

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, January 7, 2025, by Mayor Robert Simison.

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

Members Absent: John Overton.

Other Present: Chris Johnson, Bill Nary, Bill Parsons, Nick Napoli, Jeff Brown, Steve Taulbee and Dean Willis.

ROLL-CALL ATTENDANCE

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| <input checked="" type="checkbox"/> Liz Strader | <input checked="" type="checkbox"/> Brian Whitlock |
| <input checked="" type="checkbox"/> Anne Little Roberts | <input type="checkbox"/> John Overton |
| <input checked="" type="checkbox"/> Doug Taylor | <input checked="" type="checkbox"/> Luke Cavener |
| <input checked="" type="checkbox"/> Mayor Robert E. Simison | |

Simison: Council, we will call this meeting to order. For the record it is January 7th, 2025, at 6:00 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Simison: Next item up is the Pledge of Allegiance. I will turn this over to Councilman Cavener.

Cavener: Thanks, Mr. Mayor. Just a quick moment. We have got some good muscle memory to stand up for the pledge, but earlier today I had the chance to meet with James Vanderveen. James is a freshman at the Gem Prep Virtual Academy. He is also in the scouts. I believe he is in the same troop as Council Member Strader's son, so that's -- that's a nice coincidence. James has generously offered to lead us in the pledge. So, James, we will invite you up and give you an opportunity to help lead us in the pledge this evening.

Vanderveen: Please join me in the Pledge of Allegiance.

(Pledge of Allegiance recited.)

Cavener: James, thanks. You are welcome anytime to lead us in the pledge. That's about the best lead we have had in a long time. Thank you, Mr. Mayor.

COMMUNITY INVOCATION

Simison: Thank you, Councilman Cavener. Next up will be our community invocation, which tonight will be delivered by Pastor Doug Connelly, who recently -- most recent groundbreaking ceremony held in the city for a future community member just trying not to say Stonehill's new church, but congratulations on that. Thank you for being here and for those in the audience, please, join us in the community invocation or take this as a moment of silence and reflection.

Connelly: Lord God, we are so grateful to just be here tonight and we come to you just thankful and with a thankful heart and so many things to be grateful for, Lord. Grateful for life. We are grateful to have an opportunity to have a relationship with you. We are grateful for family, for friends, for neighbors and we are also grateful for this amazing city, Lord, and I pray for all of the leaders of our city, whether they are here tonight or at other places, we -- we -- we pray for the leaders that are here tonight. We pray for our Mayor. We ask that you, God, you would give him guidance and wisdom as he -- as he leads our city and along with the City Council and -- and, Lord, these men and the women that are here and making decisions, I just pray that you would be with them, Lord. We -- we lift up our first responders and, Lord, just as they serve our city and they put their life sometimes on the line, so that we can be safe and protected and we just appreciate that and grateful for that and so I ask for -- tonight that you would just give these -- these men and women, Lord, guidance and wisdom as they -- as they make decisions, Lord, and, Lord, these decisions, Lord, shape many people's lives and -- and livelihood and so we just pray that you would help them and guide them and give them the -- the integrity and the wherewithal, the fortitude, Lord, the -- just all the things that are needed to make these decisions, Lord, for the city and pray that you would give them -- give them that, whether it's a big decision, small decision, Lord, easy, complicated, Lord, that it would all just -- just be from you tonight. Lord, we ask for the protection over the city and, Lord, just as -- as a world that we live in now can be crazy and chaotic, Lord, I just pray that you would help us, Lord, as a city to keep -- continue to keep our citizens safe and, Lord, just do all the things that need to be done for that and just helping that, Lord, and I pray for the members of the community as well, Lord, all of us who live here, that work here, that you would help us not just to sit by and maybe even at times complain about things, but we would just get in and help and just be active and involved in -- in this wonderful amazing community. So, I just pray for tonight, Lord, just be the night that you want it to be. We love you and we thank you in Jesus' name, amen. Thank you, guys.

ADOPTION OF AGENDA

Simison: With that we will move on to adoption of the agenda.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I'm going to move that we adopt the agenda as presented, with maybe just a note, which is that Item 2, which is an annexation for Pollard North, has requested

continuance to January 14th. I believe there is an issue with the sign posting and I think the applicant needs to do a couple additional pieces of due diligence before they are before us. I don't know if anybody is here to testify on that, but, Council, will at least take up that item when it's before us here shortly. With that, Mr. Mayor, I move we adopt the agenda as presented.

Strader: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PROCLAMATIONS [Action Item]

1. National Mentoring Month Proclamation

Simison: The first item up is going to be a proclamation for National Mentoring Month. If I could have Hillary and the team join me at the podium. We are quite fancy here. So, Council, tonight -- tonight seems like a night of friends in a lot of ways based upon the way things are going with Stonehill and others, but as was mentioned this is -- we will talk about the month in a second, but National Mentoring Month and just for the record I am a member of the Big Brothers Big Sisters board of Idaho and so it's -- it's great to have you here in the city and so I will go ahead and do the proclamation and turn it over to you for some comments. Whereas Big Brothers Big Sisters of Idaho has been a dedicated advocate for the youth of Meridian for 45 years providing one-to-one mentoring relationships that help young people overcome challenges and reach their full potential and whereas the mentors, known as bigs, give their time, energy and heart to guide, support and encourage the children they mentor, fostering self-confidence, academic success and emotional well being and whereas through mentorship Big Brothers Big Sisters has positively impacted the lives of countless youth in Meridian, helping to empower youth to overcome adversity, experience positive relationships and become more resilient individuals and whereas National Mentoring Month is an opportunity to recognize and celebrate the invaluable role that mentors play in shaping the future of our youth and to encourage more members of our community to become involved in mentoring through Big Brothers Big Sisters and whereas the City of Meridian joins in this national effort to support Big Brothers Big Sisters of Idaho to encourage mentoring to help our community thrive. Therefore, I, Mayor Robert E. Simison, hereby proclaim January 2025 as National Mentoring Month in the City of Meridian and call upon the citizens to join Big Brothers Big Sisters of Idaho in the pursuit of improving the lives of young people in our community through mentoring, today the 7th day of January 2025. So, thank you for all that you all do to help keep this wonderful organization moving forward here in Idaho, not just the Treasure Valley, but as we look to continue to make that happen and with that I will turn it over to Hillary for any comments you would like.

Xoumanivong: Well, I just want to say thank you to Mayor Simison and the Meridian City Council and the entire City of Meridian for supporting Big Brothers Big Sisters. As the proclamation mentioned we have been serving Idaho for 45 years and we are so excited to have the opportunity to set a foundation that will continue our organization for another 45 years and beyond. January is National Mentoring Month across the nation and this is a time where we just celebrate all that mentoring does for our youth and even for the bigs and adults that are involved in our program. In the midst of a youth mental health crisis mentorship helps support youth and it reduces depressive symptoms, it reduces the number of risky behaviors our youth are participating in, it improves self-confidence and it's a really important thing just not for our youth, but for our community as a whole and so we are grateful for this opportunity and we are grateful for this proclamation that will help us recruit more bigs, recruit more funds and ensure that we are here to serve the community for many many years to come.

PUBLIC FORUM – Future Meeting Topics

ACTION ITEMS

- 2. Public Hearing for Pollard North (H-2024-0037) by Brighton Corporation, generally located approximately 1/4 mile north of W. Chinden Blvd. at the north end of N. Levi Ave. on the north side of W. Waverton Dr.**
 - A. Request: Rezone of 21.95 acres of land from the R-8 to the TN-R zoning district.
 - B. Request: Preliminary Plat for 177 building lots and 26 common lots on 19.76 acres of land in the TN-R zoning district for Pollard North Subdivision.
 - C. Request: Modified Development Agreement (Inst.#2019-060655) for a new agreement for the residential portion of the development with an updated conceptual development plan.

Simison: Thank you. And you guys are free to stay as long as you want, but don't feel obligated. With that we will move on to Item 2, public hearing for Pollard North, H-2024-0037. Since it wasn't posted properly we are not opening this, we are just going to continue. That is correct? Councilman Cavener.

Cavener: Thank you, Mr. Mayor. And I hope if there is anyone that's here to testify on this that they would be able to join us at the meeting when it's been properly noticed. Just maybe just a quick question for -- for staff. The note that I have is that you need some time to review. Do we need additional time than a week? Do you guys have everything you need -- I guess I'm just trying to understand if this is a result of merely the sign placement error or if you guys need additional time to be able to review things before next week.

Parsons: Mayor, Members of the Council, I think this is adequate time. I think there is a couple things happening. One, the same applicant has another application in front of you next week, so they want to marry this one up with that particular project and, then, also the notification. But we have received the revised plans and those are to the clerk and on the website. So, Sonya can do a quick memo when she returns to the office and get that to you in a timely manner and should be able to hear it next week.

Cavener: So, Mr. Mayor, maybe a quick question for our clerk or legal. We have sent postcards to neighbors on this particular one noticing for tonight. So, will we renote as well for the 14th given the short turn around?

Nary: So, Mr. Mayor, Members of the Council, Council Member Cavener, we wouldn't send new notices, but they would put the sign up and by continuing it from this meeting where it was noticed that is adequate from a noticing standpoint.

Cavener: Okay. That's good enough for me then. So, Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move that we are going to continue Item 2, this application, H-2024-0037, to January 14th, 2025.

Strader: Second.

Simison: Have a motion and a second to continue Item 2 to January 14th, 2025. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is continued.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

3. Public Hearing for Foldesi Reserve (H-2024-0055) by Jeff Hatch, located at 3915 N. Ten Mile Rd.

- A. Request: Annexation of 3.31 acres of land for the construction of approximately 46,000 sq. ft. of flex space in the I-L zoning district.

Simison: With that we will move on to Item 3, public hearing for Foldesi Reserve, H-2024-0055. We will open this public hearing with staff comments.

Napoli: Good evening, Mr. Mayor and Members of the Council. So, the next item on the agenda is the annexation for Foldesi Reserve. The applicant is requesting annexation of 3.31 acres of land for the construction of approximately 46,005 square feet of industrial space in the I-L zoning district. The site is located at 3915 North Ten Mile Road. As shown on the screen the current zoning is RUT in Ada county and the FLUM designation is mixed use nonresidential. The current use of the property is residential with several existing buildings on the property. All the structures will be

removed and the existing well and septic systems will be abandoned as required. The applicant has indicated the proposed use for the site are industrial buildings for industrial users. Any permitted and conditional uses will be allowed to occupy these spaces and will be determined with the building permit applications at a later date. The use of industrial buildings aligns with the mixed use nonresidential future land use designation, which accommodate -- accommodates a range of commercial and industrial users. Access is proposed off of North Ten Mile Road through a single curb cut. The applicant has condensed the three access points to North Ten Mile Road into a single access point in the center of the property. Additionally, cross-access shall be stubbed to the property to the north and south, which the applicant has revised their plan and has -- has complied with. The applicant has chosen to incorporate the water conserving design standards along the landscape buffer along Ten Mile, which reduces the buffer by 50 percent. The concept plan shows a 12 and a half foot buffer meeting this requirement and the landscaping will be analyzed with the submittal of the certificate of zoning compliance. Developer is proposing three industrial buildings with a mix of one and two story tenant spaces comprised of stucco, brick veneer, stucco wainscot, metal panels, metal panel roofing with moderate to large setbacks from the street and frontages exceeding the 20 percent windows. Staff and the Commission are recommending approval and have received written testimony from Robbie Foldesi in opposition of the project and I will stand for questions at this time.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Thanks for presenting the application and I guess my question is about that last piece that you touched on. I see the note. I read the letter that we got yesterday and the claim. It sounds like you have done that verification. I just think it would be beneficial for me and maybe the Council -- when -- when an application comes in for a request to annexation what are the steps staff takes to verify that the person making the request is actually the landowner?

Napoli: Mr. Mayor, Council President Cavener, that's a great question. So, as far as with that we get the deed -- the warranty deed for the property and we do get an affidavit of legal interest if it is not the owner that's applying for the application. So, I confirm that the owner is on the deed and has signed the affidavit saying that they are giving permission to this applicant to apply. I also do go to the Ada County Assessor's website to see who the primary and secondary owner are. In this case this application had everything that checked out. After discussing with the applicant in the last 24 hours, after we received that e-mail, I did receive documentation that confirms that we are able to move forward with this and I think if you guys are curious to see that documentation I do know that they have it with them tonight.

Cavener: Mr. Mayor, a couple follow-ups.

Simison: Councilman Cavener.

Cavener: Nick, I assume once you get all that clarification do you, then, close the loop back with the public testimony, as -- as the -- the person who sent us that information, have we let them know that -- the efforts that you have taken to verify that this is a legal request that's before us tonight?

Napoli: Mr. Mayor, yeah. Council Member Cavener, that's correct. I did follow up with him this morning in an e-mail stating that, you know, he is welcome to come to the hearing and explain his side of the story, but we have received adequate documentation from -- our legal department said was adequate as well -- to say we can move forward with this application and it will be heard tonight, yes.

Cavener: Great. And, Mr. Mayor, just one more to help close the loop in my curiosity for Mr. Nary. Got two parties that maybe have a dispute about who does and doesn't own the land. Does that have -- does that have any potential impact on a decision that the Council were to make tonight? Meaning if the person who has contacted the city is correct and they do own the land, that is settled in court, does that, then, undermine the decision that the Council makes tonight if we make one at all?

Nary: So, Mr. Mayor, Members of the Council, Council Member Cavener, I mean it's a great question. Generally, no. The information that we have, again, shows this is the titled owner of the property and so we are acting on basically the information that is provided by the county as to who the owner is. Certainly if there is a dispute over ownership or the rights that might exist because of some other -- some other interest, certainly we are not aware of it and so we can't act on anything other than that. If something were to come of it I guess a court could address that and the circumstances that exist in that and whether it would be de-annexing the property or something else I couldn't tell you. At least at this juncture we don't have any reason not to move forward if the Council wishes to do that.

Cavener: Okay. Thank you. Mr. Mayor, Council, thanks. I think it's the first time in my 11 years doing this that I have had this type of request, so part of this is the process. It's also a little bit of curiosity about what would happen. So, Nick, I appreciate you giving me some better education on that. Mr. Mayor, that concludes my questions. Thank you.

Simison: Thank you, Councilman Cavener. Council, any additional questions for staff? Okay. Is the applicant here? If you would like to come forward, be recognized for 15 minutes.

Hatch: Jeff Hatch with Hatch Design Architecture. Our address is 200 West 36th Street, Boise, Idaho. 83714. Good evening, Mayor Simison and Council Members. Thank you for your consideration of our annexation application this evening. Mr. Foldesi, who owned this property, passed away relatively recently, but he was originally from Hungary and moved here and bought this property and was a fairly avid gardener and horticulturalist. He actually brought a walnut -- a native walnut tree from Hungary over here and planted it on this property and so part of what we were doing when we

were thinking of a name for the property was trying to determine -- you kind of -- you have a unique remnant enclave parcel wrapped around mini storages essentially. So, you have a reserve essentially and so when we are looking at a name -- looking at the owner's name and understanding what it means, which is a strong connection with land and nature, which is what he was kind of an avid fan of, but also it seemed to be very fitting, because the name means a sense of belonging to a specific place, like a reserve and so that's really where we came up with that name. Staff did a great job at going over our proposal as far as the annexation and the zoning, which we think is complementary to the area, but also we have a lot of residential to the east of us and around that area density wise and we got plenty of storage units. So, having a range of I-L businesses in this area to complement that was something that we felt was a need and was complimentary at our neighborhood meeting. As far as the land use map we are complimentary to that as well and just kind of recapping the site plan, a couple brief items that have changed since our Planning and Zoning meeting that we wanted to continue to refine for City Council. You will see item number one, a proposed pedestrian pathway that goes from the public right of way all the way through the site. That was something that we didn't previously have. So, we are able to adjust the site plan in order to accommodate more pedestrian access into and within the development. We also discussed with the neighbor to the south and north and ended up adjusting the location of our proposed cross-access for future access to the south, shifting our trash enclosure to accommodate a more logical location for our frontage road or some connectivity in the future versus where we previously had it and, then, lastly you can kind of see -- it does -- right by the entry curb cut -- there we go. We ended up incorporating some pavers into that area, so when you -- when you come off of Ten Mile you will have a little bit of sound and you will have kind of a sense of entrance into this space, both -- both from a safety standpoint, but also from an esthetic standpoint. Again, taking the I-L zone and elevating this space in this area. Here is a couple concept renderings from the entry coming into the development and, then, looking at one of the buildings and the side. So, a mix of stucco and metal and brick and, ultimately, we are wanting industrial uses of the L-O, but also trying to, you know, celebrate the -- some of the last pieces of land we have in Meridian off Ten Mile and make something that is a lasting legacy for the current owner, as well as the previous owner, but also something that is going to be very helpful and useful for Meridian for years to come. And I will stand for any questions.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Hatch, nice seeing you. Appreciate the application. Just a -- more of a general question to help me understand and because it -- I had a meeting with a good scout today and we talked a lot about traffic on Ten Mile. That was one of his concerns. So, talk to me a little bit about the traffic that this product is going to generate on a -- on a daily level. Is it five cars, ten cars, 50 cars? What -- what are you anticipating the

kind of -- the traffic count is going to be for this particular project? Recognize it's largely small.

Hatch: Yeah. So, great question, Council Member Cavener. The simple answer is we don't know, because these are speculative buildings and so we are saying anything in the I-L that we can justify. So, we will build the shells. People will come in with their businesses and say I want to be a general contractor and I want to have a little warehouse for my -- my tools, but primarily it's an office. In that case you have a relatively low use and based on the parking we are slightly over parked for the site for I-L. But the traffic generated from that will be evaluated on a case-by-case basis both from the city standpoint, as well as ACHD to determine if a traffic impact study is required or if any additional improvements would need to be made. We are proposing the widest access that ACHD allows to accommodate for larger vehicular traffic, which typically wouldn't have a lot of vehicular traffic on a daily basis. So, we are anticipating not high volumes of traffic, like a restaurant or drive-through. We are not proposing any drive-throughs, so --

Cavener: Mr. Mayor, one additional if I may.

Simison: Councilman Cavener.

Cavener: Mr. Hatch, talk to me about how -- should you receive annexation how quickly would you anticipate occupancy of these buildings?

Hatch: Oh, if we could do it in ten days from now I think that would be fantastic. So, as quickly as realistically possible. We want to make sure that we balance the site and we are addressing ACHD's concerns through their review, as well as the building department's review. But we -- we plan on proceeding with construction documents, immediately submitting for design review and CZC promptly and proceeding with construction as soon as realistically possible.

Cavener: Mr. Mayor, maybe some more.

Simison: Mr. Cavener.

Cavener: I think probably what I'm getting at is anybody drives on Ten Mile, everyone feels that one car is one car too many on Ten Mile. Recognizing we are seeing the soon-to-be-open Highway 16, I guess maybe the better question is where does your project lie in the timeline of the Highway 16 expansion being opened?

Hatch: Well, I'm not a general contractor for ITD for that project.

Cavener: Sure.

Hatch: I have no control over their schedule, but realistically, you know, a CZC probably takes three-ish months, maybe a little quicker, maybe a little longer, so that would put us

into April, May. We do permits shortly thereafter and get, you know, permits mid-summer. So, construction takes possibly a year. Just speculating. But I think sometime next spring slash summer would be a realistic time for opening businesses.

Cavener: Okay.

Hatch: If we can go quicker we would love to.

Simison: Sure.

Hatch: We are excited to work with the city to try to make that happen.

Cavener: Great. Thank you, Mr. Hatch. Appreciate it. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Hi. Thanks for being here. Can you, please, talk a little bit more about the type of end users or tenants that you would expect in this site? This is a smaller industrial site, so I feel like your target market is a little bit -- excuse me -- it's a little bit different. So, just kind of curious. You kind gave an example of a general contractor. I thought that was interesting. What other types of users generally would you expect to see here?

Hatch: Well, I mean the -- as you see from the elevations it's an elevated use, but the I-L has a range of different uses, so you may get other subcontractors or approved uses in that I-L zone that are justified both from a traffic and use standpoint. So, we anticipate there may be some that have conditional uses and others that are approved outright and we will just kind of take those on a case-by-case basis, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: You are not obligated to tell us your business plan, but it was more of a curiosity. I do have to say it is -- from an esthetic perspective it is one of the nicer looking industrial developments in terms of the renderings that we have seen and I would like to compliment you on that.

Hatch: Thank you, Commissioner Strader. I'm the architect, so that -- that is my business. The occupying of the buildings -- we are trying to specify the use and be very specific about maintaining the intent of the I-L.

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

Hatch: Thank you.

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

Johnson: Mr. Mayor, we did not.

Simison: Okay. Is there anybody present or -- in the room or online who would like to provide testimony on this item? And if you are online you can use the raise your hand feature. Seeing no one online raising their hand and no one coming forward, would the applicant like to make any final comments at this time?

Sherburne: My name is Jared Sherburne and I'm the developer for the project. My address is 1456 East Iron Eagle Drive in Eagle. Mayor Simison, City Council Members, thank you for your time this evening. First of all I'm very honored and excited about this project, what -- what we have worked on designing and what we are bringing to the community and I just wanted to thank the city -- the City of Meridian has been fantastic to work with and side buffering this development online. So, to kind of answer your question, we are going to bring -- the end user would likely be whatever the market gives us is the real answer. That's why it's hard to tell who the end user will really be, so -- I hope that answers that question. Anyway, just wanted to thank you guys. Appreciate it.

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Nobody else has any other questions, I move that we close the public hearing on Item No. 3.

Strader: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: We talk oftentimes how hard in-fill is and I know this is kind of quasi-in-fill, but I'm going to give the applicant credit. It is in-fill and probably the record for the fastest

hearing for an in-fill project. I think this is a pretty cut and dry request. I agree with Council Member Strader, the -- the renderings are great. It's going to be a nice addition to Ten Mile. I'm satisfied with the timeline that it will have minimal, if any, impact on -- on Ten Mile given the Highway 16 expansion. So, with that, Mr. Mayor, I move that we approve Item 3, Foldesi, Reserve application H-2024-0055, include all staff and applicant testimony.

Taylor: Second.

Simison: Have a motion and a second to approve Item H-2024-0055. Is there discussion on the motion? If not, clerk call the roll.

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

Simison: All ayes. Motion carries and the item is agreed to. Good luck and thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

4. Public Hearing for 330 N. Linder Rd. (H-2024-0048) by Nicholas Rinker, located at 330 N. Linder Rd.

- A. Request: Annexation of 1.0 acre of land with an I-L (Light Industrial) zoning district to operate a Vehicle Sale or Rental and Service Facility.

Simison: Next item up, Item 4, public hearing for H-2024-0048. We will open this public hearing with staff comments.

Napoli: Mr. Mayor, Members of the Council, next item on the agenda is the annexation for 330 North Linder Road. The applicant is requesting annexation of one acre of land for the proposed use of vehicle sales or rental and service. The site is located at 330 North Linder Road and I show on the screen the current zoning is R-1 in Ada county and the FLUM designation is general industrial. The subject property is part of an enclave -- enclave area surrounded by city annexed property. Annexation of this property will provide more efficient provisions of city services. Industrial uses exist to the west across North Linder and to the south and east. Single family residence in -- in Ada county is present to the north. However, they do run a business out of that residence in Ada county. This property is designated as general industrial on the FLUM designation. The use of vehicle sales or rental and service is consistent with the Comprehensive Plan and is listed as a permitted use in the industrial -- I-L designation. The existing residence is proposed to remain as the main office for the vehicle sales business. The building shall abandon well and septic and connect to city services at the time of annexation in accord with the UDC. Additionally, the current structure proposed to remain will be nonconforming to the 35 foot street setback required if approved in I-L zoning. Any future development will require compliance with this 35 foot setback. The

applicant is requesting Council waiver to reduce the 25 foot landscape buffer adjacent to the residents to the north. They have received a written document from the property owners from the north in support of this reduction from 25 to five feet. The applicant is proposing water wise landscaping, which allows you to reduce 50 percent in street section buffers. So, a 12 and a half foot wide street buffer along Linder shall be constructed. One drive -- one full driveway access exists to this site via Linder Road. However, this is proposed to be eliminated and the applicant will share access with the property to the south through a cross-access agreement. There is the existing site on Linder Road. And staff is recommending two changes to the DA provisions in the staff report. After the Planning and Zoning Commission we worked with the applicant to revise some of -- some concerns they had with some of our provisions and the first one is really -- so, ITD requires five vehicle display areas for a retail car sales. So, we are proposing to change that from three to five essentially, so they can be in compliance and get their retail car sales license through ITD. And, additionally, the applicant was not in favor of the cross-access being required to the property to the north. Staff is still going to require the access, but we are going to require an easement at this time instead of a stub and when the property does redevelop as anything other than a vehicle sales or rental and service use, that's when we will require the stub to actually be in place. That's just something for you guys to view and see if you want to adopt those changes. It's not necessarily the proposed change that staff worked with the applicant on to find a compromise and really staff and commission are recommending approval and have not received any written testimony on this project and I will stand for questions.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Cavener: Yeah. It's very unusual for us not to require a stub. You know, cross-access is really important. It's really something hard to achieve if we do not get it up front. I'm just curious if you can provide a little more context why you felt like in this instance a compromise was warranted?

Napoli: Mr. Mayor, Council Woman Strader, yeah. So, as far as with that -- because of the use it's really -- it's a vehicle rental use and really he was concerned with security to his site. As far as not having people driving through his car lot is really his main concern. If that property to the north were to redevelop they would essentially be able to access that stub and drive through it at any time and his main concern was the safety of his cars and his lot and the security of that. You know, in talking with Bill and some other people here in the planning department, we have in the past done similar circumstances where, you know, for certain uses we will allow there to be an easement instead of a stub at this time and, then, when the property does redevelop is when we will require that stub. So, with the concerns over his safety or the -- the safety of his

product and the use that he is proposing, we felt that it was appropriate not to have another use driving through the middle of a rental lot essentially.

Strader: Mr. Mayor, follow up.

Simison: Council Woman Strader.

Strader: So, yeah, I'm tracking with -- with where you are going there. But how -- how do we track internally a DA provision like this to ensure that if there was redevelopment that this would be flagged for us? We have sometimes enforcement issues with conditions in our development agreements. So, I just want to understand just from a practical -- like nuts and bolts perspective how will you all track when that occurs?

Napoli: Mr. Mayor, Council Woman Strader, so as far as -- that's a great question. You know, as far as -- it will be in the development agreement and whenever a property does redevelop we do look at those development agreements to ensure that any existing provisions such as this would be met. You know, you are correct that sometimes those aren't always caught or they do sometimes lead to errors. That is -- that is true and maybe Bill can speak to a better way of us tracking it, but --

Parsons: There is always a better way. So, Mayor, Members of the Council, what we have been doing lately and trying to do is leverage our GIS mapping a little bit better. So, whenever we get a recorded cross-access agreement we actually put a cross-hatch on that particular property, so that when something comes up near -- next to it in the future we can look at that and we call it a tagged layers -- a tag property layer that we have in our GIS and that way we can see that it's highlighted. We can click on that and say, oh, what is this? It will reference a cross-access agreement and, then, we can research that and dig into that development agreement and see what occurred at the time and why that driveway was -- was either constructed or not constructed. Certainly as -- as Nick pointed out this evening, it is a recommended change. So, again, if Council doesn't feel comfortable with that you are certainly within your purview to require it to be constructed at this time.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think that's fantastic that you are leveraging technology in that way. That just seems like a really practical, really common sense way of going about it. So, thank you.

Simison: Council, any additional questions for staff?

Taylor: Mr. Mayor?

Simison: Councilman Taylor.

Taylor: Not a question, but I just want to make a note. I do want to recuse myself from the vote, because I have a personal relationship with the applicant.

Simison: Thank you very much. All right. Then would the applicant like to come forward?

Wilke: Good evening, Mr. Mayor, Councilmen. Staff. Thank you for your time tonight. My name is Matt Wilke and I'm here to represent Nick Rinker, Rinker Properties, LLC. I'm out of Middleton, Idaho. P.O. Box 7. And with White Barn Ventures is my company. So, thank you for your time here tonight. Staff really nailed this on the head that we agree with all the changes and the staff report. Like I said, we located this property, it was -- it is R-1 currently. So, we are asking to annex and rezone this in for light industrial for his car lot. He -- he is just a destination business mostly. He is staging rental cars from this location, so there is not a lot of traffic. It's just when he gets a call for a rental they will deliver to the Boise airport and he has some use to maintain some vehicles from time to time on the site and keep his inventory maintained and, then, other than that the cross-access easement -- we agree with staff there that -- may listen to our client's concerns of security and it is quite a bit of concern. He does have some pretty nice vehicles from time to time that he rents out there. They are kind of specialty use. So, in the future if it did develop out he understands. If there was a different use or most likely need to be that cross-access put in place and he is happy to record that easement there in the meantime.

Simison: Thank you. Council, questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I'm curious is -- is your client willing to help, you know, put funds aside for the construction of the cross-access at a later time? And kind of where I'm going with it is, you know, for the part that's on this property there is just the easement, but there is no funding behind the actual, you know, cross-access and so that would put the burden of the entirety of the cross-access like constructing it onto the adjacent property owner. So, I just want to understand how you are thinking about that.

Wilke: Yes. Thank you, Mr. Mayor, Council Woman Strader. This site is interesting. So, on the south side we have cross-access already. We are using the neighbor's access for -- for shared access, because he is on a principal arterial there on Linder. The north side it gains quite a bit elevation there. The neighbor actually has a concrete wall there abutting the property. So, it's -- as far as the expense side goes I think the northern neighbor will -- would incur more expense to develop their property than my client would on the south side. I think just allowing that cross-access for his property to develop in the future is going to be a huge improvement for future access. But I don't see that he really has a lot of site prep to do to improve that access in the future.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: But unless I'm misunderstanding, your client is not intending to construct the stub street.

Wilke: Correct.

Strader: So, how much would the stub -- stub street be -- is what I'm trying to figure out on your side -- on your own property.

Wilke: Understood. Mr. Mayor, Council Woman Strader, at this point it's kind of unknown. His property is going to be mostly just a parking lot or most likely there would be a cross-access put in. So, I don't think it would be much different than they have currently planned for the site. I don't really know what -- what the plan in the future would hold there, whether or not the neighbor to the north is going to be required to come through this property prior to this property to building up to another use in the future long term planning. But at this point there -- it's just pretty much a parking lot and an office building up front for the rental business.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Sorry. Just to get maybe more specific. So, I understand -- so there is a parking lot and I'm -- and what I'm trying to figure out is where the cross-access will go. What would be involved there? So, I guess -- I guess what I'm wondering is why you wouldn't just go ahead and construct the stub street knowing there really shouldn't be an issue, because the neighbor to the north has that wall that's not redeveloping yet. So, it's not like someone would be accessing the site and I'm just -- where I'm going with it is I -- if it's not a huge burden in terms of the cost, I'm wondering why we wouldn't just have you construct the stub street now knowing it wouldn't be functional, as opposed to later. If the property to the north redevelops it's going to be extremely difficult to get your client to make the improvements on their own property if it's in a landscape buffer or something else. So, that's the piece I was trying to figure out.

Wilke: Mr. Mayor, Council Woman Strader, I don't think it's going to be that difficult. Right now I think they would have to leave a hole in the fence, unless you would be allowed to leave that up and it probably wouldn't be much different than the easement he has in place, because there is only a five foot landscape buffer required there now. So, I don't think there is going to be a big infrastructure project in the future to put a stub there. Right now the property width is fairly narrow as it is, so there is not really going to be a stub -- stub street per se, it might just be like a spot in the fence --

Strader: Yeah.

Wilke: -- so, I don't really --

Strader: Okay.

Wilke: -- think it really has room to put a stub street in as it -- as the site plan shows right now. Maybe just a line on the fence maybe where it would go.

Strader: Okay. I will mull that over. Thank you.

Wilke: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Appreciate kind of the application. I have got some similar questions really about the cross-access agreement. Are you planning to have like a barrier or a -- a gate to prevent people from accessing this site when it's not being operated? I mean is that the intention? Is that --

Wilke: At this point it would be ideal to have a gate there. Whether or not he is going to be allowed to do that on the southern access I don't think he is -- he is -- he was supposed to be here. He is stuck in -- he just landed in Boise, but he is a day late. He got stuck in the airport, so -- he is on his way, but he is late. But I don't think that there was any plans for a gate there. It would be ideal if he could for clarity. But at this point I think the access is going to be through the southern neighbor there on the -- up Linder.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I think that's my point. You have -- you have got a cross-access agreement to the south that you are using to access and that one's okay; right? Because that -- that lets you get access, but now you are saying, hey, the neighbor to the north, they shouldn't be afforded the same opportunity that you have got and that -- I guess that's the part that I'm struggling to wrap my head around and I hear security, but to that point if -- if some -- let's hope nobody's nefarious. We have got the best police department in the country. They -- they are proactive with their policing. But if somebody is wanting to be nefarious they are going to access that -- that site to do something terrible off of Linder, they are not going to access it through a cross-access agreement. So, that's the part that I'm struggling with. To my good colleague's point, we -- it's very rare that these cross-access agreements come in much after the fact. Like this is kind of the bite of the apple and so I just -- I'm really struggling to find a basis to grant the request that's -- that's coming from you and staff. I think the original request within the staff report, at least for me right now where I'm most comfortable, I'm just trying to understand what the -- the compelling reason is and I just got to be honest, the safety element is not

necessarily resonating with me, because you rely on a cross-access to the south to be able to get into your property.

Wilke: Agreed. Mr. Mayor, Councilman Cavener, I hear your concerns and I understand, but one extra access that's opened up before the northern site develops is just another access point for a security problem where on the south side he has got the ability to have cameras and that kind of thing and protect his access a little bit better and sharing it with the neighbor -- it's not necessarily a cross-through access at that point. They have to come in and come back out that access. So, their -- their plan for the site was when that northern site does develop, then, they have that access easement in place and so it does grant cross-access in the future. At this point it's -- it's kind of -- not necessary for his site or the northern neighbor.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Just in perspective that's often the case, right, with the cross-access agreement, the -- the neighbor to the south -- your property -- there wasn't any development there, there was no purpose for that -- that south cross-access at the time; right? That's -- that's why we put them in is so you get that connectivity as -- as growth continues to -- to move in a northerly or southerly portion. So, I appreciate your feedback. Again what's nice -- there is -- there is five of us that are here -- or four of us and I just -- I want to be up front as kind of where my hesitation is on this piece. I'm supportive of the application, just not supportive of that particular piece.

Wilke: Okay. Thank you.

Simison: Council, any additional questions for the applicant?

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: A clarification. Did you say that the neighbor to the north has a wall between his -- that property and your property?

Wilke: Correct. Yes. Mr. Mayor, Councilman Whitlock, there is a -- it's like the home is built up at a higher elevation. So, there is actually a retaining wall on the northern portion of our applicant's property, then, there is also -- it's already fenced, but he has got six foot fencing already in place around the site. But the topography change from his property to sitting lower to the property to the north, there is a pretty substantial change in elevation where they built up the home site on the northern property. So, I think in order to make an actual access through there it may be difficult -- or more difficult to do so without cutting down the neighbor's property or adding something to it

to make that flow. We weren't really planning on engineering that in at this point with an easement in place.

Whitlock: Thank you. That -- that helps.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: One additional question for you. On that wall we got the site photo that's before us. I assume is it that -- it looks like it would be about maybe two or three foot kind of concrete piece.

Wilke: Correct.

Cavener: Okay. Thank you.

Simison: Thank you very much. Council -- or, Mr. Clerk, was there anybody else signed up on this item?

Johnson: Mr. Mayor, we did. I don't know -- we have Jared Sherburne, but I believe he was with the last application and, then, Jacob Bottles.

Simison: Are either of them -- those two individuals wishing to testify at this time? Don't see anyone coming forward. So, that really just leaves you as the applicant to close with additional questions from Council. So, I don't know if there is any final comments you want to make. If there is more questions, Council has any other direction that people would like to pursue. Thank you.

Wilke: Thank you.

Cavener: Mr. Mayor, it looks like the applicant's got maybe a question or comment. The public hearing is still open. I'm open to hearing from him.

Simison: Okay.

Wilke: I apologize. Nick -- he said he is going to have a gate. I don't know if that changes things.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to follow up on that. Sorry, was that a gate to the south?

Wilke: Correct. It was planned to be gated, so --

Strader: Okay. And, then, I have a question, then, for staff, which is -- is that acceptable under our code because it's a cross-access?

Napoli: Mr. Mayor, Council Member Strader, correct. So, as far as with this, no, it is not. As far as having a gate there that is not in the conversations that I had with him was the intent to do that. From my understanding, if you can see my cursor, on the screen he was planning on putting a gate further back on the site, which would be something that would be allowed if there was still access through the site, but with a cross-access agreement, correct, there does need to be access that's reciprocated. So, he can't just wall himself off from the southern boundary. That is correct. And I believe our fire department would not allow for that as well, if I remember correctly.

Simison: So, kind of playing off of that a little bit, because, you know, cross-access now -- a cross-access in the future, construct it and put it -- it's kind of like this road -- or this sidewalk to be extended into the future mentality. If you -- you know, cross-access is really permitted, but if you can't drive through because there is a fence to the north it doesn't really exist. So, I guess that's where I'm personally -- I mean to me the bigger issue is the site -- the elevation change if there is any that requires the site to actually be properly developed I guess is the -- so, I guess at the end of the day my question is are we developing this site or are we not developing the site? Why are we here for the annexation? If we are really not going to develop the site what is the value of the annexation even to the -- to the property owner? Is there -- what are we here for? If we are just going to park some cars on it is that not allowed in the county? I'm really trying to get to the understanding of the application purpose

Wilke: Mr. Mayor, Council, yes, he needs to annex in and rezone industrial for his dealership license. So, he needs to have a site and that's the reasoning for annexing in this property. We didn't really think it was going to be an issue with the cross-access easement until the northern site developed and to that point, like you say, with the elevation changes we would have to do something with the northern neighboring property I think to make everything flow and until they are ready to develop we really don't know where to even put the cross-access. It may have to meander. I don't know. Maybe they will remove that home in the future. I'm just not sure what -- what the plan would be on -- on the northern side there. His site is pretty -- pretty easy to develop. It's -- like you say, it's a -- that's a lot with parking spaces and, then, maybe in the future a maintenance building they need to get a permit for and his office. So, it's -- it doesn't need to have a lot of structural changes to the -- to develop the site. It would be useful. He absolutely needs to be able to annex in to have his dealership license approved.

Napoli: Mr. Mayor, if I may. In addition to that, he actually did have his well fail on the site as well. So, he is needing to hook up to city services. He has been working with Kyle Radeck in Public Works to be proactive in that. He has hit a little bit of a roadblock, not from our end, but from ACHD in the fact that Linder right now is a no cut. So, he is having a little bit of a difficulty with that, but he is working with ACHD actively on being able to access the water that's in Linder Road.

Simison: So, maybe take this to the next step. Annexation is allowed. No cross-access is required. Next week we get an application on the property to the north. Are they prohibited from developing in the future because cross-access isn't granted down or cross-access won't occur until this property decides that they want to -- just trying to follow the dominoes as to what are we creating potentially by not requiring proper development? And I'm going to use the word proper, because that's really what it is in this -- in this case. I understand the hardship, but it's -- you know --

Parsons: Mayor and Council, I will try to elaborate on that a little bit and give you some context. So, I think all of you are aware -- cross-access is -- is required per our code, but it also can be waived by Council. So, it's not a thou shall do that, it gives you the ability to take that under consideration and determine if it makes sense. If it's proper development. In this particular case if we don't get cross-access to the property to the north we are either going to rely on the other property to the north of it to provide cross-access or Council and ACHD will have to grant that gentleman access to an arterial for his property. That's kind of the risk that we are dealing with. The difficulty that you have with this particular site is, one, is typically a car dealership is not conducive to cross-access, because of the inventory. Certainly that gentleman could put a gate around his inventory where the park -- cars are parked and still leave the drive aisle open. The other challenge to the site is the current -- the -- and we have been dealing with the applicant -- is where the property owner on the south with the cross-access driveway, it lines up right where the house is and so if that house wasn't to remain you could just go straight up and parallel the road and have a straight shot and it would probably work better for all intents and purposes for -- but keeping the existing home is really the challenge here. That's -- that's kind of that in-fill challenge that we are faced with when you try to keep existing conditions and try to fit our code into that box it gets to be challenging at some point. But you are correct if there is a driveway built it's basically a driveway to nowhere until we understand what the property owner to the north does and I have worked on cross-access driveways. I don't know if you are familiar with the one on Fairview, but there is a vet clinic and some four-plexes. So, you know where the new Triple A went in, there was a car dealership there. I had them put in that cross-access to the vet and, guess what, it's three feet taller than the vet site and never got extended and so the vet currently uses their access to Fairview -- Fairview Avenue, because that was one of those kind of sites where we are like build it now, but we didn't take the rest of -- if that existing property didn't match up they couldn't just tear out his driveway -- or his parking lot and, then, build their driveway to match up. It does -- to your point, Council Woman Strader, it -- it adds expense to the project and we just don't know that. So, that's why Nick and I -- we have done this in the past where we have had a lot of those storage facilities that you see along Ten Mile -- Ten Mile Road, that's what we did, we are like as long as your storage we are not going to require cross-access, but we still need an easement just in case. At some point in the future properties will get too expensive to develop and there will be a lot more redevelopment happening in the city rather than outward growth and so people will have to start developing -- redeveloping some of these properties and so we don't want to be so narrow sided not to require it and that's why we kind of went to our -- our bag of tricks that we have used in other projects and said if you are a car dealership you can build a

cross-access, but you don't have to utilize it until such time as it becomes an office or something else in the future. It may be a contractor's yard and maybe they don't want it either, so -- but they always -- we at least get another bite at the apple. It's in the DA. We can come back and have that conversation with you in the future, too, and say this cross-access makes sense. And I think that's what the point of the conversation is tonight, does cross-access make sense. What's currently developed on the south and the unknown on the north with the addition of the retaining wall and the grade change how does that all work in tandem with one another. We don't know that tonight. Like you said, all we are here to talk about is annexation and developing a car lot on this one site and that's what makes it difficult when you have these one acre pieces that we are taking down one piece at a time along Linder Road and trying to make sure that it all integrates as one development. It is -- it's challenging.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, just -- sort of just cutting to the chase, it looks like you have at least -- at a minimum at least two members of the City Council that have concerns about -- about the cross-access, so -- and I know you wanted your client to be in this meeting. They are not here. Are you looking for a decision tonight, like an up or down vote on it? Are you looking -- because if it's denied, then, I believe that will potentially cause some issues in terms of delays and so forth. Or would you like to rethink all this? I guess I'm just like looking for feedback on how you want to move forward.

Wilke: Yes. Mr. Mayor, Commissioner Strader, this -- we were hoping for an approval tonight, but I don't know if what Bill said is okay with you. If you -- if that swayed the two Council Members that may be leaning towards needing the access put in place currently or if it would be okay to keep that as an easement now until we know what this northern site develops as and, like Bill said, there is homes in the way, you can't just cross-access through, because he is going to have his office there. It's not moving. And, then, the building to the north -- or the home that's currently to the north is also about the same -- same line. So, where -- where would they put their cross-access currently and in the future when these sites develop to a different use possibly maybe that's the time you need to cross-access for maybe a restaurant. I don't know what you would come in there for, but right now I think that lot as it sits it would be great if we could keep that as an easement. It would be fantastic.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Just to dialog on that a little bit, part of my concern is, again, by approaching it this way I think what we are setting ourselves up for is a situation where when the other property develops I think it will make it so that the economic burden of figuring out the construction of the cross-access will fall onto that property owner

exclusively and I don't see either, you know, money put into like an account for future construction costs or something that would make me feel comfortable that that will be realized. It's just -- I think Council President Cavener hit it on the head, this is our only bite at the apple to get the cross-access and we have seen many situations where the cross-access did not occur and, then, that creates a lot of challenges within the city, because of the lack of connectivity. We don't know what will be there. So, that -- that's -- that's what I'm struggling with. I -- I would rather have you build the stub street -- although it's not really a street to your point, it's maybe five feet of landscaping that you need to pave or whatever, but I would rather have that occur and feel confident that that won't be an issue on your property. That's just where I'm coming from. I would love to hear from everybody else. But I just -- I just, unfortunately, don't feel like this compromise quite gets me there in terms of feeling confident that we have set the city up long term -- and not just for the next ten years, but for the next 50 years.

Whitlock: Mr. Mayor?

Simison: Councilman Whitlock.

Whitlock: Again just to -- to help clarify this in my mind, I think I heard you say that they have poured a -- a parking lot to the north; is that correct? Is that -- is it paved or concrete or -- have they made improvements to the north?

Wilke: Mr. Mayor, Councilman Whitlock, no, there is no parking lot to the north. It's just a residential home site and the concrete is actually a retaining wall. It's because their -- their home is built higher, so it's keeping the -- the dirt from falling basically onto the southern neighbor where our applicant's property would be. It's keeping their -- their property up to shape. But there is no parking lot that I'm aware of on that north side. I think it's just a residential property still.

Whitlock: Okay. Residential.

Simison: Not knowing where -- I will just speak from my standpoint if these two are going the way that they may imply that they may, I need more clarification if I'm being asked to vote tonight. I would need a site plan for all three properties that shows cross-access for future -- you know, two different options. They all develop it together at what -- some point in time as one property and here is what it would be and it -- absent that what would this look like, because three entrances onto Linder in this location is unacceptable and that's what we got to work towards. I'm not saying it has to be -- in my opinion it doesn't have to be constructed now, but it needs to be on a site plan established for when this were to develop, you know, or short of that first in gets first rights to make the decision, build it and it exits, you have done your part. The next people will have to match it on their property, you know, and often first people in get that opportunity. So, what are the other -- either work with the neighbor and come up with a plan in my opinion or agree to do it and the neighbor can match it when it's their turn in that context. But I need something along those lines, rather than just saying where it's -- just allow the annexation without really any improvements to the property. But I

understand why and I won't be supportive, but I'm not there yet if I'm asked to be involved in the vote tonight.

Wilke: Thank you, Mr. Mayor. Mr. Mayor, Council -- Council Members, I believe my applicant would absolutely love to build it now and get it on the spot or at least put it in place. Do we build -- do you know where you would want to put something like that? Is that something that the city is going to require in a location or -- Nick?

Napoli: Mr. Mayor, Members of the Council, yeah, so as far as with that, it's called two different locations that we can have a discussion on at the certificate of zoning compliance. Really the first one is going to be between the existing residents now and the future maintenance shop that you are proposing or further back on the site between the car lot and the maintenance. I think ideally -- and I don't know the full dimension of how wide this is right here, if it does meet the dimensional standards and, obviously, that maintenance shop is not there. If it does meet the dimensional standards for a driveway I think that is the preferred location. I don't know what your client's preferred location is, but those would be the two that we -- one of the two we would require and I think the one closer to Linder would be preferred from the city's perspective.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Would -- just a suggestion. Would it be helpful to get a continuance this evening, so you could confer with your client and work with city staff on where the cross-access would be located? I'm kind of wondering if maybe just taking a break and kind of coming back might make more sense.

Wilke: Mr. Mayor, Council Woman Strader, that may be a great idea. I don't think we are really far apart here at all. I think if my applicant was here he would be able to make the call. I don't really want to get him pinned in on one side or the other and that will give him time to work with the city. The city's been amazing. The staff's incredible. You guys are fantastic to work with. So, I think that's a fantastic idea.

Simison: And at least from my perspective it doesn't need to be functional however. It can have a sign that says to be extended in the future, you know. So, whether that's when your property develops or the next property develops, we are not looking to force something, but we are looking to make sure something happens, at least from my perspective. So, I will stop there. Council Woman Strader.

Strader: Mr. Mayor, I was just curious for feedback on when you would like to come back. In a couple weeks? Or -- if you have -- and we need to also check with our clerk, too, and see what our public hearing schedule is sort of looking like, but --

Wilke: Yeah. I think I could -- Mr. Mayor, Council Woman Strader, I think they can get that figured out pretty quick. I don't think it's a big pull here. Mr. Mayor and Council --

Council Members, would it be something that we could put on the development agreement now that -- I'm just thinking maybe if that was a problem for timing and things with the city and there will be a cross-access agreement put in place and a cross-access before the agreement -- before the annexation is final. Can that just be put in a development agreement now as part of the agreement or do you have to have a plan -- a site plan change?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I feel like with the feedback you have received I think having the site plan revised would be important, just to sort of demonstrate what this is going to look like and usually that becomes kind of an exhibit to all the decision making and we find that to be extremely helpful. So, like ten years from now when Nick's like what do we do with that hashtag, he can go and see exactly. But I would suggest -- it sounds like the 21st, which is two weeks from now, is pretty clear. We have a few things on our agenda. But would that work okay for you all to come back?

Wilke: Yes. That would be fine. And Nick just texted me, says if they don't -- if he doesn't have a choice between an easement or not, then, yes, he would do the cross-access.

Strader: Yeah.

Wilke: But it sounds to me like we are on the same page here that in a couple weeks we could button it up.

Strader: All right. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Then I would move that we keep the public hearing open and continue this application to January 21st.

Little Roberts: Second.

Simison: Have a motion and a second to continue the public hearing to January 21st. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and it's continued to the 21st.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Wilke: Thank you very much.

Strader: We will see you then.

FUTURE MEETING TOPICS

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

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Move we adjourn the meeting.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 7:10 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

| | |
|-------------------------------|------------------------|
| _____ MAYOR ROBERT SIMISON | _____ DATE APPROVED |
|-------------------------------|------------------------|

ATTEST:

CHRIS JOHNSON - CITY CLERK