

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, January 19, 2021, by Mayor Robert Simison.

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

Also present: Chris Johnson, Bill Nary, Joe Dodson, Alan Tiefenbach, Jamie Leslie, 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, I will call this meeting to order. For the record it is Tuesday, January 19th, 2021, at 6:00 p.m. We will begin tonight's meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: Thank you. Our next item is our community invocation, which will be delivered by Randy Rodes of reSurge Christian Church this evening. If you would all, please, join us in the community invocation or take this as is a moment of silence and reflection for yourself. Pastor Rodes.

Rodes: Mayor Simison, thank you for this opportunity and, Council Members, to come and pray tonight. Lord, we thank you for this great City of Meridian. We pray your blessing upon it and upon this meeting tonight and, Lord, you tell us in your Word that if we acknowledge you in all that we do, that you will direct our paths. So, I pray, God, that you would be with every one of our Council Members and our Mayor tonight as they would acknowledge you, God, in these decisions and all that is decided would be done for your perfect will and this great city. We pray this in Jesus' name, amen.

ADOPTION OF AGENDA

Simison: Thank you. Appreciate it. Council, next item is the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: There is a change to the agenda. Item 4, Executive Session, we took everything -- we took care of everything -- everything previously in our -- after our 4:00 o'clock workshop, so I move that we approve the agenda, minus Item 4. We will strike that.

Hoaglund: Mr. Mayor, I second the amended agenda -- adopted amended agenda.

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

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, there were no signups.

ACTION ITEMS

1. Public Hearing for Earl Glen Subdivision (TECC-2020-0003) by Riley Planning Services, Located at 1780 E. McMillan Rd.

- A. Request: A 2-year Time Extension on the preliminary plat in order to obtain the City Engineer's signature on a final plat and extend the time to commence the multi-family use as permitted with the conditional use permit.

Simison: Okay. Then we will move into Action Items. Our first item is a public hearing for Earl Glen Subdivision, TECC-2020-0003. I will open this public hearing with staff comments and turn it over to Joe.

Dodson: Thank you, Mr. Mayor, Members of the Council. Good evening. As noted, the first item on tonight's agenda is for Earl Glen time extension. The site consists of 4.65 acres of land currently zoned R-8 and R-15, located at 1780 East McMillan, which is near the northeast corner of McMillan and Locust Grove, as seen on the maps here. It received preliminary plat, a rezone, and conditional use permit approval in 2015. The conditional use permit was for multi-family. The preliminary plat was for -- I believe something like 16 or 17 lots of single family residential. A one year time extension was approved administratively in 2017. In 2018 a second time extension, which was approved by City

Council, was approved, which made the new deadline for the applicant to apply for a final plat and receive signature by the city engineer October of last year. They did not meet that, so they asked for a -- they are asking for another time extension in order to have another two years to obtain signature on the final plat. The previous extension that was approved required some additional conditions. Since then nothing has changed, so I just recommended to continue those existing recommendations and just note that future multi-family here will require certificate of zoning compliance and design review. So, any design comments there we can take care of at that point. And, then, the road infrastructure and utilities will all get constructed with the plat. So, that's pretty straightforward. This is the approved plat. Large open space. A bunch to the west, which is a commercial zoned property and the multi-family abutting McMillan. I need to zoom in on the multi-family. The road exists already to about approximately here, just for reference. And, then, this is just our overall map of the area. And after that I will stand for questions.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks, Joe. I -- I am just wondering -- it's been so long since this was approved and a lot of change to the city. We have a new Comprehensive Plan. Do you think in general that this is the type of project the City Council would approve today? Is it consistent with our Comprehensive Plan? If it came as a de novo project do you think we would require other things? How does this sort of compare given the amount of time that's past.

Dodson: Councilman Strader, great question. I haven't dived too much into the details of it -- of what was approved or why, but it does meet the comp plan in the sense that it's a medium density residential and the density proposed meets that, as well as the proposed uses of single family and multi-family. I think that its inclusion -- and this was thought out back in 2015 -- of where the open space is located with the street and, then, the corner property, it's kind of hard to see, but this corner property is zoned commercial, so that's a good buffer between that and having the multi-family up against the arterial with a nice landscape buffer is also something that we see typical today. I don't know that there would be much -- much else to change if this were to come back through. A lot of the subdivision design guidelines were implemented afterwards, but that is something that in the previous time extension were added to this as a requirement they need to meet those, which they appear to do. So, I wouldn't see much difference between what they would submit now versus what they submitted in 2015, no, ma'am.

Strader: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Joe, has any -- two questions. Has any dirt actually been moved on this yet at all? And, secondly, I apologize if I didn't hear if the applicant is here this evening to share their thoughts on the delay.

Dodson: Council Woman Perreault, the applicant is here, yes, in -- in the chambers. She might be better to answer the first question, too, but I don't believe much dirt, if any, has been moved. So, I would like to leave that to Penelope to answer, just to give you the right answer.

Simison: Council, any further questions for staff? Okay. Then I will invite the applicant to please come forward. And if you can state your name and address for the record, Penelope, that would be great.

Constantikes: Mayor and Council, Penelope Constantikes. Post Office Box 405, Boise, Idaho. 83701. I have a prepared presentation, but I will try and insert in -- into it answers to those comments. So, I'm here representing Brinegar Investments. It's a limited liability -- limited partnership for the request of the time extension for both the Earl Glen Subdivision preliminary plat and a conditional use permit. The Brinegars do have an extensive history of subdivision development in Meridian and are currently developing Whitecliff phase one, which is to the west of the site on McMillan Road. To the property owners this is a legacy site for their family, because their parents lived along Locust Grove for many years, so Clyde had a funny story about how his father fell down in the yard when they bought this property in an auction in 1990. So, anyhow, it's a combination of single family lots, as you know, and multi-family. The developers actually own the additional 11.4 acres that's immediately north of this site and so that's -- that's one of the pieces that still -- it's still in Ada county. It hasn't been annexed into the city. There are two primary reasons why they are requesting the time extension. First of all, the site, if it's combined with the parcel to the north, would encompass the full 16 acres and the Brinegars are still carefully considering the best way to plan development of the three parcels in a meaningful way. The stub street that enters the site from Sheridan Place, which is up on the north boundary, would provide an avenue of connectivity from that subdivision in the future and Earl Glen westward to Locust Grove Road, with the initial section being constructed with Earl Glen. At this time there has been no dirt moved with this project. Second of all, given the structure of the Brinegar Investments is a limited liability, limited partnership, and given that the principals are dealing with some health issues, they would like to complete Whitecliff prior to starting the final plat for Earl Glen. Starting a new subdivision would present issues of the ownership of Earl Glen needed to be changed in the middle of the project and as it goes without saying, COVID has complicated every avenue and particle of our lives. The Brinegars are committed to the Earl Glen project. I spent quite a bit of time with them last week to talk about this. This is a timing issue, not a lack of commitment, and they would like to plan the incorporation of the northern 11.4 acres moving forward into their overall plan. Some of the elements they are considering for the northern parcels include commercial development along Locust Grove Road, with the extension of a low intensity neighborhood commercial zone and then -- and, then, the north for a continuation of the single family residential that would be started with Earl Glen in the interior of the abutting parcel. The staff report mentioned

that there was one neighbor that called there -- actually two. One neighbor was just north of McMillan Road and he wanted to know if the multi-family would be adjacent to his site. He's a brand new homeowner in that -- that particular house. And I said no. And, then, another neighbor called way north of Earl Glen in Sheridan Place, but like four or five lots north of our north boundary and wanted to know if there was going to be multi-family next to his home and I sent him a copy of the plat and welcomed any discussion he wanted to have with me about that. So, there doesn't appear to be a downside to the time extension. This is now becoming an in-fill site, as opposed to what it was in 2015. It's still consistent with the Meridian Comprehensive Plan for residential development and they are anxious to look at options and looking at maybe an assisted living facility along Locust Grove Road. Both the Brinegars are elderly now and so I understand this is the third time extension. I understand that you have some maybe unusual circumstances with COVID, so -- and, then, their participation in Whitecliff. With that I would be happy to move back and make sure I have answered Council Woman's Strader's questions. Yes, it's still consistent with the comp plan. As Joe mentioned, it is a good buffer for Sheridan Place, kind of an intermediary density between the existing mature subdivision that's east of our site. With that I would be happy to answer questions.

Simison: Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Penelope, nice to see you virtually tonight. Help me understand from your perspective what's going to change between now and two years from now to help you and your clients effectively move forward on this project? I think, as you know, I -- time extensions are a pet peeve of mine. I think that they serve a purpose, but oftentimes they can kind of spin out of control, and I'm just trying to come to terms of what's going to be different two years from now that doesn't exist today.

Constantikes: Mr. Mayor, Councilman, I'm not sure I can give you a definitive answer on that. The only thing I know for sure is that the Brinegars are -- are pretty deep in Whitecliff right now. According to their real estate specialist, it's a 40 acre site, they have -- they have got quite a few of the homes built and I think there is actually a senior living facility that's going in Whitecliff. I'm not a hundred percent sure. So, as I stated in my testimony, I think this isn't a lack of commitment, I think it's a timing issue. So, I don't know that there would be anything any different in two years, other than they would be better positioned to begin final platting.

Cavener: Okay. Thank you, Penelope.

Constantikes: You're welcome.

Simison: Penelope, maybe piggybacking off that question --

Constantikes: Yes, sir.

Simison: -- a little bit. You talked about that they own the property to the north and they eventually want to incorporate that. Why would it be better not to wait and have this done as part of that project, instead of this one remaining a standalone project at this time with the time extension with an unknown date and obligations and possible other impacts?

Constantikes: Mr. Mayor, appreciate -- that's a great question and I think probably from a phasing and strategic perspective that the -- they would construct Earl Glen first and it would assist them in financing the future phase, which would be northward and, then, the commercial development, as allowed by the city along Locust Grove. So, it's a -- it becomes really no different than phasing a subdivision.

Simison: I guess a better question and more is -- is land use and how that northern one develops compared to how this one is proposed to develop -- without -- knowing that there is probably not a concept plan yet for that -- for the -- for the one to the north or is there? I think that -- that to me is -- at least from my perspective when you are talking about a time extension, but you are also talking about the value of how the northern property will eventually develop, does it make sense to have a plan for all 16 acres at the same time to consider, as compared to leaving this one and, then, reconsidering that one in -- in a different vacuum?

Constantikes: Mr. Mayor, I think I can verbally give you a conceptual plan. The idea is to continue the single family detached dwellings northward on the interior of the site, because it's more consistent with what's going on in Sheridan Place and, then, whatever depth the -- the convenience store site is to the west of us, that would hopefully be extended northward. So, it would just really be two -- two use types. You would have single family on the interior and this low intensity neighborhood oriented commercial along Locust Grove. I apologize, that's the best I can give you. I do understand your question about conceptual planning. One of the reasons that the Brinegars have been successful doing so many subdivisions -- and there is a lot of them. I searched the database -- the Meridian clerk's database and I think I found five or six subdivisions that they have done in the fairly recent past -- is that they tend to be a little bit more conservative and -- and they don't -- and they -- they work hard to maintain their stability, so that when they make commitments they can follow through on them.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Penelope, thank you. I would like to just say at least from my perspective that my thought process and the -- what I weigh in this kind of decision really is less on the -- on the reliability of the applicant in this situation and more on -- are we -- are we taking away the public's ability to, again, have input this later on the property. You know, by doing this we essentially approve for two more years and -- and, then, you know, six years has been significant for our city and so now if we do this we -- another application is not

submitted for that property and there is not another public hearing that's held until what would be a CUP application, just -- and that's just for the multi-family. So, that's my only hesitation with this. Not that I in any way want to -- want to burden you or your client as an applicant to restart a process for a preliminary plat that you wouldn't make changes to, for me it's just more along the lines of, you are right, there has been a lot of significant changes in that area. I know the subdivision to the east very well and I just -- I guess that's where my hesitant -- my -- I shouldn't say hesitancy. That's where my thought process comes in is six years -- you know, one extension we see, but this is essentially -- I mean this is quite long for me and it has nothing to do with your applicant's reasoning for wanting the extension, I just want to be clear about that, it is just purely a -- are we doing what's right for the city as a whole -- for the residents of the city as a whole. So, that's not my decision, I'm just letting you know kind of what I'm thinking is -- as we are sitting here discussing.

Constantikes: Mr. Mayor, may I respond? Yes. Council Woman. I do understand your question. I -- I have had so far three neighborhood meetings in association with these time extensions and I have never had -- I had three people show up for the first one and I have never had anyone ever come after that. I have had a couple of phone calls, but -- and they are concerned -- the neighborhood concern was just that they weren't going to have an incompatible use adjacent to theirs and the subdivision has been designed to be complimentary to Sheridan Place, which is what's immediately to the east of them, so -- but if there is some mitigating that we can do, more follow up neighborhood meetings -- if you can think of something that we can do to keep this active and -- and current with the neighbors we would be happy to do that.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question for Joe. Joe, you know, this has been on the books for a while. When -- as residents move in, if they wanted to find out about what's going to happen with this property, it sounds like they are able to call the city, they can be given information, it sounds like they have been given her phone number to call, so it's -- it's not a surprise to people that -- if they do their due diligence that they can be aware of what the plan is; is that correct?

Dodson: That's very -- very true. For any project, but especially for one that hasn't broken ground as well.

Hoaglund: Okay. Thank you.

Constantikes: Mr. Mayor, may I respond?

Simison: Yes.

Constantikes: Maybe some signage would be in order. Some additional signage beyond what's normally required, which is for hearings. Maybe a map on -- on the site that just stays there. Says this is what's proposed for the site and if you have questions you can call this number. I would be fine with that. I'm sure the Brinegars would be. It's a little bit out of the box, but I do understand people move in and they don't know, they just know there is a big empty field next to them and don't have -- a lot of people don't even know that they need to call City Hall. It's not real common for people to think about that. So, if there is some kind of additional signage that we can implement that would make the City Council more comfortable, I would be happy to talk to Brinegars about doing that.

Hoaglund: Well, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: To explore that concept further, I mean it's just basically good marketing. If you put up a sign and say future site of XYZ subdivision, Earl Grey -- Earl Glen -- Earl Glen Subdivision or some sort of thing like that. You know, from just a marketing standpoint that might be a good idea, but, you know, we do have sign requirements, so I don't know if this -- you would have to have something done to -- to make that work, even though it's a developmental process, so -- it's a good thought, though, Penelope. Thank you.

Constantikes: Mr. Mayor, I did have one other thing I wanted to offer. Apparently they get phone calls weekly from people throwing just outrageous amounts of money at them trying to buy the site. I have heard that, you know, boutique grocers, complete changes of uses, which I don't know how the city would feel about that, and they have consistently declined any follow up in terms of selling the site. So, I know that there is a lot of demand for it and they want to keep it a single family residential subdivision. Thank you.

Simison: Council, any further questions for the applicant?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: If I could, one -- a question I will leave with legal and, then, a question for you, Penelope. Your application for the extension, it notes that expired -- the existing opportunity to get the plat -- the final plat -- it expired October 17th, but request for the extension was after that fact, November 5th. In my world once that period expires the right to -- to extend -- even request it is gone as well. So, I had a question about whether we are even allowed to hear this request in light of the date the request was made after the period of expiration. But as legal -- legal noodles that question, the question for you is why not request a ten year extension? What would be the policy reason why a ten year extension wouldn't be appropriate?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of Council, I can answer the second question first. Our code only allows a two year extension. So, that's one reason. We have -- the Council in the past has granted extensions that were applied for after the date of the -- of the prior extension, so the Council has approved those in the past. I don't know if Joe had any more to add about that from the planning's perspective, but I know the Council has -- has discussed that issue previously and has granted them outside of the expiration.

Dodson: Yes, Mr. Mayor, Members of the Council, there -- thank you, Mr. Nary for that. That's also true. And, then, in addition, the applicant and I had started this before the deadline and with the neighborhood meeting and things like that that require -- that are required prior to the expiration it got bumped out beyond that and I think even the November date is actually a little late from when -- I think that's when it was noticed, compared to when we actually were -- we received it in house was very close to that October date, I just can't remember exactly when that was. But I hear your point. I do. If there is a precedent that we have done that before, then, that's that.

Borton: Okay. Mr. Mayor?

Simison: Councilman Borton.

Borton: I appreciate that. That's -- I would love to clean that up for an applicant's benefit. Let's pick some date and stop receiving applications for stuff like this after the -- the time for action expires. It just leaves us -- it's just mushy. It's not fair to an applicant. They can ask for an extension ten months after it expires and so we open ourselves up and make it difficult for an applicant. And so the second question -- Penelope, I wasn't trying to be cute with it, just illustrating that -- I mean there is reasons behind that Council's expressed these struggles, there is reasons behind deadlines and requirements to have these in. If we limit ourselves two years, it's like a cap on the request, so five of the seven of us didn't see this as well and there is five years of a period before COVID where, again, this has just all sat. So, it just sort of begs the question just to continue to grant extensions. Let's just get rid of the two year cap and start granting ten year extensions. It's just -- it's problematic. I struggle as well under these circumstances as requested in light of what's been discussed to grant another two year extension.

Constantikes: Mr. Mayor? Yes, Councilman, I understand the -- the nature of your comments and they are just -- like Joe explained, we were working on the time extension and -- so, I don't know what else to say. I'm sorry.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Definitely don't apologize. I understand if we -- as -- as far as the timing of it, if we -- we have had a process that has allowed -- it's more the concern of substantive and procedural on some of the problems of allowing us to continue to continue to continue in light of all of the reasons the Mayor and Council have brought up today.

Constantikes: Understood. Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Penelope, I know that the time has passed and we are here now, but it seems like we have chatted a little bit about what has gone on the last two years since the last extension, but when the app -- applicant originally applied what was the original -- I mean was the original intent to have that completed in short order and what -- I mean how did it sort of get off course? Not -- not that you need to give the entire history, but I guess that's -- that's -- and COVID has just been within the last year. So, maybe give us a short summary of what transpired prior to that, so that we can get a sense of -- I agree with Councilman Borton that, you know, that was the other thing that I had going through my mind as I was reading this -- this information was that the majority of the Council didn't originally approve this and a new Comprehensive Plan as well. So, can you give us a little bit more understanding of what was going on at the time that the application was made and the intention behind when it was supposed to be complete?

Constantikes: Mr. Mayor, Council Woman, when I was working on this in 2015 my understanding was that they were going to move forward with it in fairly short order. I'm not -- I don't have a lot of contact with the Brinegars, so I'm not exactly sure. I know that -- that sometimes, just based on my work and routing final plats, which is a very difficult project to do, sometimes things show up and they just send everybody off in a spin and it takes a while to regroup and solve problems. Of course, that doesn't explain the number of years that the project has been preliminary platted and I just know that they have been involved in other projects, not Clyde, but his sister's experienced health issues that I think I explained in my testimony, although maybe not real clearly, that because it's a limited partnership they want to make sure that they don't start something that, then, requires a change in ownership structure in the -- in the middle of the project. But my understanding was from the beginning that we were going to go to final plat and other than knowing that I can't explain to you why -- why the Brinegars didn't move forward with it more quickly. I just don't have that information. I apologize.

Strader: Mr. Mayor, question for Joe.

Simison: Council Woman Strader.

Strader: Joe, if -- if we were to deny it this evening, is there anything I'm missing? Is there any disadvantage at that point that would stop them from, you know, hopefully bringing this back ideally with the property to the north, so the whole thing. Is there anything that I'm missing? Are they penalized in some way besides having to notice it through the public hearings, et cetera?

Dodson: Council Woman Strader, I mean negatives or positives are subjective in that sense I guess. I just want to -- the only thing I guess would be that they already have the

zoning. So, the R-15 and R-8 portion is zoned, so they technically would not have to do a master plan between this parcel and the RUT parcel. There wouldn't be a requirement to that. They could just come back and reapply with this exact same plat. Obviously, it doesn't guarantee they would get approved, but that could be the process. It's -- it would be up to the Council. I'm hearing the concerns from Council and I understand them. I did put that in the staff report, too. You know, this is the third one, so it's up to you guys to determine whether or not it's in the best interest of the city. Also with that you don't have to grant two years. Unless Mr. Nary corrects me on this, it could be a shorter time frame. It just -- it's whatever Council wants, so -- zero. It could be six months. Nine months. Whatever you guys would like. But that might put a fire under their butt. I'm not sure.

Strader: Thanks.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I guess, yeah, Joe kind of got to my -- the crux of maybe my questions for Mr. Nary is, one, can we grant a time extension that is less than two years. And, two, if we were to grant any extension could it be conditioned that no future extensions would be granted?

Nary: Mr. Mayor, Members of the Council, Council Member Cavener, as Joe stated, you can -- you can do any time period you wish. So, it doesn't have to be the full two years that's being requested. Barring a future Council from making a decision on their own is a little more problematic to me. I wouldn't say it's prohibited by code. It's certainly not something I would encourage, because, again, circumstances change, situations change, and trying to box that in -- in the UDC there really isn't anything like that. So, that's a little bit more concerning to do. But it's not prohibited, it's just -- I'm not sure if a future council would appreciate that when there may be some reason that is absolutely valid and I don't know what that might be. Pandemics are one of them, so --

Simison: Council, any further questions for the applicant?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: One additional question for Penelope. Penelope, you have heard some of the discussion amongst Council about maybe perhaps a time extension less than two years. It kind of gets to the question that I asked you earlier about what would change between now and two years from now. The part that I'm struggling with is if there was action that was going to happen in the immediate future, I think I could be supportive of an extension. If there is not, then, I am more supportive of a denial. So, can you help give Council a little bit of flavor, again, for if a time less than two years is supported by you and your

clients or if you are just going to be here two years from now asking for another time extension.

Constantikes: Mr. Mayor, Councilman, any time period that the Council sees fit to grant is fine. We are not really in a position to argue with that. One of the things that occurred to me as I was listening to you discuss this is that a time extension would allow the Brinegars to sell the project and get it moving. Not that they -- I have no knowledge that they want to do that, but one of the -- one of the benefits of a time extension would allow the project to move forward with someone else. And, again, I have to be very clear about that. I have no understanding that they are planning on selling it, but it does keep the plat active in the event that they consider your concerns this evening and understand that there isn't going to be probably another option in the future and that this might be a good time to entertain offers for selling the plat and -- and if it's constructed the way it's approved now, then, any future plans they would have for the 11 acres to the north would not likely change, because they would -- it would continue to match what was going on to the south. So, that's the only thing I can offer really in response to your question. Whatever time frame the Council sees fit is appropriate.

Cavener: Thank you.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just a follow up on that line of thought, Penelope. If -- if there was a denial tonight I would see them more likely to rid themselves of that property and focus on something to the north for their use. What are your thoughts on that? I -- because if -- if there is a denial -- well, if we can't do it now we got to come back with everything, well, let's cash out on this and focus on the property of the north and, then, we bisect these two properties and have two separate in-fill developments, as opposed to one in the future. Is that --

Constantikes: Mr. Mayor, Councilman, I don't have enough insight into my client's future plans to be able to really answer that. With the site designed completely -- and I think there is even a fair amount of engineering work that's been done on it, it wouldn't be difficult for someone to pick up the parcel and move forward with what was previously approved with whatever changes are a reflection of changes in code. I know that the Brinegars would like to keep the subdivision active and in their own ownership, so I don't have any insight into whether or not they would -- would sell it if it was denied tonight. Again, I think the family as a whole is anchored to the site because of their parents living so close by. I guess on page 30 -- 25 of the Meridian book there is a picture of Mr. Brinegar, Senior, and there was a place called Hoppy's Corner, which was his mother's little commercial shop of some kind or another. So, I don't know that they would sell the site.

Hoaglund: Mr. Mayor, if I might follow up with a -- with a comment.

Simison: Councilman Hoaglund.

Hoaglund: Because that's -- that's the -- the difficulty and I think Councilman Cavener are touched on it as well, that, you know, these little details can -- can matter, but at the same time I struggle where we haven't had a -- there hasn't been a change in zoning. There wouldn't be any changes to the plat. It allows that ability to further develop the site to the north with this included, although we can make requirements, but it's a little harder for -- when there is two different property owners to make sure things are tied together, as opposed to one. I'm just trying to see the benefits of denial versus an approval of a year or whatever Council would agree, if that's the direction we go. You know, weighing what -- what's best for a future development. We know it's going to be developed and is that with the current developer or does it get split and, then, what do we have. So, I'm probably more inclined to go with -- with what we know than what we don't know, but -- which would lend to a time extension, but, you know, it's not hard and fast in my mind right now.

Strader: Mr. Mayor, question for --

Simison: Council Woman Strader.

Strader: Thank you. Question for either Bill Nary or Joe. What is the longest, if anyone remembers, that we have done these extensions before? And I guess I'm concerned -- are we setting a precedent by doing this for this amount of extensions in this length of time.

Nary: Mr. Mayor, Members of Council, Council Member Strader, I couldn't tell you how long any have ever been. I mean there certainly have been many extensions. Each one of them, in my opinion, is its own unique animal. I mean, again, I think the Council has asked exactly the right questions you need to. Why is it taking so long. What's the plan. What was the intention when you started. All of those things are really relevant. So, I don't believe it's a precedent to allow this to go forward with an extension of whether it's two years or less. I think it's totally within your discretion. I mean I think it speaks to at least the impacts of the neighborhood, as Council Member Perreault brought up, is they have had neighborhood meetings, that is part of the process, so the public is aware that this is being asked to be extended again and you don't have anybody here or wanting to testify opposed to that. So, what would happen -- that was one of the questions asked earlier. Because the extension is denied and the plat itself is dead in the sense of planning of being able to move forward with it or for the developer. It's already annexed and it's already zoned. So, those remain, whether this is tonight or not, so -- but entitled property certainly has value and I think that's what Ms. Constantines was talking about, that from a development standpoint, in fact, there is already an approved plan to move forward if the desire was to sell or at least engage someone else to get this constructed. Having the plat able to move forward immediately is certainly better than it being starting from the very beginning. So, there are some good and bad either way. Certainly you all have asked the exact right questions you should and it is totally within your discretion. I don't believe it would be precedent setting for anybody else to say they are entitled to something of this nature as well.

Cavener: Mr. Mayor?

Simison: Well -- and, Mr. Nary, just to clarify, we have not yet asked for any public who wish to testify, so I don't want to presume that there is nobody here in favor or opposition, because --

Nary: You are correct.

Simison: -- we may have a couple people, so --

Nary: Thank you. Sorry. You're correct.

Simison: Mr. Cavener.

Cavener: Thanks, Mr. Mayor. You are answering one of my questions and, then, just a comment for Council Member Strader. I think it's a great question that you asked and I think where I developed this being somewhat of a pet peeve of mine is probably in my first and, then, third year on Council. I think we granted a fourth and, then, maybe even a fifth time extension in my third year and so we have provided time extensions much longer in length, but to Council Member Borton's point, that was, you know, with a much different City Council than we have today.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: If I can weigh in on that -- Council Woman Strader's question. When I was appointed in '08 and, then, answering -- elected in '09 for a full term, so that's five years and those years of '08 and '09, '10 were not good years economically. So, we cast numerous votes for time extensions for a number of projects and it was for more than one time extension for several of those projects just because of the economy. We knew they wanted to do it and it just wasn't going to happen at that time. So, it's not unusual to have in my book -- in fact, I thought that's the only vote we ever did was time extensions in that time. But it -- it wasn't unusual, so -- and I know those are specific economic times, but I look at this -- each project I think it was pointed out is unique and has situations that people are dealing with that I think we take into consideration. So, hope that helps.

Strader: Thank you.

Simison: Council, any further questions for the applicant? Okay.

Constantines: Thank you.

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

Johnson: Mr. Mayor, we did not.

Simison: Okay. If there is anyone who would like to come forward at this time in the room and provide testimony, please, do so and if you are online in the Zoom meeting and would like to participate, please, use the raise your hand feature at the bottom to do so. Thank you. Please state your name and address for the record, please.

Lubinsky: My name is Brian Lubinsky. I am the HOA president of the Sheridan Place -- to the adjacent property. We do have many concerns as far as the homeowners that do reside in Sheridan Place. They have brought it up many times about the subdivision -- the Earl Glen Subdivision that's wanting to be put in. One is -- the major one is the multi-use sites. We haven't seen from -- nobody in our neighborhood has even seen what these tend to look like or will look like. We do have, you know, rather big concerns about that. Second, we have also a concern about the access road that is to the north of Earl Glen Subdivision and how it's going to tie into the Sheridan Place neighborhood to the east. That as well has not been discussed with the HOA or anybody in the neighborhood as far as granting access to that neighborhood. The third is we have -- we have inquired about purchasing the property with the representative and we would move forward in developing it much quicker than two years if -- if allowed. We have also inquired about the property to the north as well. But as far as we have heard it is not entertaining any offers at this point. So, back to the original one. Is there anything that can show us what the multi-family development will look like?

Simison: We will have the applicant bring that back up when the time -- do you have any further comments?

Lubinsky: We also have one other concern. In the far northern -- northeastern section of this approved plot, plat, there is a -- a water pumphouse that is part of Sheridan Place. We would like to know what the intentions are to go around that -- that area as well, because that -- that pumphouse is in that plotted section for the subdivision.

Bernt: Mr. Mayor?

Simison: Mr. Bernt.

Bernt: With -- with all due respect -- and I understand, sir, that you want some questions answered this evening in regard to a proposed maybe quasi-project that's in the future, but with all due respect, tonight we are not debating that. Tonight we are talking about whether or not they are going to receive a time extension to the proposed plat. That's it. So, for the sake of time and for the sake of sticking to the agenda, I would propose that we stick to the conversation as to whether or not we should extend this project out another couple years.

Simison: Thank you, Councilman Bernt. This is his time to speak, so free to ask those questions and whether or not the applicant addresses them or the Council is interested, they will take that into consideration.

Lubinsky: I certainly appreciate your time and don't mean to steer you off -- off course at all and I do understand what you want to do tonight. We just as a neighborhood have concerns and would like to have those answered, whether it could be Penelope that can answer these questions, we just would like to go back to the homeowners and at least tell them something from this meeting. Thank you for your time.

Simison: Council, any further questions?

Hoaglund: Mr. Mayor, before Brian sits down, if he wouldn't mind. Mr. Lubinsky. Question -- quick question. Real quick.

Simison: Council Hoaglund.

Hoaglund: Yeah. Just -- just a quick question. So, is your HOA willing to look at this project and try to work out -- make sure you understand all the details, as opposed to just starting -- starting new? Is that a position you guys have -- have taken any -- any which way on that?

Lubinsky: We have discussed it and we are in favor of, you know, the development. However, we are not in favor of the multi-family units. If it's a single family, yes. Multi-family, no. So, we have discussed that and we have also discussed actually wanting to purchase the property and continuing both sections of property into single family use.

Hoaglund: Okay. Great. Thank you. Appreciate that.

Perreault: Mr. Mayor?

Simison: Council, any further questions?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I suppose this is a question for Joe. So, the applicant -- when the multi-family is -- when the multi-family moves forward will they need to have another public hearing? I just saw that slide that came up that said approve CUP. Has that been approved and -- and the design would just go before staff at this point?

Dodson: Council Woman Perreault, that is correct. Yes. The CUP was approved with the plat. So, that's what -- these extensions are for the plat and the conditional use permit for the multi-family.

Perreault: Okay.

Dodson: I also do -- I did find some of the elevations that were with this application, if that interests the Council.

Simison: Council, we will wait -- I see Penelope has been gathering some information, but I don't -- there is no one else in the room wishing to testify and no one online who has raised their hands to testify, so with that we will ask the applicant to come back forward to present closing remarks and any further questions or comments at that time.

Constantikes: Thank you, Mayor, Council. Penelope Constantikes. Post Office Box 405, Boise, Idaho. 83701. I obtained my neighborhood meeting list for generating labels from the City of Meridian and my understanding is that the HOA was included in that. So, I'm not sure where the disconnect was. I was there on Saturday morning. I try to do them on Saturday morning when I'm able, because it enables the maximum number of people to be able to come. So, I scheduled it for Saturday morning. I did have at the neighborhood meeting all the illustrations of plats and elevations that we submitted with the CUP for the multi-family. So, I did have -- I did have those materials with me. I did want to address the question about the pump station. That pump station, I believe, is probably owned by Nampa-Meridian Irrigation District and the plat does have a pump station lot designated. It's 1,512 square feet. It's Lot 1 of the subdivision plat and there are several plat notes that without my readers I can't exactly read them, but we did make an accommodation for the pump station. We understood that Sheridan Place was running off of that pump station, that it would be handled correctly with the development to make sure that everyone still received their water, there was no impediment to the pump station operating correctly. The extension of the stub -- of the -- the extension of the stub road out of Sheridan Place to the west, that wasn't something that the applicant really had any ability to make a decision about. That was an ACHD thing. And, obviously, a stub street was put there intentionally with the approval Sheridan Place with the -- with the intention of having a connection to the west. So, we were just completing what the district required us to do, a plan to complete it as a function of the development. It's very commonplace for that to happen. So, the multi-family was very muted. We only had it directly adjacent to McMillan Road intentionally and keep the single family the bulk of the site and that was so that it was consistent and blended with the neighborhood. I would be happy to visit with the HOA at any time if they want to call me, I can coordinate a Zoom meeting, or whatever it takes. I would be happy to share the information I have with them, if that's germane for this discussion. But I don't know what else to tell you. We have covered a lot of territory and I'm hopeful that we can get one more time extension and keep this plat in play. It's a good design and -- and it I think in the end will benefit the City of Meridian. With that, if there are no questions I will excuse myself. Thank you.

Simison: Council, any final questions for the applicant?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Not seeing any other questions, I move that we close the public hearing for Earl Glen Subdivision, TECC-2020-0003.

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

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

MOTION CARRIED: ALL AYES.

Dodson: Mr. Mayor?

Simison: Yes, Joe.

Dodson: Before Council gets into their final decision, I just wanted to note that if -- the application was -- actually, the plat was -- the extension was denied tonight there -- from a planning perspective the idea that multi-family would not be wanted or desired in this area is a little concerning, only because as you can see in the aerial it is a sea of single family for a quarter mile in every direction and usually when you -- you only have ownership opportunities, you know, that leaves out some of the lower income. So, I just want to present that these are not three story, 35 foot tall apartment buildings, they are, you know, two story townhome style, but they are multi-family four-plexes and one eight-plex. So, from a planning perspective it is beneficial to maintain some of that multi-family opportunity. But, you know, from the professional perspective that's what that is.

Simison: Thank you, Joe. Council?

Cavener: Mr. Mayor?

Simison: Yes, Councilman Cavener.

Cavener: Maybe some discussion amongst the body before a motion is made. If you would have told me that we would be deliberating a time extension for 45 minutes, I probably would have wagered a Hungry Onion burger that we wouldn't. It's been good discussion by -- by the body tonight. I think there has been some good questions raised, particularly by our newer members of the Council. So, I appreciate the discussion. I'm not sure how the rest of you all feel. As much as I loathe time extensions, I think it's important that we take any denial, whether it's for a time extension or a denial of an application, seriously and I think we have done that tonight. I would be curious to hear how all of you feel, but I haven't heard for me a compelling reason to grant a time extension and so I guess maybe before I made a motion I wanted to hear if there was any thoughts or alternative considerations from the Council that we should discuss prior to a motion being made.

Perreault: Mr. Mayor?

Simison: Was that Strader or Perreault? I couldn't --

Perreault: Perreault.

Simison: Council Woman Perreault.

Perreault: I don't know that I have an alternative thought, except that it seems like the applicant's situation or the reasons that are -- that are causing them to lead to the delays haven't been resolved and that -- and I don't -- and I'm not interested in knowing their personal situation really truly. I feel for them and I doubt they have wanted to extend this to this -- to this point. But, you know, I -- yeah, they are just -- it doesn't sound like that there really is a plan in place at this point to -- to move forward to move towards completion in short order and -- however, it doesn't sound also like they are planning on selling it anytime soon. So, we could -- very well could find ourselves -- and this is not a reason to approve it, but we very well could find ourselves in a situation where we are having the same discussion, you know, in the next year or less. Yeah. Well, I mean if they -- if we grant a denial and they have a year, I suppose, or is -- is the -- do they wait -- on the extensions do they -- are they required to wait a year for a denial, the same as in the original applications, or can they come back with -- Mr. Nary is shaking his head no. So, they could come back with another application fairly quickly if they decided to go that route.

Nary: So, Mr. Mayor, Members of the Council, Council Member Perreault, to answer your question, yeah, they are not barred from reapplying. Obviously, there is a process to go through of public hearing meetings and all that.

Cavener: Mr. Nary, we may have lost you.

Nary: So, to answer the question, there is no -- there is no time period they have to wait. It would be a new application. They would have to go through a pre-app process, neighborhood meeting, go through -- through planning -- go through Planning and Zoning, and, obviously, there is a -- there is a time delay to all of that. But the application can be submitted after a pre-app.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just to finish my thought very quickly, it doesn't sound like that the applicant is planning on selling. I would -- I would be hesitant to request them to go through that -- that process all over again to submit the exact same preliminary plat. It doesn't sound like they are planning on making any changes to it and I'm not sure -- and I don't -- trying to appropriately verbalize where my thoughts are on this. There -- there is a lot of unknowns and we can't make the decision really truly on -- the point I'm making is we can't make the decision really truly on the applicant's circumstances. It has to be based, in my opinion, on what is best for the City of Meridian, what is best for the residents. I think that's really, in my opinion, where we are and I will leave it at that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I feel that it's been too long. I feel that this amount of delay has put this in a position where things may have changed in terms of how we look at land use decisions. I think that the applicant is not seriously disadvantaged by a denial. They are already zoned for this project. They already have a plat. I don't hear a plan in place to start soon and I -- and I would highly encourage them, if they do bring it back to us, if it were to be denied, to come back with the property to the north I think would be best, if that's possible, so we can see the whole thing. And that's not the reasoning. I just -- personally I feel it's been too long. I did take Councilman Hoaglund's point during the Great Recession certainly we did this and I think the mindset then might have been different, but from where I'm sitting, with the amount of growth that we have, how fast things are changing and evolving, our open space standards are changing possibly, parking standards may be changing, I personally am leaning toward a denial.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I just wanted to chime in. I -- I just see it differently. The perspective that -- I do think this is a case where you look at personal situations. We are not talking about a corporate developer here, we are talking about people who have lived in Meridian for a long time, they do developments, they take properties and -- and in this case properties that are -- that mean something to them and try to put in place a good development that -- and, then, they move on to the next one where they purchase property and are doing some things. They are not buying up, you know, 600, you know, acres at a time and -- and doing major development, so -- so, to me I see personal situations and circumstances here that do come into play, because we are not talking about this major corporation and that is entirely different and so to me COVID and family situations, you know, where it prevents some things, I -- I'm leaning towards more of a -- if we give them a year to see what can happen, it gives them time -- if they do want to sell they could probably do it. You know, if Councilman Cavener said, no, two years is great, I could probably go to that, but I'm just leaning towards giving them some time to decide what do they want to do. Are they moving forward? How are they going to move forward? Or are they going to do something different. And, like I said earlier, not changing -- there has not been a change in zoning. It meets all our Comprehensive Plan requirements. Roads are there because of ACHD and how they are laid out from the Sheridan Place development to this place. We aren't going to be changing that. We do want to have mixed use in areas and so it meets all the goals of our -- of our community. So, I see nothing to be gained by -- by denying that, you know, and a great amount of benefit. So, I -- I can go with the time extension.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You know, I -- I appreciate you saying that. I think a year, I could wrap my head around that. If that -- if the Council had consensus. I think the most important thing is for us to be on the same page about how we handle and list extensions and if how we all felt like handling it was going to move toward a consistent place of -- if we feel like it's been too long, people get a year. Not that that's a rule, but if we -- if I -- I can get on board with that, if that creates consensus with the Council.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I -- I was leaning the other direction. I believe that Council Member Hoaglund is a great salesman. He is -- he is -- he switched me over to the other side. As soon as he said local, I -- he got me with it. So, I agree. I don't think a year is going to be that big of a deal. Great points, Councilman Hoaglund. I'm in favor of a year extension.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Certainly if a motion is made to extend it for a year, I won't -- I won't oppose that. I just think it's an important reminder that this will be -- it's already been extended a year once. It's already been extended two years once. This will be a second one year extension for a total of four years. Every time this thing gets extended that's time that our staff, the clerk, City Council, has to devote to this and I appreciate I think where Mr. Hoaglund is trying to get. Frankly, that's where I was trying to get from the get go. I just didn't hear any confidence from the applicant that they are not going to be back here a year from now asking for another extension. So, as long as we are comfortable that that's -- the fact is that a year from now the Council will likely hear another time request, I'm supportive, I just -- I think we need to be prepared for what we are going to be seeing.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Maybe whoever is making that motion can say that this is the last one.

Cavener: You can't.

Hoaglund: Well, Mr. Mayor, if I might --

Simison: Councilman Hoaglund.

Hoaglund: -- speak to that. I -- I agree, Councilman Cavener, this is a -- this is granting them that one last extension and there will be definitely three of us and I suspect even more here a year from now that will be serving on -- on this Council and we are well aware

of the situation and the testimony that's going on and I think the applicant can be assured that there would be a -- probably a unanimous decision not to grant that extension if they come back in the future.

Simison: So, with that in mind, Councilman Hoaglund, would this Council consider a ten month time extension, so it is this Council that will definitely be the ones hearing this conversation a year from now and not -- yeah. I'm not going to take anything for granted with the election outcomes or people's decisions that occur. Just food for thought.

Hoaglund: Mr. Mayor, I'm chewing on that thought, so --

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Maybe a thought for -- for whoever may make the motion. I don't think it's entirely appropriate that we base a decision for at least the time extension on who will or won't be here ten months from now, a year from now, five years from now. If the consensus is around a year, let's go for a year. If we don't think that a year is appropriate, then, let's just move forth with a denial or a two year extension. I don't think that we need to build a plan necessarily around this particular body and who will or won't be here a year from now.

Simison: Councilman Borton.

Borton: Mr. Mayor, is -- the public hearing's closed; correct?

Simison: Yes.

Borton: I'm going to make a motion that we grant a one year time extension for TECC-2020-0003 for the reasons discussed by Council in this recent exchange.

Bernt: Second.

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

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I know this is in the staff report, but that would require all previous conditions of approval are included in that? Is that your understanding, Mr. Borton?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Correct. The motion of approval for the one year extension would include the conditions and language as set forth in the staff report of January 19th, 2021.

Bernt: Second agrees.

Simison: Second agrees. Is there any discussion on the motion? If not, Clerk will call the roll.

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

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

MOTION CARRIED: ALL AYES.

2. Public Hearing for Cache Creek Subdivision (H-2020-0105) by Matt Schultz of Schultz Development, Located on the Northwest Corner of E. Victory Rd. and S. Locust Grove Rd.

- A. Request: Annexation and Zoning of 15.18 acres of land from RUT in Ada County to the R-4 zoning district.
- B. Request: A Preliminary Plat consisting of 41 building lots and 4 common lots on 13.99 acres of land in the proposed R-4 zoning district.

Simison: Thank you very much, everyone. Next item is a public hearing for -- I can never get that -- Cache Creek? Cache -- Cache Creek Subdivision, H-2020-0105. We will open this public hearing with staff comments and recognize Alan.

Tiefenbach: Can you hear me, Council?

Simison: Yes, we can, Alan. Faintly.

Tiefenbach: Let's try it again. Mr. Mayor, Members of the Council, can you see my presentation?

Simison: Yes.

Tiefenbach: Okay. Good evening, Council.

Perreault: Mr. Mayor?

Simison: Yes, Council Woman Perreault. Forgive me, but, Alan, your presentation is not in full view, it's --

Tiefenbach: Yes. Okay. Thank you. Sorry. Sometimes hard to get all this coordinated. Thank you very much, Council Person. So, this is a -- the Cache Creek Subdivision is an annexation, zoning, and preliminary plat to allow 41 building lots and four common lots. The site is about 14 acres of land. It's presently zoned RUT. It's located at 1560 West Victory Road and 2955 South Locust Grove. That's the northwest corner of South Locust Grove and East Victory Road. To the north it is zoned residential four with single family residential. To the south is RUT within the county. To the east is R-8 and R-4, single family residential. To the west is zoned R-4. The next slide here is to show you what the future upcoming improvements are. There is going to be widening of Locust Grove in 2022. There is going to be widening of East Victory in 2025. You can't see it very well, but right where it says Victory, that blue circle there, that is going to be a roundabout. You can also see where the schools are in relation to this. The future land use map -- map recommends this property for low density residential, which would be less than three dwelling units per acre. Again, this includes the annexation, zoning, and planning to allow 41 building lots and four common lots. There we go. The property presently contains two existing homes. There is a home down at the south, although it's not shown here. You can see it on this one. That home is going away. There is an existing home that is up here at the northeast corner. That home will be part of this development. There will be two accesses to the property. Each access will -- the first access point -- if you can see my cursor -- is at East Loggers Pass, which is up here. The second access is East Sagemoor Street, which is here. Both of these will go into the Cabella Creek Subdivision, which has already been stubbed, and they will connect to South Bailey Road, which is off screen, but it's basically down here. And so you can see South Bailey here. And South Bailey will, then, connect to Victory or South Locust Grove. Within this subdivision is, in general, a loop road, as you can see here, but South Locust Grove -- as I said, both of these are going to be expanded in the future. South Locust Grove currently has two lanes and no curb, gutter, or sidewalk. East Victory has two lanes, with no curb -- no curb, gutter, or sidewalk as well. Both of these are proposed to be widened and, as I said, there will be a roundabout that's proposed in 2022. Sufficient right of way presently exists -- presently exists for both of these roads. However, the applicant will be required to dedicate additional right of way for the roundabout at East Victory and South Locust Grove. Because both of these roads are due to be constructed in the next five years, instead, ACHD has requested that the applicant pay 38,425 into a road trust deposit and this road would be used by ACHD at a later date to construct sidewalks when they do this road construction. Five foot detached sidewalks are proposed on both sides of all streets. I think you can see it better in the color plan that is up there. There is a pedestrian connection from the sidewalk into Common Lot 3. Common Lot 3 would be this big lot here. There is also a pathway along a detention pond at the southwest. It includes two amenities and approximately 16 percent open space. There is two regional pathways in this area. The first regional pathway parallels Ten Mile Creek, which way down here you can see it in the southwest. Hopefully you can see my cursor. That's the pathway along Ten Mile Creek. There is another -- another pathway that runs along Eight Mile. It's off screen here. If you can see here on Locust Grove there is a pathway that connects into South Locust Grove here. When this went to the Planning Commission -- so, originally, there was -- we believed that there needed to be a mid block connection and that had not been incorporated when this went to the Planning Commission. That was one of our

recommendations to the Planning Commission that there be a mid block connection. The Planning Commission agreed with us. The applicant did not have an issue with that. Since this time that's been provided. That's what you can see here. So, this mid block connection you would be able to come up the Eight Mile Pathway, come through this mid block connection to the central, then, you could come down the sidewalk as a way out on this pedestrian -- so, basically, it's a shortcut. If you are coming down South Locust Grove you can get over to Ten Mile Creek, you don't have to go all the way down to the corner and, then, turn left. Although the minimum required square footage of the qualified common open space is satisfied, the arterial buffer along South Locust Grove, which is on -- kind of here, does not meet all of it, there is kind of a pinch point here. At some point I believe -- and the applicant will probably correct me -- I think it's between 11 and 12 feet wide at the narrowest and, then, to the north up here it's 22. And, again, the landscape buffer is required to be 25 feet. But the applicant noted that this existing house and the widening of South Locust Grove it's not feasible and the reason why is because there is five accesses right now directly at South Locust Grove. All those accesses are being cut off and two accesses that are -- that are right now allowed for this are going to be internal. So, in order to have enough room for them to get into this driveway and around to the house into the garage, they don't have enough room to expand that buffer. Staff didn't have a strong opinion of this at the time of Planning Commission, because we hadn't really heard a good argument in regard to that. One of our recommendations at the time was that the staff -- that the applicant present the information that we needed for alternative compliance to allow this reduction in the buffer. The Planning Commission agree with staff on this. Since this time the applicant did give us sufficient information to support this and the planning director did approve alternative compliance to allow this reduced -- reduced buffer. The last thing I would mention, kind of a small point, is that the original landscape plan was missing a piece of a lot down here, which is where the Ten Mile Creek is there. There -- it's a major significant pathway. Staff had some concerns with that not being shown on the plat. We also weren't sure how they were addressing the creek. We -- there is -- there is much information in our Comprehensive Plan and in our development code that talks about preserving waterways. We wanted to make sure that they incorporated something into that pathway. The Planning Commission agreed with that. They met us halfway with the applicant and they -- they made a recommendation that the applicant landscape that with grass. I believe that the applicant is in agreement with that. With that the applicant is in agreement and/or has made all of the recommended changes that staff has recommended and the Planning Commission. Staff received four different letters. Two of them are from -- or, excuse me, three of them are from adjacent property owners. One of them is from the president of the Cabella Creek Homeowners Association. In general the biggest issue is the access. Again, there is two stubs that go into the Cabella Creek Subdivision right now. The homeowners don't want to see that access coming into their subdivision. They want to see the access, instead, come off of South Locust Grove. One recommendation was for them to line up with East Sagemoor over here and make a new connection. ACHD is not in support of that. It does not meet their spacing requirements. ACHD also noted that there is already two stubs that have been there that were -- that were required that had been anticipated for eventual traffic into that subdivision. With that I think that -- that concludes my presentation and I will take any questions or comments.

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

Cavener: Mr. Mayor?

Perreault: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Alan, appreciate the report. If I recall during the Planning and Zoning Commission they discussed that -- I think that the stub at Loggers Pass had -- was signed, you know, a future extension planned here. Do you know -- does that also exist at the -- at the other stub?

Tiefenbach: I can't answer that with surety, Council Person. I'm sorry.

Cavener: Okay.

Simison: Council Woman Perreault.

Perreault: Thank you. I -- Alan, I noticed in the file that there was some e-mail communication with ACHD regarding the questions from the homeowners association for Cabella Creek and the -- concerning specifically the amount of traffic that will be coming through and whether it meets -- like if the street width and the existing streets would -- would meet demand for the -- the new residences. Was there -- was there any -- is there any other information you can share with us in regard to that? I mean I -- I don't know if there were any phone calls that were had with ACHD. Is -- is all the information regarding communication that was provided back to the homeowners association with ACHD, do we have all of that in the file or is there anything else you might want to add or enlighten us on?

Tiefenbach: No, ma'am. Everything in regards to ACHD is in the project file. ACHD basically said they had two issues. The first one was intersection spacing and the second was the amount of traffic, as you said, to warrant having a new road and ACHD -- I believe they said that they needed to have at least 2,000 trips per day in order to look at possibly foregoing the policy of not having direct access off of South Locust Grove and in their case the development is to provide a whole lot less than that. So, ACHD cannot justify cutting off that access and creating a new -- new point off of South Locust Grove. Everything that we have you have now.

Perreault: Mr. Mayor, a follow up?

Simison: Council Woman Perreault.

Perreault: So, help me understand. Is that 2,000 trips including Cabella Creek plus Cache Creek or is that 2,000 trips that Cache Creek would have to create?

Tiefenbach: That would be incremental. So, that would be this particular development. It doesn't -- it's not cumulative.

Perreault: Thank you.

Simison: Council, any further questions for staff at this time? Okay. With that we will ask the applicant to, please -- I think they are on. I got to scan my -- there is Mr. Schultz. If you can state your name and address for the record and be recognized for 15 minutes.

Schultz: Hello. Matt Schultz. 8421 South Ten Mile, here on behalf of Challenger Development. Need to get this shadow out of my face a little bit. It's a little bright. Good to be here. So, it's been last summer we last saw you. I had a double that night. I got a double tonight. Obviously, I love R-4 in South Meridian. It's been the giant for 20 years and R-4, when we looked at the roundabout going in next year, which is quite imminent for an ACHD project, it's not five or ten years out, when we saw that and saw the access is we really, you know, this needed to be R-4, it needed to be an expansion of Cabella Creek, which was done back in -- you know, I think right after we came out of the downturn as an R-4 subdivision, low density, bigger lots. We missed a pretty obvious pathway connection that your staff caught that we have made the revision to add in between -- actually, right before P&Z and, then, updated everything before your -- your hearing here tonight showing that pathway connection. We did coordinate with ACHD on that roundabout. You can see how there is some curve to our south boundary. Everything's perfectly coordinated on there. They call them 99 percent plans right now. We did set aside that southwest big green space for them. They had previously shown a long narrow no man's land drainage area on our west boundary prior to them knowing the development was coming in, which they fenced off and they grow weeds and they are quite ugly, so we -- we said, no, this is a better spot for it. Let's grass it. Let's landscape it to Meridian standards. We are -- we are willing to pay at whatever level is fair. But it is their drainage that that is set aside for, with a pathway put through it for us. But -- but it is the drainage for their -- their roundabout project, which some distance going each direction away from there. Widening the road. They are putting in a new -- a new box culvert there at the creek, which already does have a Ten Mile -- a ten foot pathway on the south side, put in with Cabella Creek, and the north side is -- is Nampa-Meridian's access road and we did not clearly show that to be a common lot in our plat in our first submittal, so we did that on this one. It is a common lot. We can't really do anything in it, because there is already -- there is just a little ditch bank on the one side and a little ditch bank and an access road on the other side and -- and it's -- it's just kind of a no man's land. But we are responsible to the HOA to take care of that and own it, although ACHD and Nampa-Meridian will have their facilities in there. So, the kind of quirks with this one is the existing house. They always present interesting geometric issues with setbacks and how access is going to get changed to delete -- I believe three accesses that they have for that house and, then, take access from the rear. The way it's separated we needed two, one on the north to get to the -- to the garages and, then, one to their shops and one on the south to get to the garage and do the geometry. We did have to go down to a 12 foot minimum and, then, 22 on the north just to line up with the existing landscape buffer to the north. Everywhere else is 25 feet. In fact, it's a little bit more than

25 feet. Some part of our justification was that we -- from a square footage standpoint we actually have more than a 25 foot average overall and it would be safer if we can narrow this down. It will have nice landscaping and it won't be a detriment to the -- to the neighborhood to have a reduction just in this one spot and Director Arial did -- did approve that. Other than that it's R-4. I love R-4. Bigger lots. Nobody usually gets bent out of shape about R-4. Don't even want to think about R-8. It's going to be a comp plan amendment, one, because it's low density on the comp plan and, two, due to the access it just needs to be an expansion of Cabella Creek and we are going to have great amenities, centralized. This geometry lays out to a really -- just nicely flowing loop with a nice central open space, connected -- connected pathway. What else do we need? You know. I like it. It's good. I'm proud of it. I think it worked out well and I think it's going to be an improvement to the access in the neighborhood to get that roundabout in and we are perfectly coordinated with it. So, we do agree with all of staff's conditions of approval. We have the record on approval at hand for reduced setback. There is two little things I ask for your consideration. One, to make a specific recommendation and that's where the grass came from that -- that Alan brought up. I -- P&Z made a specific recommendation that ACHD actually grass and landscaped that drainage area in the southwest corner. I don't know if you have noticed, but on some of these major arterials they will just fence them off and they will be like sterilized dirt and that's not the look we are going for here. You know, they are going to buy the property from us -- or however they want to do it. They are going to get it. We just like the specific recommendation that it has to be landscaped, because of Meridian standards. That's all. And we are willing to participate in that. And, secondly, maybe this is a private issue, but I always find it to be something that would be nice to get in a development agreement, is that we agreed to make the -- the homes adjacent to the Carrington Lots 21 to 24, Block 2, to be single story and if that's in the development agreement it is there forever. So, if I'm gone everybody remembers and so with that I ask for your approval. Thank you.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just, Matt, if you could repeat which lots that you had just mentioned would be limited to single story, please.

Schultz: Yes. Lots 21 through 24, Block 2. They are directly -- they are directly southwest of the big Carrington lot.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Perfect suggestion. It seems like it would make it work better for everybody. Appreciate that.

Schultz: Yeah. Thanks.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just briefly this is a little different than the bump puzzle from the --

Schultz: A little bit.

Simison: Councilman Borton, we lost you if you are speaking.

Cavener: Got to charge your iPad.

Borton: All right. We are back?

Simison: We are back. We can hear you. Okay.

Borton: Sorry about that. It froze. The south -- the only question I had was just that southwest corner and the landscaping in that ACHD retention area and correct me if I didn't hear this right. The property will be ultimately transferred to ACHD ownership, but the condition would be that -- that the applicant green it up and landscape it to Meridian standards. Is that right?

Schultz: Working with ACHD. Thank you, Mayor, Councilman Borton. It's kind of an odd deal. I have never ran into this situation where I have an ACHD drainage facility on our property -- on our property going at the same time. You know, usually we are really early or really late. So, it is a -- it's a unique situation that I haven't ran into. Typically with our drainage areas that are for our roads and we maintain them, ACHD has an easement over them. We landscape them. We build them to their standards and we are done. This is a little bit different situation where I believe they are going to acquire it, because it's for the regional drainage. It's not for our subdivision specifically. I believe they are going to own it, but there is -- I may be wrong, we could certainly own and maintain it as the HOA and we might even prefer that. We just haven't really worked the details out of -- we have just told them recently, hey, this -- this needs to go here, not this little narrow no man's land on the other side. So, we are going to take this hearing tonight, move forward, and work out the details of how that's going to be -- be taken care of, but we -- whoever takes care of it -- we would love to take care of it. Whoever installs it, we would like it to be a requirement that it would be -- that it would be installed to the City of Meridian's landscape standards for drainage facilities, which you have some newer specific requirements for those and we want to participate in that. We think it would be a great demonstration of how ACHD and developers can work together and still end up with, you know, a nice landscaped facility, instead of a fenced off no man's land.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To that point maybe at the tail end we can circle back. The best way to do that if -- I agree a hundred percent that ideally the -- the HOA would be able to -- it would be designed to Meridian's landscape standards, greened up, and the HOA would be required to maintain it in perpetuity going forward, granting ACHD the easement rights to utilize it. The question might be if -- if it were to be transferred to ACHD, if there is some way to encumber it in perpetuity so they would take it subject to that requirement. Either way, I think you are spot on.

Schultz: Yeah. It's a unique situation. We are open to whatever -- to participate in that cost of landscaping it up. We just don't want them to take -- hey, look, you know, zero cost increase to us, we are just going to fence it off and go spray herbicide on it every couple years.

Borton: Yep. Yep.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Matt, good to see you.

Schultz: Hello.

Perreault: Hi there. So, I was wondering what -- one question and one comment. Wondering if you had had a chance to chat with any of the residents in Cabella Creek that had submitted public testimony. And, then, also to -- to Councilman Borton's point, I actually live in a neighborhood where there was a drainage area that was very nicely maintained by the HOA. ACHD, for whatever reason, came in and wanted to take ownership -- ownership of it after -- I mean it was -- the subdivision was built. The HOA had been maintaining it for a few years. I don't know why ACHD decided they wanted to take ownership of it and now it's a mess and it's in an area where a lot of children go and they have left it to be a situation where now the HOA is just trying to keep people safe, honestly. So, hopefully, you can work that out with them.

Schultz: We will work it out.

Perreault: With the HOA. But, yes, if you would, please, answer the question regarding any communication you might have had with the individuals who submitted written testimony.

Schultz: Yes. Mr. Mayor and Council Woman Perreault, at the neighbor meeting the president did show up and, actually, he was like a hundred percent supportive. Can you join our HOA? Can we share HOAs? I was like, well, we will talk about it. You never know, you know. But there was no discussion of the access points at that point. I think

he got some pushback since then from some of the neighbors, especially some of them that live right on those stubs streets that did provide testimony at the last hearing. It's one of these stub streets that never make anybody happy to be extended that live there. It's been a stub street for ten years, been a nice field, but the intent of even putting it there was that it would be connected in the future with development to allow pedestrian and -- and, you know, vehicular access and even if we did put another access out to Locust Grove Road, I have never seen ACHD cut one of these things off ever. They go through, they are meant to disperse traffic, kind of filter it out and to your -- to your question about traffic studies and demands, typically they look at each home generating ten trips per -- per -- per house per day. You know, delivery trucks, going to school, work, whatever. So, in this case we would have, you know, 410 trips. I think Cabella Creek is about another 40, 45. We are about -- we are pretty equal in size. So, we are under a hundred total. We are under a thousand. A thousand is what usually triggers the first discussions about collector roads and no on-front housing and all that. But we have got great dispersion on Bailey, both north and south, and, then, on the other side of Cabella Creek there -- I think it's Mesa Way that connects north and south -- at least south to Victory. So, there is good dispersion of traffic. There is no overload of any of the streets and that's where ACHD is coming from. Low density. Low density. Low density combined with low density never usually yields, you know -- you know, a collector requirement, you know, which is where we are at, so -- so, I had not talked directly. I did get a -- I did get a letter from one of the neighbors after P&Z expressing her displeasure with how the -- the P&Z meeting went when we talked about how those stubs streets get extended. We will be good neighbors. We have big lots. You know, 10,000 square foot lots abutting there. So, it's a hard -- it's a hard discussion to have, but it is -- it's just kind of how -- how things happen, so -- that's all.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Matt, if you could, please, just refresh my memory. I don't remember -- I think I read this in the staff report. Is there a shack near this property or on this property?

Schultz: Is there a what? Excuse me?

Bernt: A shack. Or a big house that needs to get removed?

Schultz: Yeah. If -- Alan, can you put up that preliminary plat again, please. The black and white one that kind of shows an outline. Thank you. Yeah. There is a house right on the corner down by the roundabout. You can kind of see the rectangle down there. There is actually a little label that says existing house and outbuildings to be removed there on the corner and, then, further west of that there is a -- I don't know if it's an old barn -- a little barn, shed, shack thing. A corral west of that, between there and Cabella Creek that's going to get removed and other than that the site's pretty clean. The Carrington's house is going to stay essentially where they have it fenced off right now. There is a fence going diagonal right there, so that's where it's going to get developed up

to and the rest of its pasture. So, yeah, that's all -- we are going to remove that structure and the sheds and leave the Carrington's home.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. Matt, good hire by your client. Lucky to have you. Appreciate you being straightforward and bringing good recommendations as part of your narrative. A couple of questions based on your testimony and dovetailing on a couple of questions from Council. First, I assume both of those stubs are marked future roadway extensions. There had -- this isn't any surprise for any of the residents that live over there?

Schultz: Mayor, Councilman Cavener, I did not look specifically at those. All these stub streets at one point had a sign that's put up that says stub street to be extended in the future. Now, whether those get taken down, thrown away, that has happened before in the history -- say I didn't know that was going to be extended. Well, the sign was there at one point. So, I don't -- I can't -- I can't say for sure that I have seen the signs on both of them. I have, but I didn't specifically look at it. But we are required to put them up. All of our stubs have signs for this specific purpose.

Cavener: Okay. Fair enough. So, the second one is kind of a sideways question. So, I think that your client does a good job of greening space up and really maintaining everything during the development and the sales phase, but I get pretty significant feedback from residents of those types of neighborhoods that feel after the sales process is complete there isn't necessarily a -- a fund of HOA dues that remain for the ongoing maintenance and it kind of creates a scenario where things start really great, all of the lots and homes are sold and there is nothing available, then, we will have to rebuild up, you know, kind of some HOA funds to maintain it and they always feel like they are working in arrears. So, especially where we are talking about kind of a piece of ground that could go to ACHD that's greened up to our standards, have you had any conversations with your clients about the approach that you all can take to reduce at least that perception from happening? Are there any suggestions for us as Council to condition so that what I -- what I don't think is intended, but sounds like is occurring at least in some developments throughout Meridian.

Schultz: Yeah. Thanks, Mayor, Councilman Cavener. Appreciate the feedback. I -- I will get these approved, get them all built, and, then, I go into the next one and every once in a while I will drive through a subdivision and I will make a phone call or send an e-mail say, hey, there is a dry spot there, you might want to call your maintenance guy or whatever. It's kind of the nature of the beast on a lot of these things. Sometimes it takes them a little bit to -- the maintenance guys to figure out how to best do that particular site and there is -- at any given time there might be a dry spot here or there or a dead tree and, then, you make a phone call and the tree gets replaced and they fix that zone or they replace that battery in the time clock or -- the nature of maintenance. I do appreciate it.

I -- I will definitely pass on that there is that perception. I know they work with independent HOA maintenance management companies that run these. They collect dues at closing, so that they are funded and, then, if there is any shortfall -- say, for instance, it was a very slow moving subdivision, but you had a lot of perimeter landscaping, you know, the developer kicks in to -- to pay for that until that critical mass of number of homes has contributed to the HOA and that's just being a developer. That's what we do sometimes. I mean these days -- these things are selling so quickly that the HOA isn't coming to us saying, hey, we need money, because they have gotten it through their closings and they actually get double. They usually get a setup fee, plus the first year's dues, so they get a little extra. So, I will definitely pass that on. I -- and I'm cognizant of it. I have reputations. I want to -- I want to be responsible for good projects in all areas of Meridian for sure and it's -- it's something that I -- I think -- I think it's a little bit of a misperception that somehow the owner isn't collecting enough. I would put the blame on the HOA management company not making sure their maintenance guys are taking care of some dry spots. I know that happens, because they are managing, you know, thousands of lots. But it's --

Cavener: Sure.

Schultz: -- it's certainly something that -- that I'm sensitive to as well.

Cavener: And, Mr. Mayor, if I may.

Simison: Councilman Cavener.

Cavener: And that's sort of -- I mean I love that we have got an R-4 on this corner. I think it compliments the existing neighborhood fairly well. It's -- it's just one of those things that when you hear that feedback from enough people you start to think, well, is that -- is that a perception issue or is that a reality that's being articulated, asking us as Council to not let future developments to come in and make those same mistakes and, frankly, I don't -- I don't know what the answer is. I think because you are a straight shooter and an honest broker, that if you had ideas I -- I would feel comfortable and confident that you would share those suggestions and, frankly, I would rather hear some of those suggestions from you and your client, than Council sit around a table and wax poetic about what we think is best.

Schultz: Oh. And I appreciate that feedback and I know I'm going to have a pretty blunt conversation with my client about what we are talking about right now, that, you know, maybe we need to hire an additional, you know, management company, so they are not spread too thin. Maybe that's what's going on. I don't know. But, you know, some of these maintenance companies pay more attention than others and so it's an issue that is certainly relevant and to be -- but I do believe the HOAs are adequately funded. I believe that's a misperception.

Cavener: Okay.

Schultz: And -- and I think it's just more of a management than funding.

Cavener: All right. Thanks, Matt. Appreciate your feedback.

Schultz: Yeah.

Nary: Mr. Mayor? Mr. Mayor?

Simison: Mr. Nary.

Nary: Just for the discussion as Councilman Cavener asked the question and looking at Google Earth from 2012, which is the last time the Google car must have drove down this street, but on Bailey Street there are two -- two stub roads that connect to this property and both of them are signed, at least in the photos that are on the Google Earth today.

Cavener: Thanks, Mr. Nary. I didn't want to go Google searching on my own. Appreciate you doing that and adding that to the public record.

Simison: Council, any further questions for the applicant? Okay. Thank you very much. This is a public hearing. Mr. Clerk, do we have anyone signed up to provide testimony on this item?

Johnson: Mr. Mayor, no one's signed up in advance, but the Shaners are online and have raised their hand, so I will bring them in.

Simison: Okay. And if you could state your name and address for the record and you will be recognized for three minutes. And -- there you go. You have unmuted.

Shaner: Oh. Do you me to start again?

Simison: Yes.

Shaner: I'm sorry.

Simison: We can hear you now and we will go ahead and start. Can you state your name and address for the record.

Shaner: Right. Erick Shaner. 1488 East Lake Creek Street, Meridian, Idaho. 83642. We -- we live in the next subdivision over, the Salmon Rapid Subdivision, and we live -- we live to the north and we live on that access out to Locust Grove. We have lived here just shy of about 15 years and the traffic has continually, you know, gotten worse and worse and worse over the years, especially out onto Locust Grove. It's been a little bit less because of COVID, but I guess the point is is that reading the report the -- Locust Grove was supposed to be improved in 2020 and it wasn't and the roundabout was supposed to be in 2022 and I doubt that will happen on time and the amount of congestion and traffic out from East Lake Creek Street out of Locust Grove is a great concern. There is a lot of children that play in the -- play in the area. Excuse me. And also we are an older subdivision and the homes abut right on to -- the closest homes in the subdivision

abut right on to Locust Grove and there is no buffer like there is from Bailey Way onto Victory Road and so we had asked -- we had -- we had submitted our comments, but none of the discussion tonight has really focused on the comments that we submitted and that was to delay the project until those improvements on Locust Grove could take place, so there would be a reasonable access to turn right and -- and take that roundabout and, then, come back, instead of making that left turn. And the other issue is that also with our other subdivision, we didn't have any open spaces slash parks and so taking this area out is disheartening, especially when there has been no replacement by the city for us to have parks and open spaces. But we really appreciate the changes that were made for the original plat that were submitted to Planning and Zoning and we want those to be accepted. It's great and thank you for listening to me.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Not necessarily a question and maybe more of a comment. You know, I appreciate you stating your perspective and I think we share your frustration when these road projects are delayed as well. Hopefully, with some new ACHD commissioners we will start to see better funding and better momentum. I hope at least on some of these projects. So, appreciated the comment.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I know Miranda is not on. I guess for Mr. Shaner to respond to your concern and -- and, frankly, I live just down the street from you, so your concern is -- is somewhat my concern, particularly about Locust Grove. That is a project that's on a high priority of our Transportation Commission. I think it's a high priority for the Mayor and Council. It's a really high priority for me. So, I think there is a lot of eyes on that particular project and an ongoing communication with ACHD to not have that project be delayed further. I appreciate you shining a light on that. I think it's something that's top of mind for a lot of us.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Do we have someone from ACHD on that could kind of speak to the Locust Grove expansion and the time frame?

Simison: Yes, we do. We have Kristy Inselman on -- Mr. Clerk, I think she is in -- not been brought in. I see the name in, but I also see it out.

Johnson: She's in where she can unmute. If she would like to be on camera we can move her in, but I by default make her unmuted at the beginning of every meeting, so she can interject when requested.

Simison: Okay.

Inselman: Mayor, this is Kristy Inselman. I am on the call if you have any questions for me. I will speak quick -- just briefly to that intersection at Locust -- sorry. Locust Grove and Victory. Right? Sorry. Went the wrong direction on my map. Yes, that is -- that project is in funded year, so it is currently in the plan. So, our five year work plan details projects we anticipate completing over the next five years. The first two are directly funded by our budget and that is in there.

Hoaglund: Mr. Mayor?

Inselman: That's actually scheduled for construction in '22 to '23. So, it will start -- our -- our fiscal years run from October to September. So, fiscal year '22 starts next year in October.

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor, she -- she answered the question that I had, so -- thanks, Kristy.

Inselman: Uh-huh.

Strader: Mr. Mayor?

Simison: And from a practical standpoint, I know that -- that the practical thing that they are doing is finishing up the mile on Eagle, coming back over and doing the mile on Locust Grove and when that's done going back and doing another mile on Eagle. So, there is a conscious effort to make these road improvements and -- and keep them moving forward, because, then, those delays can push everything. Council Woman Strader.

Strader: Maybe just a follow up for Kristy and maybe I'm just being dense and I need to be hit over the head with it. So, just to clarify -- if you could clarify was that the timing for both the roundabout and the Locust Grove improvement or is Locust Grove widening still expected in '20 -- in 2021? That's what I wrote down. If you could just explain. And, then, are you stating that ACHD has fully funded or has a budget that has fully funded these projects, so we wouldn't expect a delay?

Inselman: Mr. Mayor, Council Woman Strader, that -- that is correct. So, we do have the Locust Grove, Victory to Overland Road segment, to be widened to five lanes and that was designed in 2019. We are finishing up right of way acquisition and that one is scheduled for construction in '22 and the same would go for our -- the roundabout there Victory and Locust Grove. So, it was designed in '19, right of way is finishing up, and it

is construction in '22. So, yes, they are both in funded years and so I -- I would not anticipate either one of those moving at all once we get them into a funded year.

Strader: Mr. Mayor, a follow up to the applicant.

Simison: Council Woman Strader.

Strader: So, Matt, can you outline your likely timing of when you would expect these lots will be delivered to the market?

Schultz: Absolutely. Thank you, Mayor and Council Woman Strader. Given the time frames right now and approvals and engineering times, we would be -- we might get it done this year. I would say the latest we would have this done would be say May of 2022. I know I have been contacted by the -- developer's representative -- gas facility and, you know, we are setting aside funds for the sidewalk. So, I know it's imminent. I have seen both sets of plans, one being a roundabout and one being the stretch going north. I thought the roundabout was going first and, then, the stretch going north was going to kind of tail behind it -- you know, a year or two behind it. The way it's -- I understand it now is they are going to go simultaneously or bam, bam. And so I think the timing -- we are going to be building about -- maybe a little bit before they get it done, but we are going to do all of our landscaping up to the back of sidewalk and, then, they will do the sidewalk and it will be -- it should be coordinated pretty well. That's the intent.

Strader: Mr. Mayor?

Simison: Before we go into further questions, I just want to make sure there is no one else who wishes to testify on this item. Mr. Clerk, we don't have anybody else in the waiting room?

Johnson: Mr. Mayor, we do not.

Simison: Okay. I mean technically we are at the applicant's final comments. So, Mr. Schultz, if you wouldn't mind making any final comments and it sounds like it will probably be just for the Council questions after that, if there is anything else you would like to add.

Schultz: No. I think my final comments were going to be to Mr. Shaner's questions and timing and I think the discussion with Kristy and Councilman Strader kind of clarified all that. So, with that I will -- I will stand for anymore questions.

Simison: Council Woman Strader.

Strader: And that's okay. I think I'm good. I just wanted to make sure -- but it sounded like the most likely outcome is a delay of less than one year. From what I could gather between when ACHD is -- is going to complete these projects and when the applicant is delivering them.

Schultz: Correct.

Simison: Council, any further questions or comments for the applicant?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: The only -- only thing I am kind of a little fuzzy on is how we want to handle the landscaped -- grass and landscaped ACHD slash development overflow facility that needs to be built. So, I -- I'm not sure what the recommendation -- the best recommendation would be on something like that. So, that's -- that's kind of interesting. I think -- I would prefer to see it maintained within a developer's hands to keep it greened up. I'm also aware of Councilman Cavener's discussion and concerns, but as opposed to ACHD. We have one of those at our -- our corner and for the longest time it wasn't even fenced in, it was just basically a bomb crater and it's now fenced. It doesn't look any better really. So, have the -- have the homeowners be able to have more say in making sure that is greened up and appropriate for their area is kind of the direction I would like to go. But I'm not sure how -- how we go about doing that, so --

Simison: Maybe, Mr. Nary, two questions directly as -- is ACHD subject to any of our -- any code enforcement or otherwise if they become the owners of it. I know we cannot determine who should be the owner of it. They will decide that.

Nary: So, Mr. Mayor, Members of the Council, as diplomatically as I can say this -- yes, I believe they are. They don't necessarily agree with me. I do think it is important that it does be maintained appropriately and whether or not it's maintained by the HOA -- I mean as Mr. Schultz has stated -- I mean they can work that out. If they are willing to do it -- ACHD normally will take the heavy maintenance burden of these things for that longer term, kind of cleaning it out, mucking out the -- these things, but the short term stuff they -- they are fine with other people maintaining it, so they don't have to. So, they have generally been accepting to do that. But if it's fully on them they generally don't comply with that. So, whatever conditions and language you would like us to add to the development agreement that the developer is agreeable to and that the HOA is willing to at least agree to in -- in the DA, whether or not they can work that out with ACHD is, again, an unknown.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: If I might, I know Kristy cannot, you know, speak for the commission in terms of committing them to a course of action, but, Kristy, you heard the discussion. Are you -- are you able to help reinforce or send the message of what our intent is with this development and ACHD's cooperation with development to keep that as a green space and completely understanding from our perspective that ACHD needs this facility and we

understand the need, but we just want to make sure it looks nice and if you can convey to them that we would appreciate their cooperation with Matt and his team in making sure that that is taken care of.

Inselman: Mr. Mayor, absolutely. I'm more than happy to convey that to the project team with regards to that facility and, typically, I think as your staff alluded to, we are never adverse to the developer improving that area, as long as it does not impact the integrity of the actual drainage system itself and if they are willing to maintain that typically we are fine with that. We have license agreements that we enter into with a multitude of developers on this type of situation. So, I will be happy to convey that to the group. I can't speak for them, but I can say typically we would -- we would allow that if they agree to maintain it.

Hoaglun: Mr. Mayor and Kristy, thank you.

Simison: Council, any further questions for the applicant? Comments for the general good of the order? Or motions?

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I will make a -- try and make a comment before I make -- before I freeze up. Matt, I think it's a -- it's a great project in this space. Appreciate the R-4. I think it's designed well. I think you have hit the mark on all of the issues. I think the idea of limiting the height on those four lots seems to be appropriate in the circumstances as you have suggested and I would -- I would suggest that the DA include a provision that the applicant is going to green up and landscape that southwest portion that will be utilized by ACHD, that it's an HOA obligation to maintain it in perpetuity as part of the DA. If things down the road change and ACHD is going to take it over somehow, you might have a DA modification to accommodate that. You might not ever need to and ACHD is a good partner and it sounds like they very well may be willing to accommodate the HOA maintaining it, just so long as it doesn't interfere with their -- with their use. So, everyone seems to be on the same page. But for the purpose of the DA, would include the provision that I think the staff report has, is that the HOA would -- would maintain that landscaped green area going forward. So, with those comments I think you have done a great job and it's a great project.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If it's the appropriate time I would move that we close the public hearing.

Simison: This would be the appropriate time. Is there a second?

Borton: Second.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Along those lines I would move, after considering all staff, applicant, and public testimony, to approve file number H-2020-0105 as presented in the staff report for the hearing date of January 19th, 2021, with the following modifications: That the southwest corner landscaping be landscaped to Meridian standard for drainage facilities and that that landscaping become an HOA obligation. And, in addition, that the home Lots 21 to 24, Block 2, be limited to single story.

Borton: Second.

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

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

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

MOTION CARRIED: ALL AYES.

Simison: Council, we will take a ten minute recess and reconvene at 8:15.

(Recess: 8:04 p.m. to 8:15 p.m.)

3. Public Hearing for Daphne Square Subdivision (H-2020-0101) by Matt Schultz of Schultz Development, Located at 4700 W. McMillan Rd.

- A. Request: Annexation and Zoning of 4.97 acres of land with an R-15 zoning district.
- B. Request: A Preliminary Plat consisting of 30 building lots and 3 common lots on 4.97 acres of land in the proposed R-15 zoning district.

Simison: All right, Council, I will go ahead and call us back in from recess. 8:15. And I will open Item 3, a public hearing for Daphne Square Subdivision, H-2020-0101, with staff comments and, Alan, it's back to you.

Tiefenbach: Did my screen work this time, Council people?

Cavener: Looks good, Alan.

Tiefenbach: All right. Thank you. Okay. This is an annexation, zoning, and preliminary plat to allow 30 building lots and three common lots. The property is just slightly less than five acres, presently zoned RUT in unincorporated Ada county, located 47 West -- 4700 West McMillan at the northeast corner of North Black Cat and West McMillan. North is zoned R-8 was single family residential. That's the Brody Square Subdivision that was just recently approved. To the south is zoned RUT and east as well, RUT, both within unincorporated Ada county. To the west is R-15, single family residential. That's the Jump Creek Subdivision. The Comprehensive Plan recommends medium density residential for this site. Here are the future improvements. There will be some eventual road construction along Black Cat and McMillan, although this particular -- with this one we are going to be looking at this roundabout. That's probably the most recent improvements that you are going to see for this property. The property presently contains an existing manufactured home that's over at the northwest -- it's almost all the way over at Black Cat. Black Cat. And this will be removed. This proposal includes mostly duplexes, in addition to several detached single family residences. The detached single family residences are mostly over at the northeast corner. Staff does believe this is a housing type that will lead to a more diversity in housing, as the majority of housing in this area is single family residential. There are two points of access proposed. The first would be a northern stub street, which would go to the Brody Square Subdivision as that is being developed. The second is a stub street to the undeveloped property to the east, which is presently in unincorporated Ada county. There is only one street proposed with this internal development and that will be the cul-de-sac that you see. Black Cat and West McMillan are presently two lanes that do not contain sidewalk in this area. The applicant is required to dedicate right of way for future widening and to construct five foot sidewalks along both of these frontages. This is the same width as is provided by the subdivisions to the north and the west and as I mentioned there is a future roundabout that's planned at this intersection. This is the colored landscape plan. I think sometimes this says a lot more than having the black and white ones, especially in a public hearing. The applicant -- and I will come back to that. The applicant has provided a parking exhibit, which indicates 30 additional on-street parking spaces. So, each townhouse in particular has two in the garage, two in the parking -- or, excuse me, two in the driveway and, then, there are 30 more that will be here as well. This property is less than five acres in size. The reason why I say that is that per the UDC it does not have to meet the common open space and amenity requirements. However, since this is an annexation and the applicant proposes a density that's at the high end of the medium density range, proposes six dwelling units per acre, staff originally informed the applicant in order for us to support the density that high this development should contain quality open space and amenities. The earlier version that we have that went to the Planning Commission -- so, the primary open space directly on the intersection of Black Cat and McMillan, right on that intersection. Staff did not believe that that was usable open space. At the Planning Commission staff recommended that the lot, which was originally shown at the north as a detention pond be expanded, so that that could be more usable open space. At the December 17th, 2020

-- 2020, Planning Commission there was -- it was discussed at length and the following changes were made. The first change -- and I will show that in this next slide here -- was that the developer should work with the Brody Square representative. This was sort of as a suggestion of the -- of the developer. The developer pointed out that Brody Square and Daphne Square are sort of the same development. They kind of build off of each other, even though they are not -- they are under different ownership, they are both basically working together. So, the developer proposed that they would work with the Brody Square representative to locate a playground amenity in the central parking Lot 9 and that's what you see here right in the middle. That's actually Brody Square and that they work out an arrangement between these two subdivisions to allow shared open space and amenities for the residents of both subdivisions. If this -- if this arrangement can't happen, then, the applicant offered and the Planning Commission recommended that Lot 1, Block 2, be converted into common open space and that's what you see down at the bottom, that little red dot. So, they either get the amenities in the open space shared with the common -- the lot in Brody Square or they add an additional lot as the common open space. The commissioners also recommended detached sidewalks should be converted to attached sidewalks. In the earlier versions -- and I will go back up to what's in color here. You will see that the sidewalk runs directly along the main cul-de-sac. The original version of this -- these sidewalks had -- they were detached and they had an eight foot landscaping between the street and the sidewalk and the result of that was that the setbacks were only 12 -- 12 feet in the rear. The Planning Commission had some concerns about whether that was compatible with the properties to the north and whether they can expand the setbacks in a creative way to do that was to take those detached sidewalks and make them attached, so that you could push the houses further forward and away from the existing -- away from the houses in Brody Square and provide wider setbacks. So, that was the second recommendation. Also there was a recommendation that the Commission wanted to have the lots in the northern side -- and I will go back to here. Let's see if I can do a better version. Well, you can see it here. If you will look at the northern lots, it says 25, 35, 30. So, all along those northern lots the Commissioners had concerns with those lot lines not lining up with the lots to the south there in the Brody square Subdivision. They recommended that this be revised, so that those somehow align better with the lots to the north. That particular recommendation the applicant is not -- not in favor of, does not agree with. So, the applicant is in agreement with everything else, except for, again, the recommendation to align the lots with the lots to the north. Other than that, the staff will answer questions or comments if you have any and that was my presentation.

Simison: Thank you, Alan. Council, any questions for staff? Okay. With that invite the applicant to, please -- there he is. And, Matt, if you would state your name and address for the record and you will be recognized for 15 minutes.

Schultz: Thank you, Mayor and Council Members. Matt Schultz. 8421 South Ten Mile. Here on behalf of Berkeley Communities. I helped them with the project. We are working on Calistoga on -- on -- on Amity between Locust Grove right now and this is where he would like to kind of go to next. Berkeley is -- is a home builder as a -- as a developer and it's -- it's good -- good to know that what he says is going to be done here -- that he

has provided some -- some nice elevations for this product -- square feet even, though it is attached to a zero lot line. Alan, if you could put up that overall Brody -- on it, please. What always -- start looking at these four and a half acre sites, it really is -- and, you know, it was important at some point to do detail, but I think we maybe overcompensate and zoom in way too far and every single one of these were -- were typically -- the big picture. As we -- Brody Square here, which got approved I think last summer. My owner is talking to them about -- joining the HOA -- I know there was discussions and I think it would be the greater good for everybody to look at this as --

Simison: Matt?

Schultz: Yeah.

Simison: You are kind of going in and out.

Schultz: Do I sound choppy?

Simison: Yeah. I don't know if you want to turn off your video while you are speaking and see if that helps. At least skip the audio --

Schultz: Yeah, I can do that. Yeah. Let me see. Let me get -- yeah. So, I will start over. Can you hear me better?

Simison: So far.

Schultz: Is it still choppy?

Simison: Maybe a little bit. Why don't you try going and see how it works.

Schultz: Yeah. I apologize. My -- my internet connection is fluctuating right now. So, we thought it was important to look at the big picture and show how this five acre site, which is really a three and a half acre site once you take away the ACHD right of way -- an opportunity to do -- and with the R-8 previously -- phase of Brody Square -- road to get built or waiting for their sewer to get built. Waiting for their access, because our access is going to -- by its proximity to that roundabout. Let's work out a big picture that improves the neighbor -- neighborhood roughly for everybody and we have done this before. We go out and work out a deal -- a cost share -- let's improve both pieces -- where option one is shown, but if we can't for some reason, we can put it where option two is shown and -- and do it ourselves. So, I think it's a win-win, either option we choose. We -- option one. Like I said, all these units that we have -- they are attached over there on the east side. The rest are attached 1,800 to 2,100 square feet. The front yard maintenance will be included on these, notwithstanding being the -- of ACHD's future cul-de-sac, we still need to get the -- the R-15 zone. This -- this roundabout is not going to get built next year or the following year, it's in their ten year plan. So, we use their -- their standard template to plot in where that might be. Can you switch, Alan, to the -- the color zoom on our property, please. Not that one. And you can see south of the -- the north -- you had it. There you

go. Just south of the North Black Cat Road level you can see the size of those cars. It's not me. I swear. I don't know if you can go back to that color rendering. There you go. You can see the size of the car -- you can see how big of a bite that is. It's a huge take out of this property. It's like 30 percent of this property. We usually don't point out right-of-way percentages, because they are usually incidental. But, really, what we are talking about is a three and a half acre project. Notwithstanding that, we are still proposing the required landscaping and amenities -- waivers of -- of your requirement -- northeast corner to the -- we had a -- we had a duplex and a single family. So, we converted that to be detached that match the streetscape coming from Brody. We did -- we are 29 lots and we have -- with exception of lining up lot lines on the north side -- when you look at the buildings here, which I think is important -- P&Z did not have the -- we did not have the buildings showing how they line up with our buildings and so there was some confusion about how buildings were going to line up and this and that and I'm confident that if it would have had this, that that condition about lining up lot lines would not have come, because there is actually eight houses to our seven buildings slash 14 units that match up quite well and it's -- it's for a transition -- being on the corner of Black Cat and McMillan I think R-15 is certainly appropriate and it's -- transition from the R-8 to -- I think it's pretty subtle and I'm pleased when we did have those plotted out that that was an important exercise to go through to see how it does look and to see how all these houses work and the effort that we try to take on these just to be able to intelligently speak about all these issues and it's our mistake not to have -- we didn't have those done for P&Z. The real -- little nice project that Berkeley Homes wants -- wants to do and we pick -- a niche not for everybody, but for those that want -- sized home, but want their front yard maintained and don't mind having a -- will have -- of each side. It's a duplex where, you know, two units on one lot. It's -- it's -- lots. Zero lot line. So, with that I will stand for any questions.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Is Alan controlling the slides? Could we go to the slides and have the open space. It looked to me like the slide -- yeah. Go back one if you would. So, there is -- there is the green space there on the north side and, then, on the next slide it's not there.

Schultz: If I can comment on --

Perreault: Yes.

Schultz: -- Council Woman Perreault. I did update that exhibit. Alan didn't swap it out. I did update it to look like what you see there on the -- exhibit. If park -- we redid the parking on that and we -- for the updated layout. There is 29 spaces. It looks exactly like what you have there. It just has a little red -- they need to go. But there are 29 on the -- which is part of the record -- submitting just to get -- this presentation.

Simison: Mr. Schultz, the early part of that -- if you wouldn't mind maybe calling in just on a regular landline. I don't know how much more conversation there will be, but just so we can make sure we capture any questions or additional comments necessary. You can stay with us this way for any additional comments for now, but just don't want to miss any of your comments.

Schultz: What's the number? What's a good number?

Johnson: Mr. Mayor. Mr. Schultz, if you have the agenda in front of you it's there. Otherwise I can read it off to you.

Schultz: Yeah. That would be great.

Johnson: Okay. It's area code 669-900-6833 and you will --

Schultz: Okay.

Johnson: -- then you will need to enter the webinar ID and I will put that up on my screen.

Schultz: Okay.

Simison: Council, any additional questions at this time?

Hoaglund: Matt, I did have a question.

Schultz: What's that ID?

Simison: Okay. One second.

Schultz: There we go.

Simison: Okay. We see your end. Can you hear us without any problem, Matt? You will need to unmute your phone. Just star --

Johnson: I believe it's star nine to unmute.

Simison: Start nine on your phone to unmute. Still have you muted.

Johnson: I see a hand raised, but I can't do anything but allow you to talk, which I have already done. So, try star nine. I'm sorry. That probably is what you pressed. Try star five.

Schultz: Does that work?

Simison: Yep. We got you. Okay. Councilman Hoaglund, your question.

Hoaglun: Yeah. Matt. And if you can stand up and spin around three times and take two steps to the left that should work just right. But anyway. Thanks for -- thanks for doing that and your patience with us here. We have been doing this for a while, but sometimes it's still just -- we got to -- we got to be flexible. Matt, if -- if, Alan, you could put up that option one, option two screen. One of those. I was just curious for the traffic when that comes up -- Riva something and that street continues to the east, does that -- where it says -- actually says option two, that street continues back to the east, is there an exit point to McMillan Road at some point, do you recall, or --

Schultz: Yeah. Mayor and Councilman Hoaglun, that is a future stub street that will be connected to McMillan some day when the parcel develops.

Hoaglun: So, it is a future stub street -- with a sign and all that stuff I know. And so --

Schultz: It would be.

Hoaglun: So, the main option for now will be going out -- I don't know if that was Brody Street or what they called that --

Schultz: Brody.

Hoaglun: -- but going out to Black Cat. I was just curious -- I noticed the two driveways for those two lots, one being the potential park option, option two, were on that street, which would be the more heavily traveled street. I was just curious as to why those weren't flipped to go facing the other way and, then, the -- the option two park, play lot, whatever, being put on the outside there. Just -- just curious. Just because of traffic and trying to back out when there is a lot more traffic, so -- if you wouldn't mind commenting on that. I cannot hear you, Matt. You got to hop back this way.

Schultz: Can you hear me now?

Hoaglun: Yes.

Schultz: We initially had those lots backing -- or facing onto the cul-de-sac, but that leaves backyards up against the adjacent lots. So, staff had us split those. So, everything's on that street.

Hoaglun: Okay. Mr. Mayor. Matt. Yeah. I don't want to redesign the subdivision. I was just curious about that. You know, I can understand staff's perspective. At the same time I was thinking about driver safety and you have got this many houses using that street, you know, it's just a -- just an option I was -- I was wondering about. So, thank you.

Schultz: Yeah.

Simison: Council, any additional questions for the applicant? Okay. Well, this is a public hearing. We have nobody here in the room and I don't think we have anybody online who

could even offer testimony if they tried. So, I guess I will turn this back over to the applicant for any final comments.

Inselman: Mr. Mayor?

Simison: Yes, Kristy.

Inselman: Sorry, I didn't mean to interrupt. I just wanted to speak to -- I apologize. I can't remember which Council Member asked with regards to access. Daphne Street does continue to the east and connects to Joy, which does connect to McMillan today. So, if this were connected there would be another option for people to exit this development. I hope that helps.

Hoaglun: Thank you, Mr. Mayor, Kristy. Appreciate that.

Simison: Okay. With that, Matt, any final comments?

Schultz: I'm getting some feedback, so I'm going to hold it to a minimum.

Simison: Excellent. All right. Council, we will turn this over to you for any -- with that information any additional questions, comments, or motions.

Hoaglun: Well, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Thoughts and comments. I -- I can see -- I'm glad we had that slide with the color and showing how the alignment works and I can understand Planning and Zoning, you know, wanting lot lines to be aligned, but when they aren't the same -- quite the same sizes, but to me it didn't look out of place to have those the way the alignment was for that -- their -- their third recommendation on that -- that the developer was saying they would rather not, because I -- I don't know how you would do that without changing the size of the lots and having duplexes, but that was my only thought that -- not quite sure how you make that work.

Simison: The other option would be to have the next phase align their lot lines if it's really that important. Council, any motions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we close the public hearing for Daphne Square Subdivision, H-2020-0101.

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

Perreault: Mr. Mayor, second the motion.

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

MOTION CARRIED: ALL AYES.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I don't have any comments. Appreciate the presentation by Matt. I think Councilman Hoaglund touched on kind of the piece that I have wrestled with this week about the lot lines. I think what we have got presented here makes sense. So, unless there is -- there is any deliberation or -- amongst the body, I'm happy to make a motion. Which is, Mr. Mayor, I move we approve No. 3, Daphne Square Subdivision, H-2020-0101, include all staff and applicant testimony.

Strader: Mr. Mayor, second the motion.

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

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

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

MOTION CARRIED: ALL AYES.

Simison: Thank you, Mr. Schultz, for helping us through the technical difficulties and best to you.

Schultz: Thanks a bunch.

Simison: Council, anything under future meeting topics?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: It has been brought to my attention that we have a birthday in the house. True story. I'm not making things up. So, at this time I wanted to lend a special birthday to our Clerk Chris Johnson and say happy birthday to you and we as a Council want to let you know how much we appreciate everything you do for us. I know this evening you

absolutely requested and would not take the day off, because you wanted to be here tonight. Is that true?

Johnson: Absolutely. Where else would I want to be --

Bernt: Birthday party.

Johnson: -- but with Council.

Perreault: I can think of a lot of places.

Bernt: That's a great answer. Well, just know that we appreciate you to death. You -- you are the glue that holds these meetings together. From the past year COVID has been interesting and we have had challenges in how we have meetings and -- and you have done a great job with your team and we couldn't do what we do without you, Chris. So, with that said I have a little present for you. A little mini size cake -- a little birthday cake for Chris. So, here you go, buddy.

Johnson: Thank you so much. I was told today it's not my birthday, it's the anniversary of the day I was born.

Bernt: Oh. Okay.

Johnson: But birthday is fine. Thank you all.

Bernt: Very welcome. Thank you.

Hoaglun: Mr. Mayor, I have to ask our Fire Department liaison and Deputy Chief Joe Bongiorno, is -- is it true you -- you -- you prohibited us to use a full size cake with the exact number of candles, because it would set the sprinklers off? I was just -- that's what I heard. I don't know if it's true, but --

Bernt: Not a day over 20. Huh, Chris.

Bongiorno: It might have set the sprinkler system off.

Hoaglun: Yeah. Happy birthday, Chris. We really appreciate everything you do for us.

Bongiorno: Yes. Thank you. Have a great day from the Fire Department, too.

Cavener: Mr. Mayor?

Simison: Yes, Councilman Cavener.

Cavener: Maybe I'm mistaken, but I thought Council Member -- Council President Bernt said that you and he and Council Member Hoaglun were going to serenade Chris with a

happy birthday and I didn't want to let that opportunity pass without giving you the opportunity.

Bernt: I agree with that. I don't -- I think that we should include Mr. Nary and Dean, you know, Lieutenant Leslie, you know. I think everyone here in Council Chambers should absolutely step up and sing a little rendition of Happy Birthday to you.

Simison: Councilman Bernt, that was my intention as soon as we adjourn the meeting, because I don't think the people that aren't here should have the privilege of our --

Bernt: If they want to -- if they want to join they absolutely can. One. Two. Three.

(Happy Birthday sung.)

Cavener: That will get our viewership up for sure.

Perreault: I am -- I am new to this group, but I have to say those were lovely singing voices.

Simison: With that do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn the meeting.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:45 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK