of foot traffic constantly, you know, through the

site. So, I -- I know it has challenges, but, again, we are seeking the development modification, because I don't think that storage units is the best use for this site. We don't -- we don't believe that and all of your questions are very valid and we plan on vetting those out following code, working with staff and working through -- this site plan may change a little. It likely does once you get through the actual, you know, code requirements that you have to hit in making sure that everything works. So, I -- I know that you are trying to look forward a little bit, but I don't want to get too hung up on a -- on a conceptual site plan. My main goal is to try to present that I -- I really believe strongly that this is the best use for the property. We -- we have been unable to sell it as commercial, retail or restaurant. We have had all three approach us. They fall out every time. So, after that is it -- is storage units really the best use? I don't -- I don't think so.

Perreault: Mr. Mayor?

Simison: Just my two cents on -- in my opinion there is -- this has some of the best access this area as we have in the city. We actually do have a backage road with Records. You have three different access points where if there is a stacking queuing issue people can continue to drive east in order to come out on Records and -- but my bigger point is I know you have to look at this application. We probably have another thousand units that are going to come in through this part of the community and if these 128 are, again, the -- breaking the camel's back with access to this -- to River Valley, you know, I don't know what that means for the future of this area, because not everyone's going to go out the one that's closest to them. You know, it depends on where you are going to go. You might take Records around and go left up onto -- to head to Boise or you might go out on Records to go out to Ustick, depending upon where you go. This -- this area has unique access, some challenges. It is close to the intersection right there. But there are a few other locations. Whether or not this is the right use, I think that's a different -- different question for Council to consider now or in the future, but as far as I'm concerned this area has a lot of challenges, but a lot of opportunities for the area and it is -- you know, traffic is like a -- water that gets run down and finds the cracks, people are going to go where it's going to take them the least amount of time through the development, not through the development, all the way around Records if they can't make exits out onto the right area right there, but, you know, when those things -- when -- when does the -- the entrance into the main entrance, when does that become not viable? I don't know the answer. Neither does Council Woman Perreault. I mean could that handle ten thousand units going through that or could it handle 500? I don't know when those type of questions are answered in traffic impact studies for access points into these places. So, just my two cents and my opinion, but thank you. Council Woman Perreault.

Perreault: Thank you very much. So, you would need to go through the CUP process after this. Our Planning and Zoning Commission is even tougher than we are. So, these questions that we are asking -- we won't be the last ones asking them. So, just -- I know you are taking notes to kind of prepare for that next step, because they will -- they will really even look at this at a much -- in a much more detailed eye, especially with parking. They love to talk about parking on our Commission. But to the Mayor's point, there -- there are -- there is a project that's been approved at the corner of Fairview and Records,

that's all flowing traffic northward on Records as well. The way that was designed was to -- to kind of try to keep it off of heading south onto Fairview because of how the exits are within that complex. So, that's coming and that's a significant -- it's a four -- several four story buildings and, then, there is additional units that are coming in on the -- the north side of Records. So, this isn't just -- as -- this isn't just about these 128 units, although we can't make a decision about this based on those, we do have to look at the bigger picture. I -- you know, concern of it as well. So, that's also why I have concerns about where vehicles are exiting and entering on that entire south side. I'm going to assume that when this -- when Regency was designed that those entrances were designed to include the phases that are existing, because there wasn't an intention for there to be housing in this section originally. So, I'm going to assume that they weren't designed to handle the additional capacity.

Simison: What makes an entrance not -- I'm -- I'm just curious. Can anybody can answer that question? What makes -- we have some people here that do commercial development. When does an entrance no longer operate past its ability to handle traffic? Anybody have a standard that they can share from the audience? Or planning?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: This -- in my opinion this entrance is unique, because when you enter in you go around this center fountain I think is what it is and you -- you circle around and -- so there is more conflict points on this, because of how it's designed. So, you -- instead of just going straight and making a left, you kind of circle around this -- this center area and, then, people that are coming out from the clubhouse have to cross over that. So, there is just a lot more conflict points. If -- if you were -- if you were to drive it you would see what I mean.

Simison: It sounds like a roundabout.

Ames: It is a roundabout.

Simison: Sorry.

Perreault: What's that?

Simison: I won't go down the roundabout -- I say it sounds like a roundabout. I thought they were safer and can move more traffic.

Perreault: No, it's -- yeah. I found it challenging. There is not directional signs that say, hey, go around the center area. It's very confusing.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Can we just zoom out of the Google images slightly, just so I can sort of see what's going on. Okay. So, that's where the co-op is. Got it. And, then, if we zoom back in -- sorry. Where is the actual connection exactly to Records? Okay. Right there. So, that goes through and -- and I'm assuming it connects with this loop -- not all the way to the south, but there is an independent connection; right?

Ames: There are -- there are three connections.

Strader: Can you point to them?

Ames: I can show you roughly where they are without the site plan.

Strader: Yeah. That's fine.

Allen: Mr. Mayor, would you like me to put the concept plan back up?

Simison: Sure. Whatever works. Or you can -- he can direct -- you can move your cursor around to show where the exits --

Allen: It's right here on Records.

Strader: Okay.

Allen: You can go up here. This is stubbing to the Village apartments that's in the development process to the north and will eventually have an access through to the commercial development here. You can go down to the south and west and this will stub in -- have a driveway access to the third phase that they are proposing and, then, there is also an access up here in the third phase that will also tie into this development.

Strader: Right.

Allen: Have an access on East River Valley Street right here.

Strader: Uh-huh.

Allen: And, then, Council recently approved the Copper Canary development agreement modification that allowed an emergency only access easement to this property, whereas previously these -- all of these properties had a cross-access easement requirement for a backage road in this location.

Strader: Okay. Yeah. I remember. I wasn't totally sold on that. So -- but from the whole complex -- I mean from the entire thing really to get out of here, you really just have the main entrance that goes onto Stokesberry Place or you have this connection onto Records.

Ames: There is a -- is there another connection onto Stokesberry. And, then, also if you -- once there is connection over to the third phase there is another access there as well, too.

Strader: Stokesberry?

Ames: Yes.

Strader: Right. Through the south.

Ames: Correct.

Strader: Okay. Okay.

Simison: Council, further questions? Motions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Last question, Sonya. So, we have heard the -- the concern expressed on circulation and -- and queuing and stacking. Is there some validity or are we missing something from your perspective that you think this adequately disperses traffic throughout?

Allen: Mr. Mayor, Councilman Borton, Council, there -- there is definitely a traffic concern. I mean that's a lot of units, but there are -- there are three ways in and out of this development. I'm not a traffic engineer. I don't know how that will all play out. Hopefully they analyze that as part of their conditional use permit application.

Ames: I would like to reiterate that our -- we plan on going through that process and we know it will be -- it will have its own challenges. We feel like the first hurdle is tonight, though, and that's to even have the ability to consider going to CUP or consider working with the Planning Commission and that's by modifying the DA from storage units to multi-family.

Borton: But the -- the challenge I guess is --

Simison: Councilman Borton.

Borton: Mr. Mayor. That we face is if the DA approval changes, there is nothing with any CUP condition that can address that particular issue, that change in use as you have conceptually provided.

Simison: Warren -- you are unmuted, Warren. Mr. Stewart.

Borton: So, that -- that's just some of the concern that -- that makes me ask it.

Simison: So, Council, is there a preferred process that you would see done -- done differently for this -- to have a comfort level?

Borton: Mr. Mayor?

Simison: Councilmen Borton.

Borton: Just candidly I'm not supportive of the application. I'm just -- I'm not. I think those -- this is a problem that we have described that I don't think a CUP condition can -- can address and resolve. So, for the reasons stated I have not heard enough to make me support the change in use. Just my perspective on it.

Ames: Sure. And, like I said, there -- will there be a traffic problem? Possibly. But one thing I feel like there is a need of is housing and I feel like there is a need of housing that does not use a lot of water. There is a need of housing that is affordable to people and there has been a general shift in the market that we are dealing with where people are far more likely to rent, even throughout -- throughout their lives than they are to buy and there is -- there is just a mentality shift and so I -- is there a greater need for storage units than living space? I don't think so. But we will deal with those problems the best that we can, but the -- I -- I feel like the -- the two wouldn't even compare to each other. There is a tremendous need for living space and there is a tremendous need for living space that is not four bedrooms and three bedrooms and -- and -- more so than there is storage units and I feel like that's not even close. That's not even in question.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Argue a little bit with you. I don't think that's necessarily the question -- the same way of the questions were addressed. All of that be true, but we also have to take into account the location of it. So, housing over storage in a vacuum, I don't think anyone would disagree, but -- but that doesn't mean at every location without exception that is true and that's kind of what we wrestled with, because there has been some instances where mistakes have been made at prior -- at other locations where, you know, short term solution, but long term we created and cemented challenges in. That's what gives us some pause at a particular location. So, I'm not disagreeing with the underlying principle, but just trying to give some context to the --

Ames: Right. And I -- I see what you are saying, but I'm -- I am talking about this particular area, because of our occupancy rates. They are -- they are crazy. There is a need here for housing at this location.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I thought the last time that -- that there was a -- that there was this request that we were really clear on our concerns and this doesn't for me duly address what we discussed last time. So, I don't know how we are seeing something that -- there are definite improvements to this, don't get me wrong, as Council Woman Strader said, this is a better version than the last version. We are still asking the same questions we were asking last time. So, this doesn't -- there is not enough changes to make me -- for me to be comfortable in approving this tonight. I -- I don't know how many more times we can express the concerns that we have. I know you have -- don't have control over how many -- you know, how much stacking there is. That's -- that's not anything that you guys have control over, but I think this is our third meeting about this and I don't know that we have really truly addressed the main concerns that have been presented. So, thank you.

Ames: So, we had two concerns and one was to flush out connection to the north, which we -- we did that. So, the other concern was traffic flow. What other traffic flow options would you like to see when we have one off Records, one that will be going north when that development goes through and three off of Stokesberry? That's five entrances into one apartment complex. I'm not sure -- I feel like you are asking for something that is unattainable.

Bongiorno: Mr. -- Mr. Mayor?

Simison: Deputy Chief.

Bongiorno: Thank you. Mr. Mayor and Council, I know we -- we kind of -- I -- I made it to one of the other meetings. Chief covered the -- the last meeting for me. So, this is one of those -- can we service it? Yes. Is it going to be difficult to service? Yes. The Mayor brought up concerns two meetings ago about access. Access is going to be a challenge for the Fire Department. I was just looking back in the last -- since January 1st of 2000 we have been to that apartment complex 50 times and I know one of them was for a fire. The rest of them were for medical calls. So, yes, there is five different entrances into this complex, but we have to wind through to get to this particular place. Engine 33, which is the closest station, doesn't have a direct access. They are going to have to come all the way down to Records, come up Records to come into the apartment complex, other than going through -- like Councilman Perreault stated, trying to get through that traffic circle and that traffic circle -- I have been there when I have been doing my inspections, it's -- it gets clogged because of people going to get their mail. That's where the mail is collected. So, if you go there at 5:30 at night that traffic circle is full of cars. And so for the Fire Department that this is going to be a challenging project. Yes, there is accesses, but just the way the flow is it's going to be a challenge for us to get to it. So, just some thoughts from the Fire Department.

Simison: Yeah. And, Council, I'm trying to help the applicant, too, because I'm -- we did take an action to the property to the north, which now has altered options for this property, at least in -- in a lot of ways. Without having a north-south connection for what may want

to exist there, which is fine, but, you know I -- I don't know what you put in here ever. And maybe it does become a City Park, you know, it's -- it's right-in, right-out. You know, that we -- we have effectively created a right-in, right-out location that's only accessible coming from Records. You know, you -- there is really no other way to get into the -- if this is a standalone property, you know, you -- I don't know what you will expect long term for this property, but I'm sure any -- any property I would love to hear what your expectations might be if you don't want to change it based upon the access challenges and restrictions that have been placed upon it at this time.

Ames: If we sell the property we are not going to grant additional accesses into our apartments. So, is that a better traffic situation than what we are currently offering? Because, then, there really is one and the emergency. So, I know it isn't perfect, but it's five. If we sell it where there is -- why would we ever grant access?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Is it safe to assume that the commercial contracts that you negotiated fell out because of access issues?

Ames: They wanted access onto North Eagle.

Perreault: And I would have preferred -- I would have preferred to not have just emergency access to the north, but I understand the property owners concerns to the north not wanting traffic to consistently be flowing through there. That would have really, however, resolved a lot of my concerns if there was a way to exit to Eagle to the north. But there -- there was not a desire to put in -- to -- to have vehicles exit out of the existing exit where the restaurant was and so that's -- that's what -- it is what it is. I mean I would have rather seen it happen that way. I -- but that's how it went and -- and had that been the case I would have been more inclined to consider the application. So, I can tell you that much. I know that probably doesn't help, but I -- I can't tell you what to do with your property, but I can say that there are some very unique concerns in this particular area. Now, if you are -- if your traffic consultant had looked at the entrance -- the main entrance to this and can somehow show that it can handle that capacity, I would be happy to take a look at it, but I -- I'm -- I don't believe that's the case based on my experience and apparently the Fire Department's experience.

Ames: So, again, do you think it's going to improve if we don't develop access to that site with one right-in, right-out?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I think we have vetted the discussion. I think your point is well taken. Who knows? You don't know. We don't know.

Ames: Well, I -- I -- I feel like five accesses are better than one. I'm pretty confident in that.

Perreault: Mr. Mayor, just one more point if I may.

Simison: Council Woman Perreault.

Perreault: Something that makes this particular project unique, Regency, the existing buildings, is that they have covered parking on both sides of the drive aisles. That's not something that we see that frequently and that creates, in my opinion, additional concern. You have got narrow drive aisles and you have vehicles backing out potentially from covered parking on both sides or vehicles accessing garages on both sides of that drive aisle. If it was one side I might be a little less concerned about conflicting traffic, but it's on both sides. So, if you are driving through there and you already have a narrow lane to begin with and you have one vehicle backing out from covered parking on one side, another vehicle backing out on the other side at the same time and, then, you would have a fire truck go through there, I don't know if that's going to work, unfortunately. It's already a challenge as it is without adding additional units.

Ames: Yeah. I can't go back in time when that was approved. I --

Perreault: Sir, I understand. I'm just trying to further explain and share with you the justification for the decision that I'm choosing to make this evening, so that there isn't any doubt.

Simison: Well, based on what the deputy chief told me, if they are coming off of Records that are going to come in at that far last right-in, right-out, they are going to avoid the traffic circle, they are going to go right straight in, they are going to avoid all the covered parking lots and, then, they are going to exit out to the north through the emergency access into the building to the north and take the emergency access onto Eagle Road to avoid servicing this phase, compared to the entire rest of the development. I'm not a fire captain, engineer, or firefighter, but that's -- based on what I have seen with the flow design creation, that it actually avoids the issue of the entrance as that. That being said now I'm -- I will -- I will -- I have been trying to follow -- think back over the last three meetings and the other applications and I thought this is where Council was trying to get us to go there. Maybe I misread the tea leaves, as did the applicant, that I felt like they were trying to get them to put this all into one -- one concept. It is -- you know, is it just the number? If it was 50 would that be better? Worse? When do -- when would that feather out into this conversation or is it the fact that it's residential altogether and that's now the issue that is -- you know, again, I'm just trying to piece together my memory of many different topics, because I felt like the point of half the issue with the property to the north was to prevent -- to allow connectivity, so you didn't have people driving through,

so, it could be more connected to the other property to the east. That's what my memory to the dialogue was. I could be wrong, but --

Ames: Those are the two things we tried to change on the site plan. We felt like we did the best that we could with what we had to work with to address your two previous comments. So, if you are feeling like we are not moving forward, I would really -- I feel like we would be owed some avenue to move forward. And -- and I feel like it would be something achievable physically.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I'm being quiet, because I'm thinking about -- you brought up -- brought up some good points, as has the Mayor, concerning the history of this -- this parcel and what it's struggled with.

Ames: And I believe when we bought it, which was some time ago, it -- we thought that the access off of North Eagle was there through the other -- through the neighboring property of the north. That is -- we are, basically, trying to do the best we can with what we have and we did not create the right-in, right-out, we are using what was there. We are trying to add as many access points as we can into our property, which we can do that. We own that property and we can make more if that's what would make this easier -- make everyone feel better, but I can only do -- I can only work with what I have and I feel like we are trying to do that. We are trying to work with you on it.

Simison: So -- so, Council, will -- I don't know the applicant would want to do this. Would having someone come back with a more defined traffic impact be helpful? I know that's normally reserved for a different point in time in the process, but -- or -- or not. Continuation for that -- for that -- for them the opportunity to go try to bring back data or up or down and move on?

Strader: Mr. Mayor?

Simison: Where did that come from?

Strader: Liz.

Simison: Oh. Council Woman Strader.

Strader: I -- I may be the only one -- I feel like I'm on the fence leaning toward a no and the traffic analysis might help me get over it. I think the main thing I want to figure out is is this creating a problem for the entire area and all the neighboring properties as well or is this going to be like your self-imposed traffic nightmare where people can decide and vote with their feet if they want to live in your apartment complex or not? If that's -- if it's -- if it -- if it feels like the impact is confined to your property specifically, then, that might

-- that might help me, but if I feel like it's going to affect this whole corridor, you know, that -- that's more of an issue for me. I was not a fan, from what I recall, of the connection to the north being created as emergency access only and -- and believe that it should have been connected and so I -- I -- I understand we took collective action on that, but I really felt like you -- you guys were backing yourselves into a corner, committing to one specific use by doing that and here we are. You know, it -- and maybe if you have further information about future connect -- other connections to the north, if there are future connections to the north somehow through here where -- where -- you know, not -- not through that property that's emergency access only, but if there are other connections coming in the future, if you have information about that and the timing of that, that might help as well to give another avenue out. But, yeah, I mean that -- that might help me. But I'm kind of on the fence to a no. I -- I think having apartments is -- is -- is additive over all, but have major still concerns about circulation and the queuing. So, that's just one person, but --

Ames: I -- I would generally appreciate everyone's feedback, even if it's individually, so we know -- I don't feel like I have a lot of options right now in order to address your concerns.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: We have discussed this at length. We have. I mean in fairness to you I think we have described it, so it's probably -- it's time for us to act. We have shared the perspective on this, so --

Ames: So, can I -- can I ask again. If we seek a continuation to bring back a traffic study is that a viable option? Is that a -- a legal option for us tonight, as opposed to a definitive vote, or if we do vote and it's an -- and it's a nay, what are our options after that?

Simison: Yeah. I will let Mr. Nary answer the second question.

Nary: So, Mr. Mayor, Members of the Council, so since this is a DA modification I don't believe there is a time restriction, like an application for annexation. So, you could either -- again, if the Council wants to grant a continuance to get more information, that's fine. If the Council wants to move forward and if the vote were to deny the project, you can go get the traffic study and come back in two months.

Ames: Okay. So, it's just -- we have some options.

Nary: Yeah. So, yes. You are not barred like you would be in an initial application, like for annexation, where you are barred for a year from bringing back the same project, but it does cost noticing fees, refiling fees, all of the fees have to get repaid. So, there is that expense that it's added to it and, again, the noticing takes around a month or six weeks. So, that would be the one -- the biggest difference.

Ames: But under a continuation we could continue under the previous notice that we have done, the fees that we have paid --

Nary: Yes.

Ames: -- et cetera.

Nary: Yes.

Ames: So, reading the room, I'm not a doctor, but I'm not that dumb either. I feel like we should seek a continuation if that's appropriate or acceptable by the Council and bring back traffic information.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I have been quiet all night. I haven't been supportive of this request and I am a terrible poker player. You can see it on my face. I feel like that this has been an ongoing conversation. I think the Council has been really clear. I will just be very clear with you. Probably for the first time in my career I wouldn't support a continuance request. Just being clear.

Ames: Yeah.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I move that we close the public hearing on H-22 -- 2022-0057.

Cavener: Second.

Simison: I have a motion and a second to close the public hearing. Is there 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: We have had lengthy discussion on this, the existing entitlements for the property and the -- the pluses and minuses of how it's designed and laid out. I think the Council, staff, and the applicant have provided us ample information to support a -- to support

some action right now without a continuance. For the reasons stated on the record today, I move that we deny H-2022-0057.

Cavener: Second.

Simison: I have a motion and a second to deny Item H-2022-0057. Is there discussion? If not, Clerk will call the roll.

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

Simison: Four ayes. One no. Did I get that right? Just want to make sure. Okay. And the item is denied.

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

6. Public Hearing for Torino Locust Grove Subdivision (H-2022-0038) by Jeremy Rausch, located at 870 S. Locust Grove Rd.

- A. Request: Annexation and Zoning of 1.03 acres of land from R-1 in Ada County to the R-8 zoning district

Simison: Next item up is Item 6, public hearing for Torino Locust Grove Subdivision, H-2022-0038. We will open this public hearing with staff comments.

Dodson: Mr. Mayor, that application is the one that's supposed to be continued?

Simison: It is. We still have to open it and are those the staff comments that we are making, that the applicant is requesting for continuance?

Dodson: It surely is. They are due to a clerical error of noticing on our half -- on our behalf. We need to continue it to next week.

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

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: I was just going to add for the record -- so, the notice that was mailed to the neighbors is correct and the signs on the property are also correct. The notice on the agenda neglected to add additional -- the preliminary plat, I believe, was what didn't get noticed on the agenda. So, it was noticed to the public. So, most of the noticing was done that wasn't this, so we are asking for a continuance, but that's why we can open the hearing.

Simison: Thank you for that clarification, Mr. Nary. Is there -- is the applicant here? I assume not. Was there everybody here that came here for the purpose of providing testimony on this item this evening? Okay. Seeing no one, Council, do I have a motion to continue this item?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we continue Item No. 6, H-2022-0038, to September 13th.

Bernt: Second.

Simison: I have a motion and a second to approve this item to September 13th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is continued to the 13th.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Simison: Council, do you want to take a quick break before this last item or you want to move forward? Okay. Let's go ahead and take a ten minute break and we will reconvene at 8:00 p.m.

(Recess: 7:50 p.m. to 8:04 p.m.)

7. Public Hearing for Lavender Place Subdivision (H-2022-0036) by Breckon Land Design, located at 2160 E. Lake Hazel Rd.

- A. Request: Preliminary Plat consisting of four (4) single-family attached building lots and 26 single-family townhome lots on approximately 3.79 acres of land in the R-40 zoning district.
- B. Request: Conditional Use Permit to construct the requested 26 townhome lots within the R-40 zoning district

Simison: All right. We will -- we will go ahead and come back from recess. Next item on the agenda is a public hearing for Lavender Place Subdivision, H-2022-0036. We will open this public hearing with staff comments.

Dodson: Thank you, Mr. Mayor, Council. Good evening. As noted this next application is for Lavender Place. It was part of Lavender Heights Subdivision, which was approved in 2020. It was probably my first big plat with the city. This is just an extension of that. You also heard a development agreement modification for this portion of Lavender Heights Subdivision earlier this year. The site consists of approximately 3.8 acres, currently zoned R-40, located directly north of Discovery Park on the north side of East Lake Hazel, approximately a quarter mile east of Locust Grove. It is designated as

medium density residential on the future land use map, which they are complying with the overall density through both projects -- or I should say through the whole project. The preliminary plat proposed -- or requested consists of four single family attached building lots and 26 single family townhome lots on 3.8 acres in the existing R-40, for a total of 30 units. Conditional use permit is being requested to construct the townhome lots within the R-40 zoning district. The applicant has also requested private street for the proposed single family development, as well as three alternative compliance requests, one to the common drive standards, private street standards, and off-street parking standards. Lavender Place Subdivision was annexed in the city in 2020 as noted. The subject site was approved with the R-40 zoning district at that time. The applicant's proposing this project to be largely alley loaded with all but two of the proposed units fronting on green space to comply with the private street standards. Subsequently, multiple detached sidewalks are included for added pedestrian access throughout the site. So, the private street is, essentially, acting as the, quote, unquote, alley. With the proposed plat of 30 residential units and the requested land use of alley loaded single family attached and townhome units, the applicant is introducing a new housing type to this Lavender Heights development, as well as the immediate area. In addition, the proposed placement and site design offered great pedestrian connectivity to the nearby Discovery Park, which is, again, directly to the south across Lake Hazel and it also has good access to the remaining open space and amenities within Lavender Heights to the north. Going to the submitted concept elevations, the applicant is proposing to construct homes within this project of similar style to those within the parent development, Lavender Heights. This further staff's belief that the proposed subdivision complies with the comp plan, as well as previous approvals. Per the submitted parking exhibit, the applicant originally proposed to alternatively comply with the off-street parking standards by providing 18 parking spaces that will be designated for each unit. Each of the proposed residential units as shown is a two car tuck-under garage providing -- required for the two bedroom units, but -- and meets the requirement of a two car garage for a three bedroom unit. However, due to the odd shape of the parcel there is no room for the required driveway basically. The parking pad. Instead, the applicant placed the parking spaces directly across the private street from each unit to minimize the distance homeowners would have to traverse to access their additional parking spaces. In addition to the 18 parking spaces designated for the residents, the applicant showed seven additional guest parking spaces. Note that parking is prohibited on the private street due to its width, as well as along Lake Hazel, because it's arterial and along Bloomerang to the west, the collector street. So, there is no local street available parking in and around this development. Staff found that the proposal alternative for the parking was one option to meet the intent of the off-street parking requirements when accounting for the required density of the development agreement site constraints and limited access for the site. However, staff did recommend a modification to that ALT request. Staff recommends that one parking space, instead of two, is allocated for each three bedroom unit. It is difficult to predict the number of cars each unit will produce, so staff finds it more prudent to offer the additional spaces as guest spaces for more flexibility. Again it would increase the guest spaces from what was originally seven up to 16, which would allow for more appropriate flexibility and their use for residents or future guests. One of the outcomes of the Commission hearing was the recommendation by the Commission to limit the number of bedrooms

per unit for the whole plat to two bedrooms and keep all of the off-street parking spaces as guest spaces. The applicant has not agreed with this recommendation and is requesting to comply with staff's recommended ALT alternative as well as say instead of three or four bedroom as the plat previously noted, that all of the -- I guess the units noted with a color would be three bedroom at max. Staff's other recommended site design was in regard to adding a micro path lot into the development to further the north-south connection through the project. Per this recommendation the applicant did modify the plat to show this. You can see it really well here. They added this micro path lot here, as well as modified some of the sidewalk connections here to create a more direct path to the arterial sidewalk and, then, the multi-use pathway connection that is going to be over by the future collector road to the east. Staff also had concerns with the placement of the driveways for Lots 32 and 33 here at the entrance of the site. Staff was concerned that these substandard driveways would encourage residents to park in these areas, which would prohibit safe vehicular movement on the private street. The applicant revised the private street to add this little street knuckle here and reduce those driveways to five -- five feet and, then, I believe this one is a six and a half, which, again, should help prohibit and not incentivize people to park in those areas. Staff does support this revision, as well as the micro path addition. Commission heard these items on August 4th. There was no written testimony then. There has only been one piece of written testimony since from Mr. Palumbo, who is actually a Boise resident and noted concerns with Meridian development around Amity Road in south Meridian and just noted a lack of planning foresight for a number of different projects that was not -- his comments did not seem very specific to this project. At the hearing the key issues discussed by the Commission were this parking alternative and whether the unit should be limited to two bedroom, as well as safe access to Discovery Park and the concept of trash service within the private street. Again, the Commission recommended removing the parking in the hammerhead, which was not done, as well as limit all units to no more than two bedrooms to help with the parking and increased guest parking, which the applicant, again, would -- is requesting to comply with staff's amended alternative compliance recommendation, instead of the Commission's. Those are the only two outstanding issues for Council. With that, again, Commission did recommend approval with those changes and staff had previously recommended approval as well. I will stand for any questions should you have them.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm just curious in the staff report you had the parking plan and it was like kind of color-coded. Was that meant to just keep track of how many parking there were per -- per three bedroom or what -- what was the -- is there any rhyme or reason to that?

Dodson: Council Woman Strader, yes, ma'am. The -- it's color-coded, so the -- the teal dot -- this would be the parking space for that unit. Orange that unit. Yellow that unit.

Per -- the one in the staff report is the original, which was two per and so they were color-coded to that specific unit, which they are still showing here, but they are proposing it per my recommendation, which was one per -- basically one per bedroom.

Strader: Right. And, then, just so I understand the -- the 48 by 25 unit, ones that are further to the left, are -- that don't correspond to the dots, do those have adequate driveways to support parking or what -- what's going on there?

Dodson: Council Woman Strader, you are talking about all of these?

Strader: Yeah.

Dodson: Those are all two bedrooms, so they have a tuck under garage. So they comply with the off-street parking standards for single family with two bedrooms.

Strader: Mr. Mayor, if it's okay, if I just sort of ramble?

Simison: Keep going, Council Woman Strader. Great job.

Strader: All right. So, those -- so, those ones are like self-contained. So, you feel good that those ones have enough parking within the garage and they are I guess two bedroom. Okay. And so the three bedroom have the extra. I'm -- I'm -- I'm tracking it, I'm just trying to make sure I'm really accounting for each one. And, then, I see it's the three extra parking on the access drive and so do those two-bedroom units there have enough room in a garage as well?

Dodson: Council Woman Strader, I don't have the floor plans, but that's something that we would review at building permit submittal if this were to be approved, would verify that there are no more than two bedrooms and that the garage measures 20 by 20 per our code.

Strader: Uh-huh.

Dodson: That would be it.

Strader: Okay. All right. Thanks for walking me through that. I appreciate it.

Dodson: Yes, ma'am.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, along those same lines with the common drive, if a vehicle were to go down there accidentally how would they turn around and get -- I mean is it wide enough for say a 22 foot long dually to get stuck down there and turn around? If there is three

vehicles parked in that -- in those spots, do they have to back up? Can they -- what's the width of that common drive?

Dodson: Council Woman Perreault, it's 20 feet per code. So, that this would be like any other common drive in the city that is 20 feet wide and there is no turnaround at the end if it's less than 150 feet in length, which this is not. So anywhere in the city with a common drive that's -- that's what they are going to do, they are going to have to back up.

Perreault: Mr. Mayor, one more question.

Simison: Council Woman Perreault.

Perreault: Thank you. So, what happens if there is a delivery truck from RC Willey parked? How -- how wide is that private drive and -- I mean, you know, moving trucks, delivery trucks, where would they go if they are trying to access the garage to not be in the way?

Dodson: Council Woman Perreault, probably more of a question for the applicant, but it is 30 feet to -- sorry. What is it? The private drive is 24 feet wide and, then, there is five feet of apron. That's what our private street standards are. So, that's why they are complying with that. So, whatever that is -- 34 feet from building garage face to the garage face, so if a delivery truck drove in and parked somewhere around there, then, yeah, you -- you are going to have half the private street to go around, which, frankly, on some of our local streets that are 30 plus feet wide you have the same issue.

Bongiorno: Mr. Mayor?

Simison: Deputy Chief.

Bongiorno: Council Woman -- Mr. Mayor and Council Woman Perreault, that -- that is a turnaround down there. I required it. So, down where the three dots are parallel with the -- with the Lake Hazel, yeah, that is a Fire Department approved turnaround.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I was talking about on the common drive.

Bongiorno: Oh.

Perreault: If a large vehicle went down -- yeah. Where would they turn around?

Bongiorno: Sorry.

Perreault: You know, if you had a -- if you have a big dually that's 23 feet long, you know, and the road is 20 foot wide, how are they going to turn around?

Simison: Council, any additional questions for staff? Okay. Then would the applicant like to come forward? If you could state your name and address for the record, please.

Breckon: Jon Breckon. Breckon Land Design. 6661 North Glenwood Street, Garden City. I have a short presentation. Should help answer some questions about access and widths and so forth. So, this is the last phase of Lavender Heights. Phase four. Phase three is just wrapping up construction and final plat approval and -- are you clicking the slides, Joe or am I? Thank you. So, just for reference here, you can see the future fire station there and the -- off to the southeast corner of the property and Discovery Park to the south and how this odd shaped triangle piece lays in between that and the previous phases of Lavender Heights. This is an overall plan for reference and I greatly appreciate staff's efforts to work with us on this project. I have put in a lot of hours with Joe -- well, Joe and Joe, actually, to help us -- particularly on this phase, but also with the previous phases. You may recall when we first started this project it was only about 90 lots and much larger lots and it is now changed to what is before you and we are about 191 lots overall. So, I worked with the city on achieving its density requirements and that really plays into this final phase. Next slide, please. And here is just a -- an overall -- one thing -- one way we are -- we are meeting those density requirements and some of the challenges to the site is that triangle shape and a good portion of the site is part of the Farr Lateral. Overall property size is 3.79 acres and the Farr Lateral piece there on the north is 1.36 acres and so, you know, depending on how you include that or not, we are either -- you know, gross density is 7.92 or if you don't count the -- the Farr Lateral piece we are at a density of 12.34. In any -- any case, got the 30 units and that's -- it's really kind of a unique layout with the regional pathway along the north, along the -- the Farr Lateral there that extends over to the park on the south on the other side of Lake Hazel. We have got good connectivity throughout. Lots of open space and pedestrian routes. The unique design of these units is that the front door actually faces outward towards the open space. Provides a much more appealing street view and so the -- the private street is -- really functions as a -- as an alley as far as access and so it's -- it's really -- it's -- it's very compact and efficient, but functional. So, this shows how we have complied with some of the previous requests and you can see that -- that private street coming in is 25 feet wide. We do meet all of the dimensional standards coming in and through -- at one point on the previous concept we had a big round turnaround at the end there where we are showing the hammerhead and, actually, it was Mr. Bongiorno that came up with the suggestion to do the hammerhead turnaround, so that we could maximize our density. At -- well, Joe helped us out quite a bit, too, for sure with the parking. But, anyway, we appreciate these guys. They are -- they are good team players. Anyway, one thing I would like to clarify here, too, that this image clearly shows is how many units -- or how many bedrooms are in each unit and that was -- that was an item that came up during P&Z and it wasn't very clear and -- and some of the previous conversations there was discussion of three or four bedroom units and I think that was -- that wasn't very clear. So, anyway, this is a graphic to help explain that, because those number of bedrooms is directly tied to the parking and the parking, obviously, is -- is a concern and I think it's a

concern for all of us, but the two-bedroom units are all designed -- actually, all these -- all these units are designed to have a two-car garage. So, the two-bedroom units meet the parking requirement by having that -- that two-car garage and, then, the three-bedroom units, which we only have two and three bedroom units, there are no four bedroom units. The three bedroom units have a two-car garage and, then, in addition, we are proposing one extra designated stall -- and I have got another graphic that kind of -- it's -- it's much more clear than that one that we had previously. So, each three bedroom has a two-car garage and, then, a designated parking stall across the street and what that -- and just by having just the one designated stall across the street, you end up with one parking stall per bedroom throughout. Now, the two that are off on their own on the east side there at the end of the hammerhead turnaround, those have a two-car garage and also your standard driveway in front. So, they actually have an extra parking stall right in front. Here is a little graphic that shows how the hammerhead fits in there to meet those dimensional requirements. After looking at that I think we could fine tune that for construction documents to make it a little bit better and, then, this is -- this is I think very helpful, too, to understand the dimensions, answers some of the -- you know, what does that look like, that alleyway, you know, how constrained is that, because looking at a plan view it's kind of hard to tell, but you can see in the middle there we have got the townhomes laid out, the buildings, and, then, there is actually 35 feet door to door in front of the -- from garage to garage. So, we have got the 25 foot roadway, with a five foot concrete apron out in front of -- of all those and that's consistent pretty much throughout, except for the two units at the end of the hammerhead turnaround. Next slide, please. Okay. So, here is -- this is an updated graphic here to hopefully clear up any questions regarding parking and so forth, but this is where we -- we -- we agreed with Joe and -- and, you know, what he had proposed was instead of having two designated parking stalls for each of the three-bedroom units, just have one and you can see that the red dots signify the three bedroom units and the associated designated parking stall across the drive and, then, all the yellow dots would be guest parking or just open -- open parking, essentially, right, for whomever and that gives us more guest parking stalls. It also in my mind gives you plenty of parking, because you have a parking stall for each bedroom and that leaves us -- so, that leaves us with 16 parking stalls as guests -- or flexible guest parking. Also, you know, just for clarification, we did want to keep the three parallel parking stalls there on the -- on the hammerhead turnaround, because they don't conflict with that turnaround in any way, shape, or form and why wouldn't you want three more parking stalls? So, we are proposing just to keep those in there. Here is an elevation of the units for reference. That shows -- that shows what they would look like from the alley with the garage facing the alley and that is -- that's all I have. I will stand for questions.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: A few questions. Thank you. Okay. Two-car garage. Two parking spaces. Are we talking about like truly enough space for two cars? Are you talking tandem -- like I hope not. Two regular sized cars can fit in these garages? I just want to make sure --

Breckon: Mr. Mayor, Council Woman Strader, no, these are two side by side parking -- or garages and -- you know. And that was another thing that came up during P&Z, you know, where do the -- where do the rollaway trash cans go? Well, those go in the garage, too.

Strader: Yeah.

Breckon: It's supposed to be clean.

Strader: Just a couple more quick questions. Thank you.

Simison: Council Woman Strader.

Strader: Okay. Just want to double check. I'm assuming there is no parking on this little main road to the main entry, because I could see that being a big issue.

Breckon: Correct. Mr. Mayor, Council Woman Strader, the -- the -- where it says main entry to the private drive, that would additionally be signed as no parking.

Strader: Got it. Okay. And then -- I actually think that -- that answers my questions for now. Thank you. I can tell you have put a lot of -- there is -- it's a tough shaped spot; right? I can tell you put a lot into this.

Simison: Council, additional questions for the applicant?

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: I did just want to clarify on the parking a couple things. Originally when we had come through and thought about this site, it was going to be multi-family from my understanding. That's hence why we did the DA mod and even then at the time of the DA mod that we saw earlier this year, the applicant wasn't a hundred percent sold on doing single family or not. If they weren't planning this they would exceed the multi-family parking standard by quite a bit of spaces and it would -- they could do exactly the same building footprints. So, that's where the parking alternative compliance is pretty much only because the -- they are choosing to sell off the units and add a truly townhome product in this area of the city. So, that's where our staff is supporting the alternative compliance request, because it is going to be essentially live like a multi-family project, but be a single family product. So, that's why the parking wasn't that big of an issue for staff, because of those similarities between the multi-family and the detached single -- or I should say single family.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Hey, Jon, walk me through -- or at least provide some clarity with regard to these extra parking stalls across from these three bedroom units and where I need you to focus is how you are going to guarantee that these three bedroom or these extra parking stalls will be available to these homeowners -- or to the folks who will be living in these individual units.

Breckon: Mr. Mayor, Councilman Bernt, the parking stalls that are designated for the unit would have signage. So, it's, you know, a sign that says this is a designated parking stall for one of the homeowners and if --

Bernt: So -- sorry, Jon. Associated with the individual unit that, you know, pertains to the parking stall? Like this is for this house.

Breckon: Correct. Yes. And I don't know that we have talked through the details of what would be that -- on that sign specifically, but the intent certainly -- and what I plan on is that it would be a very specific sign. It would -- you know, would probably say if you -- you know, if you are not -- similar to what we see in other parking locations -- if you are not supposed to be parking there you are going to get towed --

Bernt: Right.

Breckon: -- and that this unit is specifically for -- and give -- list the address, so that everybody knows --

Bernt: Okay.

Breckon: -- who exactly that's for.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Follow up on that question. So, these units will be sold and privately owned; is that right?

Breckon: Mr. Mayor, Council Woman Perreault, yes, they -- they would be -- so, they are -- they are all individual lots and so a single -- similar to a single family home sold and -- but they are a townhome product, so they -- they are -- they are kind of like this -- shown on there on the plan, we have got four units touching each other wall to wall, so very compact.

Perreault: So, unlike an apartment complex where you have a property management company that's kind of regulating some of these parking challenges, the individual owner now doesn't have any other entity to call or any recourse if somebody keeps parking in their spot. So, how will the towing work, since there is not going to be any sort of management company that's kind of overseeing that? I mean that doesn't leave the homeowner with much recourse if it's a repeat offender. I mean who is going to pay for the towing? Hopefully, the person who is poorly parked, but I mean, you know, I'm not -- I'm not trying to borrow trouble here, but that these are the kind of concerns we regularly hear. So, just curious.

Breckon: Mr. Mayor, Council Woman Perreault, I -- I can only speak to my experiences, you know, parking in big cities and where there is parking that's heavily regulated I -- and, you know, this phase will be part of the rest of the subdivision, you know, so I think this would be something that would be detailed out in the CC&Rs. I expect that we could make that happen, so that if there is a parking issue there is a -- there is someone under contract to do the towing and if someone has a problem they call the towing company and say, hey, somebody's in my parking spot, can you tow them. I don't -- I don't expect that to be -- I can't imagine that's a big issue, just something that needs to be clarified and included in the CC&Rs.

Simison: Council, additional questions for the applicant?

Bongiorno: Mr. Mayor?

Simison: Yes, Joe.

Bongiorno: This Joe.

Simison: Oh.

Bongiorno: Sorry. One more quick comment. I wanted to -- Mr. Mayor, I wanted to comment on Council Woman Strader's question. By city code private lanes are to be marked no parking fire lane. So, this whole section where there is not parking stalls will be signed no parking fire lane. So, we -- we as a city can ticket against that sign, so that's another recourse also. So, if you have people that park in front of their garage and, then, just go into the house, we can -- we can ticket against that. So, there -- there will be signs from the main entry all the way through to that hammerhead no parking fire lane. So, we -- we have that option as well.

Simison: All right. Thank you very much.

Breckon: Thank you.

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

Johnson: Mr. Mayor, nobody that indicated they wished to speak.

Simison: Okay. Is there anybody present, if you would like to come forward at this time, you will be recognized for three minutes. Just state your name and address and if you are online and want to provide testimony, please, use the raise your hand feature.

McDermott: They both work?

Simison: Yep. Either one.

McDermott: 2015 East -- oh, sorry. Thank you. Todd McDermott. And my wife Mindy. 2015 East Phenomenal Street in Meridian and our property backs up to this development, so we will see the front doors of this development. So, anyway, I appreciate you giving me some time to speak and I will just say this is the fourth -- the fourth meeting we have been to for this development and I appreciate the -- the -- the rigor and the questions and the discovery that you guys put into, yeah, all this to make sure this is a great city to live in. I think -- we -- so, we have watched the developer make changes -- those changes were required what's best for the city and what the -- the Council here has recommended. So, we are very supportive of the project. I know parking was an issue. I have watched them change and adapt and add parking spaces. So, I guess my major concern as a homeowner is I don't want to see something else go back here. I know this is in-fill, it's tough -- it's a tough shape and it's -- it's tough to do these, but from what I have heard in -- in past meetings that these -- these types of housing products are needed and so where it may not be perfect, it's -- in my view it's better than a -- a storage unit or something like that. So, we are in support of the -- of the project. Thank you.

Simison: Thank you. Council, any questions? Okay. You are good. Thank you. Anybody else like to provide testimony? Okay. Seeing nobody online or in the audience, would the applicant like to make any finals comments?

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, could I ask the applicant one question, mostly for the CUP, just to make sure we can get it right and help planning. On these -- on these spaces that are going to be dedicated to the individual townhomes, are they going to be owned by the HOA or are they owned by the townhome?

Breckon: Well, I -- I don't know, Mr. Nary. I think we are open to city's preference.

Nary: And here is why I raised that. If -- if it's owned by the HOA and it's part of the CUP and that is -- basically it's like a common area maintenance that's going to be maintained by the HOA, enforced by the HOA and those kind of things, that's something the CUP can use an enforcement tool to say you need to be doing this, it's in your CUP. If it's private property we are not going to do anything with it, because now it belongs to that property owner, so they can -- they can pile up their storage out there or whatever. So, I mean I

guess that's the -- I -- I don't know how to make it clear. Yes, CC&Rs can say no storage there, I get that.

Breckon: Well, based on -- based on the plat, the way it's laid out, the -- the parking stalls would be part of the common area.

Nary: Okay. Yeah. I think that would be easier from the Planning side if they were to get complaints. Like it's my neighbor that keeps parking in the parking space, not -- not a stranger, not a visitor, it's my neighbor that keeps encroaching, there is a method to enforce that and that's why I asked, so thank you. I think that would be better.

Breckon: Yes. We have talked about having that as part of the HOA and CC&Rs and --

Nary: Okay.

Simison: Thank you.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Just quickly confirm that. Looking at the plat right here, yeah, the -- the parking spaces are part of the private street, so it's not private property.

Simison: Council, discussion?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Joe, was there any unresolved language in the alternate compliance provisions of your staff report? Has that been worked out?

Dodson: Councilman Borton, I did not modify -- hold on. I'm trying to think now. I apologize. I believe I included the Commission recommendation, which was the added condition for the two-bedroom limit. So, if Council wants to strike that you can just say strike that condition. I don't remember the number off the top of my head, but I -- I can strike that and, then, that would be the only one. Regarding the alternative compliance, staff already approved that -- our version of it, which is one per bedroom, basically, and that's already in there. So, there is nothing outstanding.

Borton: There is not a provision where there is disagreement between the applicant and staff?

Dodson: Correct. There is not.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't know if this is something the applicant will want to respond to, but we heard applications in the past where there is conversation about, you know -- usually in multi-family developments about using garages for storage, instead of using them for parking and there are not many storage unit facilities close to this. Maybe a couple near the freeway. Probably a few on Eagle Road. Overland. But that's -- if -- if there were storage units closer to this I maybe would be less concerned, but that's another added element to the -- how tight all of this is, is that there is not even -- you know, if -- if the HOA had folks that were using the guest parking, because they had personal items in their garage, there is not even anyplace really close for them to take them as an enforcement measure.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think what I -- at least what -- one thing that makes me comfortable with this one -- like this parking is super defined, so if you are a homeowner, you put yourself in that situation, you don't really have alternatives. I mean, you know, you are going to put yourself in a situation where you don't have parking. So, I -- I don't know, I'm -- I'm kind of sympathetic to it. I feel like it's in people's best interest to make sure their garage is clear, because they are going to know, like this is the exact parking you have. I -- I think considering the dimensions of the site, I mean to staff's point we could have had a multi-family project here. Like this to me is so much better than anything else we could get here. I'm -- I'm pretty supportive of it. I think this is -- they beat this parking to death and we just have to have faith that the homeowners are going to use their garages. If they don't they are creating a huge problem for themselves.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: We have received all public, applicant comment?

Simison: Yes.

Borton: I move we close the public hearing on H-2022-0036.

Bernt: Second.

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: FOUR AYES. TWO ABSENT.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Move that we approve Item 7, H-2022-0036, to include all staff comments and conditions, including the alternative compliance conditions as set forth in the staff report, September 6th, 2022.

Bernt: Second.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Does that include striking the Commission's condition for the limitation on bedrooms per unit?

Borton: Mr. Mayor, it does. I believe staff was comfortable with that as well.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Sorry. I just wanted to clarify to Council Woman Perreault's point, are we going to add a plat condition or the CUP condition to add the towing piece into the CC&Rs or no?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: So, I hadn't contemplated that, but I see a head nod, so we -- some quick discussion on that particular point. What exactly would be added in?

Simison: Are we allowed to dictate CC&Rs?

Perreault: Mr. Mayor, are you asking me?

Simison: I'm looking at Mr. Nary, asking that question.

Nary: So, no, but we -- it is a conditional use permit, so if -- if one of the conditions to use this is that there be enforcement of those designated parking spaces for those designated

residents, then, they can work out with Planning what does that look like, because the HOA may decide some other form of enforcement or something else. I don't know. So, I think we just want some level of enforcement as part of the conditional use permit.

Simison: I just want to clarify that -- because that's a whole other world that I don't think we have gone in --

Nary: Right. Yeah. We were not -- we cannot -- yeah, we cannot create conditions for CC&Rs, but we can create a condition for the conditional use.

Simison: Okay.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: The motion would include that principle.

Simison: Second agree?

Bernt: Yeah.

Simison: Second agrees. Is there further discussion on the motion with the two second agreeings? 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.

ORDINANCES [Action Item]

8. Ordinance 22-1990: An Ordinance Adding Meridian City Code Section 9-2-2-10(E), Regarding Requiring Installation and Maintenance of Water Recycling Systems for Commercial Car Washes; Adopting a Savings Clause; and Providing an Effective Date

Simison: That moves us on to Item 8, our Ordinances. First item up is Ordinance No. 22-1990. I would ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. It's an ordinance adding Meridian City Code Section 9-2-2-10(E), regarding requiring installation and maintenance of water recycling systems for commercial car washes; adopting a savings clause; and providing an effective Date.

Simison: Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Seeing none, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance No. 22-1990.

Simison: With suspension or no on this one?

Nary: I would just note on the record that, yeah, with -- with the -- with the suspension of rules. We don't have to put it in the title, but it would be good for the record to be clear that that was the intent.

Simison: Okay.

Perreault: Mr. Mayor, I will repeat that.

Simison: Council Woman Perreault.

Perreault: I move that we approve Ordinance 22-1990 with the suspension -- suspension of rules.

Strader: Second.

Simison: I have a motion and a second to approve Item 8, Ordinance No. 22-1990, with suspension of rules. Is there any discussion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

9. Ordinance 22-1991: An Ordinance Amending Meridian City Code Section 9-4-34, Regarding Point of Liability for Maintenance of Sewer Service Line; Repealing Conflicting Ordinances; and Providing an Effective Date

Simison: Next item up is Item 9, Ordinance 22-1991. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mayor. It's an ordinance amending Meridian City Code Section 9-4-34, regarding point of liability for maintenance of sewer service line; repealing

conflicting ordinances; and providing an effective date.

Simison: Council, you have heard this ordinance ready by title. Is there anybody that would like it read in its entirety? Seeing none, do I have a motion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I move to approve Ordinance 22-1991 with the suspension of rules.

Strader: Second.

Simison: I have a motion and a second to approve Ordinance 22-1991 under suspension of rules. 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 ordinance is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

- 10. Ordinance No. 22-1992: An Ordinance of the City of Meridian, Idaho Amending Ordinance No. 21-1945, the Appropriation Ordinance for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022 (FY2022), Appropriating Monies That are to be Allocated by the City of Meridian, Idaho in the Sum of \$(72,671,298); and Providing an Effective Date**

Simison: Item 10 was vacated.

- 11. Ordinance No. 22-1993: An Ordinance, Pursuant to Idaho Code §50-1002 and §50-1003, Providing for a Title and Findings, Providing for the Adoption of a Budget and the Appropriation of \$219,724,039 to Defray the Necessary Expenses and Liabilities of the City of Meridian, in Accordance with the Object and Purposes and in the Certain Amounts Herein Specified for the Fiscal Year Beginning October 1, 2022 and Ending on September 30, 2023; to Levy All Such Appropriate Taxes and Levies as Authorized by Law Upon Taxable Property; and to Collect All Authorized Revenue; to Provide for a Waiver of the 2nd and 3rd Readings Pursuant to Idaho Code §50-902; and Providing for an Effective Date and the Filing of a Certified Copy of This Ordinance with the Secretary of State**

Simison: So we will move on to Item 11, which is Ordinance No. 22-1993. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. Ordinance pursuant Idaho -- Idaho Code Section 50 1002 and 50-1003 providing for a title and findings, providing for the adoption of a budget and the appropriation of \$219,724,039 to defray the necessary expenses and liabilities of the City of Meridian, in accordance with the object and purposes and in the certain amounts herein specified for the fiscal year beginning October 1, 2022, and ending on September 30, 2023; to levy all such appropriate taxes and levies as authorized by law upon taxable property; and to collect all authorized revenue; to provide for a waiver of the 2nd and 3rd readings pursuant to Idaho Code Section 50-902; and providing for an effective date and the filing of a certified copy of this ordinance with the Secretary of State.

Simison: Thank you. Council, you have heard this ordinance read by title. Is there anybody that would like it read in its entirety?

Nary: Mr. Mayor, I don't want it read in its entirety, but I just want to make note for the record that the reason that the waivers in this particular ordinance is because it is the budget ordinance and it's required by statute, so --

Simison: Okay. With that do I have a motion?

Perreault: Mr. Mayor, continuing with the 1990s it was a great decade. Ordinance No. 2 -- I move that we approve Ordinance No. 22-1993.

Simison: Okay. I have a motion to approve Ordinance No. 22-1993. Is there a second?

Strader: Second.

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

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

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

FUTURE MEETING TOPICS

Simison: Council, anything under Future Meeting Topics? Do I have a motion to adjourn?

Borton: Move we adjourn.

Simison: Motion to adjourn. 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 8:50 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____	____/____/____
MAYOR ROBERT E. SIMISON	DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK