

A Meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, January 11, 2022, 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, Bill Parsons, Alan Tiefenbach, Scott Colaianni, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call the meeting to order. For the record it is January 11th, 2022. It is 6:00 p.m. We will begin tonight's regular City Council meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

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

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Simison: We didn't have anyone sign up for the community invocation.

ADOPTION OF AGENDA

Simison: So, we will move on to the adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: No changes to the -- to the agenda, so I move that we adopt the agenda as published.

Hoaglund: Second the motion.

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

MOTION CARRIED: ALL AYES.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, we did not.

ACTION ITEMS

1. Installation of Elected City Council Members

A. Swearing in City Councilman Joe Borton (Seat 2)

Simison: Okay. Then with that we will move on to Action Items. First item up is the installation of elected City Council Members. So, for this evening we will have our City Clerk Chris Johnson swear in the three City Council Members. We will do it down at the podium. After each one is sworn in, make sure you get good pictures with your family at that point in time -- or not. Or friends. Friends. Friends also works. And, then, we will -- after all -- everyone is sworn in we will invite each of the members up to the dais for any comments they would like to make at that point in time. So, with that we will begin with Item 1-A, the swearing in of City Councilman Joe Borton.

Johnson: All right. Repeat after me. I, Joe Borton, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Idaho. That I will faithfully discharge the duties of Council Member of the City of Meridian according to the best of my ability.

(Repeated by Councilman Joe Borton.)

Johnson: That's it.

B. Swearing in City Councilman Treg Bernt (Seat 4)

Simison: Okay. Next item will be the swearing in of City Councilman Treg Bernt.

Johnson: Repeat after me. I, Treg Bernt, do solemnly swear that I will support the Constitution of the United States of America and the Constitution of the great State of Idaho and that I will faithfully discharge the duties of Council Member of the City of Meridian according to the best of my ability, so help me God.

(Repeated by Councilman Treg Bernt.)

C. Swearing in City Councilman Luke Cavener (Seat 6)

Simison: Thank you. And for our third swearing in of the evening will be the installation of swearing of City Councilman Luke Cavener.

Johnson: If you can repeat after me. I, Lucas A. Cavener, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Idaho. That I will faithfully discharge the duties of Council Member of the City of Meridian according to the best of my ability, so help me God.

(Repeated by Councilman Lucas Cavener.)

Simison: Thank you. So, first up I would like to recognize Councilman Joe Borton for any comments you would like to make.

Borton: Thank you, Mr. Mayor. So, this is -- I'm honored to be sworn in to start a fourth term on Meridian City Council. First sworn in in 2005 and it's been wonderful to watch our community change and grow and be a part of that. My family is sick in a variety of ways, so I have got my lovely wife Sharon, she's been such a great supporter, is not feeling well. My parents Jim and Chris, not feeling well. My brother Jimmy's not well. It's a mess, so -- I'm good. So, I appreciate my brother Treg Bernt helping out here with the swearing in ceremony. So, I'm excited for the next four years as much as I was in 2005. From an early age I have been ingrained with the belief that we have a moral responsibility to give back to the community. We take a lot in what our city provides to us. We are safe. It's a clean community. It's a friendly community. And we treat each other like family and that's all that I benefit from, so I feel I have got an obligation if I can help out and give back and be involved in providing that for others and I will continue to do so and I'm as energized about what our community has coming forward as I was 15, 20 years ago and look forward to continuing to work with the greatest City Council and Mayor in the state of Idaho bar none. So, thank you for all the support. Appreciate it and I look forward to the next four years.

Simison: Councilman Bernt.

Bernt: Thank you, Mr. Mayor. I'm truly grateful for this opportunity to serve for another four years. The last four years have been the honor of my life. Very excited to listen and to serve the citizens of Meridian. We have done a lot in the last four years and I -- we have a lot more to do and so I'm excited to be here. But as an elected official and those who have gone through campaigns, we certainly don't do it alone and I would like to thank, first and foremost, excuse me, my family. Tiffany, my wife, is here, along with my daughter Bridget. My son Cole. And I'm sure online somewhere at the University of Utah my -- my daughter Annie is watching. So, grateful for you. I -- we certainly couldn't do it without you. Being elected an official requires a lot of time, a lot of away time from family, a lot of meetings, a lot of late Tuesday nights. During the campaign a lot of knocking doors, a lot of -- a lot of -- a lot of emotion and I got to tell you, Tiff, she's a great support system and she's a great wing man and she's -- she's been great and I would say thank you, Tiff, for

-- for all that you do. But, again, with my campaign staff and those who helped out, thank you so much. Thank you to my treasurer Mr. Hoaglund. You know, starting QB Meridian High School way back in the day. I don't know the number. My kitchen cabinet who told me where to go and what to do and -- but, ultimately, thank you to the citizens of Meridian. You know, those that voted for me -- and even those who didn't. It's overwhelming to know that you have the support of so many people who have entrusted in you the duties of this mantle that we carry and so very grateful for that and know that I won't let you down. Again, thanks to my friends up here on the dais, those who supported me. Thank you, Mayor. And I wanted to say thank you to city staff, too. We certainly couldn't do what we do without everything that the city does and the staff and the leadership team. We -- there are the -- you guys are the best of the best and it's been a true honor to serve you and work with you and I can't wait to do it for another four years. So, thanks again.

Simison: Councilman Cavener.

Cavener: Thank you, Mr. Mayor. And thanks to Council President Bernt for at least opening up to vulnerability. I think there is something in the water tonight and I appreciate your heart on that. I -- tonight has kind of been a long time coming. We were supposed to do it last week, but this election has been weird for me. It's been different. I think this campaign season so many people -- we typically focus about where we are going as a community and so much of it was focused on what our Council has done over the past four years and what people have liked, what people have had some disagreements on and so rather than looking forward I have been doing a lot of -- a lot of reflection and recognize that while we do a lot of great work, many in our community want to see us improve and I want to improve. I think we all want to improve. Make no mistake, I think the City of Meridian is -- something in the water -- the best place to live and work, the best place to retire, the best place to raise a family for me and while I recognize that we all have room to improve, I look at this as a -- as a get to job. We get to do this. I get to do this. I have to take out the trash in the morning; right? I -- I have to pay my taxes. But we get to do this. We get to come to this beautiful building, we get to work with the best and brightest and that's not lost on me and I want to thank all of you for helping to contribute to that and I would like to thank a few other people, if I can, and because my campaign ran so long I may take a few extra minutes, so I hope you will indulge me. The -- the Caveners talk a lot about the four tenants -- I'm sorry, folks, it's been a rough day. We talk about four tenants. Or faith, our family, our community and our careers and so I want to start by thanking -- my friends are going to make so much fun of me. My kids are going to make so much fun of me. I want to thank my God and Creator. Mayor, I also want to thank you. When you came into office you maintained that we were going to start every meeting in prayer. I know that was probably not an easy decision. You probably heard from people on both sides and I'm so proud that you have continued to do that and what's interesting is that this campaign, I -- my faith was questioned by other Christians unlike I have ever seen before and that was really hard, but make no mistake, I am as strong in my faith today as I was today. I'm proud to be a Christian. I'm proud to have taken this oath of office on the Bible and I'm proud that we are a God fearing and God loving community. So, I want to start there. There is a handful of folks I want to -- I want to thank when it comes to family. I'm going to start with my amazing rock star of a bride.

We need more Adrean Caveners in this world and all that she does to take care of our family, to take care of me. We have -- I had my house painted this year and I was talking to the painter like -- man, because he was working late and it was on a weekend and I'm like, man, you have spent so much time sacrificing for your family and he's like, no, no, no, no. You have got it wrong. It's my family that sacrifices, so that I can build my business and I'm just thankful for the sacrifice that my family makes, so that I can do this. I have two amazing boys, Gunner, who was barely this tall when I first came to work in this building. My wife was cleaning and found this today. This is Gunner's campaign shirt when I very first ran for office. I think he could maybe fit it over one arm today. But this community raised Gunner. This community implored the values that we hold so dear on him and while I know that he's growing up and doing amazing things -- and I'm very proud of him -- I know it's possible he will one day leave Meridian, which breaks my heart, but I also feel really confident that where ever he goes he will be very very successful, because of the values that this community has imparted on him, like they did on me as a child, and, then, there is Pork Chop, which -- what can I say about Pork Chop? Here is a kid who is my best sounding board about what we need to do for families. My talk about parks comes from Pork Chop. He's a life scientist and he knows what's best for our community and I'm so grateful that he's at this fun age that maybe he could fit into this shirt. A few more folks and, then, I will wrap up. And I wanted to touch on this, because during the campaign it was weird, I was criticized because I took donations from a place called Las Vegas. Oh, the humanity. Las Vegas. And what those that criticized me didn't know is that I have family there. Family that I chose. The family that will make fun of me for this. Some of the finest men who have taught me the difference between right and wrong and because they got beat up for helping to support me, because they care about Meridian as much as I do -- these poor guys that feel like a doting father every time I'm around them. I'm sure you guys aren't going to believe what we are doing in Meridian, we are doing this, we are doing that, we are building this and so I would like to thank a few folks. My good friend Dave Brown, Aviv Itzhaki, both who have backed me and supported me before I ever thought this was even a gem of an idea. A fine south resident Joe Sheer and his family, who knows what makes south Meridian so great. Marcus Green. Brian Rector. And a man who was really like a mentor to me and that's Travis Murphy. I know they are all watching. I know they are all texting each other, making fun of me and I will take my lumps on the chin when I see you all next. A couple more, because I don't think that they get enough recognition. I want to thank our development community. You know, we have -- we are very lucky to have thoughtful, local people that are invested in making Meridian great the same way we are and there is folks in this room that have helped to support me, folks that I have said no to their projects, folks that I have said I don't like this project, but they believe that where we are headed as a community and with us up here is important. You don't get enough thanks and appreciation and I want to -- I want to thank you all. Mayor, Council, Joe said you got -- we are the hardest working group in local government and I'm so proud to be a part of this team and you all work overtime to make me look a lot better than I deserve. You cover for me when I put my foot in my mouth nearly every Tuesday. You hear me go on and on and on in City Council meetings, like I'm doing tonight, and you come back for more. You really demonstrate that we have got a lot of grit over grind. I want to thank our city employees, who are the heart of our city and demonstrate heart over hustle. I'm proud to consider

myself a Meridian city employee -- former city employee and I know how hard you work to make our city so -- so great. And lastly -- I have a couple more. Sorry. I would like to thank -- thank my employer. This takes a lot of time away from my day job and the fine folks at ACS CAN. My amazing team and my remarkable boss that afforded me this opportunity. They are allowing me to do my dream job, if it's only just one night a week, and I'm so grateful for them. And, lastly, to the voters. Again, this was a very unique race and I recognize there is almost as many people that are excited to see me here as people who would rather have seen someone else in this seat and so for those that supported me I say thank you. I hope I work the next four years to validate your trust in me and for the other half that didn't think I was the right fit in this seat, I'm looking forward to having those four years to show you that I'm worth supporting and our community is worth supporting. So, Council, I thank you all, our family, those who come in week in, week out, our emergency responders, our caring citizens and those who just care about Meridian, those that have taught me to be kind, I think that's the piece that I'm going to try and do over the next four years to be kind to others and I encourage you all to do so. So, with that thank you, Mayor. I appreciate you all and indulging me a few moments. Thank you all.

Simison: Council, I don't want to deprive anybody else that would like to make any comment, but I would suggest we take a recess, unless someone else would like to speak at this time, so they can say goodbye to their family who has come down here and get some composure in the room this evening.

Bernt: Who started that? It's my mom's fault. She's watching.

Simison: I will just say it's a pleasure to have you guys back up here to serve. We look forward to the next four years of friendship, fighting, but all for the right reasons moving forward for the -- for community, so unless someone else would like to say anything else, we will go ahead and be in recess until 6:30.

(Recess: 6:21 p.m. to 6:29 p.m.)

2. Public Hearing Continued from December 7, 2021 for Heron Village Expansion (H-2021-0027) by Tamara Thompson of The Land Group, Inc., Located at 51, 125 and 185 E. Blue Heron Ln.

- A. Request: Annexation of 1.36 acres of land with a R-40 zoning district.
- B. Request: Rezone of 4.18 acres of land from C-G and R-8 to R-40.
- C. Request: Conditional Use Permit to allow expansion of an existing 108-unit, 5-building multifamily complex to allow an additional 36 units in two new buildings.

Simison: All right. Council, we will go ahead and come on back from recess and we will continue with Item 2 on our agenda, which is a public hearing continued from December

7th, 2021, for Heron Village Expansion, H-2021-0027. Is Alan with us? Bill, are you making any comments on this one?

Parsons: Mayor, Members of the Council, I will go ahead and step in for Alan. He's going to handle Apex East tonight and I will do the -- the one after this. But, essentially, the applicant's requested another continuance and looking to be -- be before this body in sometime mid March. So, staff's recommending that the Council continue this item to March 8th.

Simison: Thank you. Council, any questions for staff? Mr. Clerk, do we have anyone that came to sign up to provide testimony on this item?

Johnson: Mr. Mayor, we did not have a sign-up sheet out, but I don't believe anyone here is for that item.

Simison: Okay. If there is anybody in the room or anybody online that was here for this item, either come forward or raise your hand if you would like to provide any comments. Seeing no one, do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move -- Mr. Mayor, I move that we continue this applica -- this -- Item H-2021-0027 to March 22nd, 2022.

Hoaglund: Second the motion.

Simison: I have a motion and a second to continue this public hearing until March 22nd, 2020. 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: ALL AYES.

3. Public Hearing Continued from December 21, 2021 for UDC Text Amendment - Collector Street Setbacks in Residential Districts and Landscape Buffers Along Streets (ZOA-2021-0003) by Brighton Development, Inc.

- A. Request: Request to Amend the text of the City's Unified Development Code (UDC) pertaining to the Dimensional Standards for the Residential Districts in Chapter 2 and Landscape Buffer along Streets Standards in Chapter

Simison: Next item up is a public hearing continued from December 21st, 2021, for UDC text amendment regarding ZOA-2021-0003. We will continue this public hearing with staff comments.

Parsons: Thank you, Mayor, Members of the Council. Happy New Year. First time to be in front of you this year. So, the next item on the agenda is a UDC text amendment. Usually you see staff come before you as a city initiated -- initiated one, but this -- in this particular case staff has been working with the applicant -- a few months ago they brought forward an application before this body that -- that's been approved. We realized with some of the design that was proposed with that development that we had some conflicts in city code that would not mesh with the design that they were proposing and rather than go through alternative compliance and try to find a remedy, it just seemed cleaner to come forward with a text amendment. We did offer up to the applicant that we would -- we would be willing to wait until a second round or at least the first UDC changes for the year and they are like, no, they were -- they wanted to get it going sooner rather than later, so they agreed to pay the application fee and bring this one forward to you. So, tonight we will be discussing really two code changes. One impacts our dimensional standards in our R-4 through our R-40 districts and, then, also how we assess landscape buffers along collector streets. So, the graphic that I have before you this evening talks about the changes -- it's not really changing the setbacks of our zoning districts, it's more of clarifying how to interpret the setbacks as -- when you have homes that take access from an alley or where the homes -- primarily the front door is oriented towards a collector street. It would not have any impact on whether or not the garage took access from the collector -- if you had a garage facing the collector street, merely when you have access from a lesser classified street or an alleyway is really where the clarification comes in. Currently what we are trying to do as well is align this with our traditional neighborhood districts. So, our traditional neighborhood districts are TN-R zone and TN-C zones and they have specific design criteria for streets that front on alleys and, then, rather than applying those standards, we felt it was easier to clarify a note in the code and so this graphic that I have before you is -- is meant to apply to all the residential districts, but, really, it's just adding that note that you see at the bottom of the page here and it's really meant to clarify. So, typically, the way the code reads is whenever we have collector streets as part of development, the code requires a common lot to be -- the landscape buffer along that street to be platted as a common lot and, typically, you don't have access to the common lot, because you are taking access from a local street that's paralleling that -- that common lot -- or that collector street and what that -- what that -- that -- that issue has created not only an issue for the city, for the applicant, but it's also created an issue with ACHD's policies, because now they no longer have street frontage. So, ACHD won't recognize an alleyway as an alley anymore, it becomes a -- what they call a minor local -- it becomes a local street, essentially, and so all we are trying to do is, one, address the conflict in code and, two, address some of the conflicts with ACHD's policies with this code change. So, this simply says right here -- and I will -- I have a third slide here that will kind of show -- it's an illustration of how all this would work and it will actually get at the end of the day if this does go into effect. So, essentially, what the applicant's proposing is rather than requiring a common lot being platted, we are going to allow a landscape easement. We have done that in the past. So, what I -- typically what we have

done to allow a -- to get an applicant out of the requirement of a common lot is we have required them to go through the alternative compliance process and, again, as I mentioned to you in my opening statements, rather than processing multiple alternative compliance requests, we felt it was just easier to clarify in the code when this rule would apply and that's really what this note does. The second part of the change that I alluded to was who is to own and maintain that landscape buffer. We do have that addressed in code. The change that's before you, it's -- it's slightly modified, because it was modified by the Commission during the hearing and so, essentially, what we are doing is eliminating a portion of the text and adding some new text. So, essentially, we would allow this -- if that situation exists as described in note one before, if that situation exists, then, the applicant would -- would be allowed to -- or the director would have the ability to allow that easement and allow -- allow the street -- the landscape buffer to be an easement and, then, it would be noted that it would be owned and maintained by either the homeowner, the HOA, depending on how they structure their CC&Rs or, again, the business association, which is typically a commercial development in this particular case. So, in short, the applicant did provide a graphic that you can see here and it kind of describes what would happen. So, essentially, the code has setbacks for a residential from the collector street, which you saw that, which is 20 feet to living area. Well, essentially, with what we are proposing with the code change this evening, essentially, what you are going to get is an eight foot detached -- or an eight foot planter strip with the tree lined streets. You are going to get a five foot detached sidewalk and our code requires setbacks to be measured from the back of sidewalk. So, in this particular case an applicant -- we would require that the minimum setback at ten feet from the back of sidewalk for a total overall landscape buffer setback from the street at 23 feet versus 20 feet now that we get if you had a typical common lot. So, again, in working with the applicant we were comfortable with the language that they were proposing. Planning and Zoning Commission did recommend support of this application. Did -- they did not -- we did not have any public testimony on it. The applicant's in agreement with the state of changes that I showed you this evening. Again, we are recommending and supportive of the changes as well and I will go ahead and conclude my presentation and stand for any additional questions you may have.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Bill, can you -- can you go over with us -- so, I had -- had shot off an e-mail to you and wanted you to talk with us about this. If the 20 feet in the rear is not required, could -- could this potentially mean that -- that those lots will be even smaller? So, if I understand right, the alley -- the alleyways -- there is only a requirement of five feet, depending on which district it's in, which zone it's in, so like R-15 it could have a five foot setback for the -- from the -- from those structures to the alley; correct? So, where the applicant is -- is -- 20 feet is what is in their proposal, but we are talking about changing

this for every application as a code change. So, what happens if an -- if an application comes before us that has much shorter than 20 feet in the rear?

Parsons: Mayor, Members of the Council, yes. Thank you. You did provide some e-mails to me this afternoon. So, this particular -- it's going to depend on the code. I'm sorry, not the code. The specific zoning district that these developments will occur in. You are correct. Certain zones -- this -- this particular graphic that I have up here does not allow for a five foot setback in the R-2 district for an alley loaded. Typically you are not going to see an alley load in an R-2 zone. You are going to see that in an R-8 or R-15 zone and so a few years ago we did modify the setback to allow a five foot setback when you had added from the alley. What we did is we added a separate note that's not on this graphic, but in that specific note it says you either provide it along the side of the garage to make up for that additional parking on site or the director has the ability to provide -- allow the applicant to provide shared parking elsewhere throughout the development and that's why typically when you have seen developments that have come before you with alley loaded, you will see separate parking nodes throughout the development trying to make up for some of those parking pads, because they are allowed to take advantage of that. So, again, you will see that typically more in the R-40, R-15 zone, R-8 potentially, but in your R-2, R-4 zones you are not going to see that. So, we have addressed in code, yes. You could have homes that do not have a parking pad, but keep in mind that two bedroom units only require one -- one -- one garage and one parking pad. So, if they had a two car garage and it was only a two bedroom unit, a two car garage would meet code, you wouldn't need -- you would not need a parking pad. It would only be -- be more impactful to those three and four bedroom homes and as you -- if you recall that most of the developers come forward and say because we don't have street front and garages you actually get more on-street parking, because you get the -- excuse me -- you get the entire street frontage to park on, rather than having curb cuts along the road blocking -- taking up additional parking. So, those were some of the changes that happened previous to this. So, we are not -- again, we are not changing any setbacks to the code. This is really just to clarify that when you have alley load on a collector road we have the ability to allow an easement rather than the common lot and that the applicant would have the ability to have a minimum ten foot setback, measured from the back of sidewalk, for over -- for a minimum setback of 23 feet from the street and ACHD has specific standards, too, to allow on-street parking, too. That's -- we also want to see some on-street parking in front that. So, it's creating more of that -- what we call a traditional neighborhood design. Your more downtown feels, shorter block lengths, and, then, parallel parking in front of the units outside of the travel lanes. Applicant has some of that in their slideshow that they will present to you as well.

Simison: Council, any additional questions? All right. Ask the applicant -- applicant to come forward and state their name and address, be recognized for 15 minutes.

Wardle: Yes. Mr. Mayor, Council Members, Mike Wardle. Brighton Corporation. 2929 West Explorer Drive in Meridian. And I appreciate the very perceptive question and I will get to that in my presentation, because I think it's important that you see how this really applies. This discussion that we have had with staff actually goes back about six months

or maybe even more, because we found a few contradictions and inconsistencies that -- that Bill has noted, including one of ACHD that really puts a damper on some of the design techniques that the city would allow under your code, that if you have that -- a common lot on that frontage, you know, you can't use the public -- it can't be a public alley, it has to be a street at the back and so it's kind of an interesting challenge to work through all of these issues and so we came up with -- and while it applies to a specific issue that we found in one of our projects, Pinnacle, which is being platted as Apex, it actually will apply across the city and, really, only in the case where it's more of a traditional neighborhood feel. The slide in front of -- before you right now simply shows the -- the two locations that we are challenged with in this particular case. We have a collector -- a residential collector street coming into the project. In the first phase we have some alley loaded lots on the east side of Apex Avenue and in our phase that's coming forward soon we will have some rear loaded lots that will have access from a local street or a common drive. In this particular case the note addresses either of those circumstances. But in all cases the easement for landscape purposes is maintained along the street frontage to give you the character that is desired in this type of development. I'm not getting -- Mr. Bill, I'm not getting any -- if -- if you can release that to me I can -- okay. What we found as we were looking through the challenges, again, associated with ACHD, they have two graphics in their livable street design guide. The first one that I'm going to show you is actually for front loaded housing on a residential collector, but I wanted to use this slide to illustrate the fact that what we are proposing in Pinnacle is, again, the detached sidewalk -- the five foot detached sidewalk, the eight foot planter strip, on-street parking, bike lanes and two travel lanes. So, that's the character. The next slide actually shows -- and, Bill, I'm afraid that you are going to have to scroll these for me. For whatever reason it's not advancing. The next slide shows an alley loaded or rear loaded product, but with -- in this particular case does not have the bike lanes that will be provided or have already been constructed in the project. So, we are using ACHD's livable street design guide in the process and fully approved. The next slide goes to the point that Bill was talking about that Council Member Perreault brought up. Your code requires parking for -- depending on the type of housing that it is. So, we -- in our particular case we have to have -- since these are narrower lots and alley loaded -- or even the -- the street rear loaded lots, we have to have the 20 foot parking strip behind. I don't know of any case where you could do it as Bill has noted without having that type of requirement, unless you put them to the side of the house. But it's required under your code. So, I think that particular issue is addressed. And the green, of course, is the required 20 foot landscape buffer, the ten foot setback is noted in red. Bill, I want you to go on past the next slide, which is simply the same as you put in this particular one as -- when we were at the Planning and Zoning Commission -- well, there were two options that we discussed with staff and originally in our application included the first one to simply modify section -- the one at the top and we all concluded that that didn't add a lot of clarity. So, we looked at the second option, which was to -- to delete that particular section and, then, modify two -- well, 2-B would become 2-A and that would be where the landscape buffer would be required, either in an easement and, then, maintained by the property owner and in this particular slide you can see the insert there in the red with the -- the arrow. The Planning Commission said, okay, property owner or homeowners association or the business owners association in the case of a -- of a commercial project. We agree that that was certainly a needed clarification. So,

obviously, we do encourage the city to adopt this, but I want to show you the -- the reality of where this exists in a project that Brighton has done before. So, Bill, I want you to -- to go forward -- there you go. Let's start with that one. In our -- the Mill District at Harris Ranch that we actually started in 1999 -- seems like a long time ago -- and in this particular case all of the product out there has a rear parking pad on all of those homes. We actually traveled the country, David Turnbull and I did, and found circumstances where the alley loaded product had to have that or it really created a problem for the residents, as well as any other services that might be using those alleys. But it's the street character that the next slide shows what we achieved and in this particular case this is looking to the west toward Eckert Road and this is, of course, a project done more than 20 years ago and so the minimum separation on these particular cases is 82 feet, but that was on a four foot sidewalk with a five foot planter strip and no required on-street parking or bike lanes. So, in -- in reality it's a little bit tighter, but you can see that it's also very livable. The next slide is simply the same location looking to the east and, again, a narrower sidewalk, narrower parking -- planter strip and it does have on-street parking allowed on these 29 foot wide streets interestingly enough, but it's still in that particular case as a minimum separation of 70 feet. Now, at the risk of being a little bit flippant, the last slide kind of shows the reality of what we are talking about. The Boeing 737 Max wingspan is exactly what your current code requires. We could land, carefully, a 737 on one of these streets and not touch the fronts of those houses if -- if the pilot was really good. In this particular case the UDC setback amendment that we are talking about reduces it to a minimum of 93 feet, which is still, frankly, excessive, but it does create a very livable street situation with the friction, I will call it, of on-street parking and the bike lanes, but the planter strips with the -- the tree canopies over the sidewalks and, then, the homes facing those streets, again, in a very livable, functional circumstance. So, Mr. Mayor and Council Members, I'm going to answer your questions, but would certainly ask that you agree with the two proposed amendments to the UDC.

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

Borton: Mr. Mayor?

Strader: Mr. Mayor?

Simison: I will go with Councilman Borton.

Borton: Mike, quick question. Who is the -- who is the grantee of the easement?

Wardle: The easement is granted by the plat itself. It's required, actually, to be noted on the plat and certainly would be noted also on the CC&Rs. So, the easement is -- it's what your code requires on any collector roadway. The question is whether it's a common lot or an easement. It's the same landscape buffer requirement your code requires currently.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: A follow up. the common lot I get -- a separate platted lot, HOA maintains it, that's -- that's easy to see how you can ensure compliance, but if it's in an easement and the owner's obligation is to maintain it -- maybe I misunderstood, but what's to prevent an owner from failing to maintain an easement? Who enforces it?

Wardle: That would be an HOA enforcement issue. It would not fall to the city, but it's also the same circumstance of any home that you have in your community right now. The homeowner, even if there was an easement, is responsible to maintain the landscaping, as well as even the sidewalk -- you know, we have to keep them shoveled of snow and so forth. So, if it was in a common lot you can imagine -- and I think you alluded to it a little bit, the challenges of one homeowner kind of doing -- wanting to do something unique in their part of that common lot versus somebody that didn't really care and so we simply don't want to deal with a common lot when you have the homes facing the street the way we do in this particular slide.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To kind of close the loop on this thing -- maybe I saw it wrong. I thought that risk might be greater if it's placed in an easement. Private property, the owner owns the land subject to an easement, so the owner might be more reluctant to maintain it and keep it pretty, less -- less so than a common lot that the HOA maintains the entire parcel.

Wardle: Mr. Mayor, Councilman Borton, and I understand your question and maybe staff can bail me out a little bit if I'm not articulate, but the easement is simply the city's requirement to assure that there is a minimum amount of landscape along a collector or an arterial or whatever the case may be. So, we have done this in almost every project that's on either a collector or an arterial roadway, it's always typically been in an easement and certainly all in the commercial areas and the only times that we have done it in a common lot is when the -- the lots back up to the street and you have the fence and everything is out and it's beautifully maintained by the association. In this case we have the front of the homes at the street enjoying the civility of neighbors walking on the sidewalks and so forth. So, I don't anticipate that to really be an issue, because there is a certain sense of -- I guess pride in the way your home looks. Now, we may find maybe a case where the HOA has to go after somebody and say you are not maintaining your part of that particular easement, but the easement is more of a setback for the purpose of maintaining an area that has to be landscaped. Now if Bill needs to help clarify anything that I have said I would appreciate it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Mr. Wardle. I do really like the pedestrian safety aspect of being able to have kids and people walking on the sidewalk without worrying about somebody

backing up in their driveway. This example in Harris Ranch -- so, if it's saying the minimum separation -- maybe I just missed this -- was 70 feet, so the comparison from building to building is that distance then 70 feet in total in this example?

Wardle: Mr. Mayor, Council Woman Strader, yes, that's -- this is the real life circumstance of this particular case and the actual frontages here are less than the ten feet that would be required from the -- your code right now. So, interestingly enough -- let me just deviate. If -- if we had applied for traditional neighborhood residential, we would be talking eight feet. So, we are just -- it's close to what -- your TN-R, but rather than have just a very small piece of traditional neighborhood area, we wanted to have, you know, the consistency of the R-15 zone that all of this was in currently.

Strader: Got it. Thank you. So, yeah, that was going to be my next question. I was just curious what the distance was from the actual edge of the building to the sidewalk in your example. So, you are saying it's actually less than ten feet?

Wardle: Yes. We -- we actually could go -- could go down -- and there probably are many cases of five feet from back of sidewalk. This was 20 years ago in a very unique project with its own set of standards.

Strader: Okay. Thank you.

Wardle: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Wardle, I have been reading a little bit that kind of in the rise of COVID you have seen, for whatever reason, homeowners associations leaning towards a dissolution and it's not something that we have seen a lot here, although in the past three months I have got a call from a resident who was inquiring about what it would take to do that. So, while rare, what happens in this case if an HOA dissolves and they have got these kind of little pieces that are common lots, but don't really have a marketable purpose. I mean how does -- how does a -- how does a neighborhood respond in that type of a situation where the HOA doesn't exist anymore? They likely would have to auction this off and it's maybe a bidding war between neighbors on if they are going to --

Wardle: Well, Mr. Mayor, Councilman Cavener, this -- that doesn't apply in this case, because the owner -- his lot goes out to the sidewalk. All the easement does is require that a certain area be reserved for landscape. In this case 20 feet from the back of curb. So, there is no -- even if an HOA was dissolved it would only take away the enforcement aspect of it to maintain, but that's the case in almost every --

Cavener: Sure.

Wardle: -- subdivision now and, quite frankly, I have never encountered that in all the projects that I have done over the last decades.

Cavener: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Mike. Happy New Year.

Wardle: Thank you.

Perreault: The reason I asked that question is because we -- we are increasingly seeing neighborhoods where a 20 foot parking pad is -- is -- actually has a garage, so you really only have five feet of concrete from the alley to the garage door and it's creating a lot of issues with trash day, it's creating a lot of issues with people trying to store things, cars getting in and out and, really, just a very short distance between the homes.

Wardle: Right.

Perreault: The garages. So, what happens when we now shorten the front by ten feet and, then, there would possibly be an alley that has a five foot setback? The parking pad is -- is, you know, inside of the garage. So, now we have a lot that really has very minimal space in the front, very minimal space in the back. I just -- I anticipate it creating more challenges even with additional parking that may be added into a neighborhood that would be required as -- as Bill had stated. You are not anticipating -- anticipating doing that here in this project, but it is something that we see happen in the city, so we have to think about that as a possibility if the code changes. As a developer what are your thoughts on that?

Wardle: I had a motto in some of my PR materials dating back some 28 years when I first started working with David Turnbull called In Pursuit Of Community. I was raised in the old north end of Boise and I was always looking for the opportunity to create that kind of an environment and so when -- working with Mr. Turnbull in Brighton back in the late '90s we started putting together Harris Ranch, that's why we specifically took a number of trips to see how we could create that kind of an environment. Now, if you look at -- I don't under -- I don't understand maybe the concern of that -- that frontage situation, because we have done it in a lot of our projects already. Now, some of them are the age qualified, but if you look into our Paramount project where we have the alley loaded product, which has the 20 foot pad at the back, it's still ten feet at the front and so we are not -- the only reason that this came up is the collector -- the residential collector street and that requirement for that 20 foot landscape buffer. So, we have done it in Paramount. We have -- we are doing it in all of our age-qualified products where in those cases they are the five or six foot at the back and, then, you know, ten feet at the front. So, I guess I'm

not seeing any issues with my own experience and the products that we provided into the community already.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, your -- your associations -- so, I'm assuming that you had got approval through alternative compliance in those situations. So, in your experience there haven't been issues with very narrow alleyways and then -- so, my thought -- and the reason I'm asking this question is this will allow lots to become really short -- more short than they -- than I have seen them be before and it's going to allow for -- obviously, if you are in a particular zone your density has to be at a minimum or maximum, but I feel like it's going to allow for another opportunity for us to try to create more dense communities and sort of be at that higher end of the R-15, rather than the lower end of the R-15 -- R-15 let's say as an opportunity for a developer and how the designs are done in the communities and I just -- I have concern that it's really going to make the homes feel much closer together than they are intended to be in a particular zone.

Wardle: Your code -- right now the only circumstance that I am aware of where you have that reduced alley and the reduced frontage is an age qualified -- and I'm not sure that the code allows that anymore, but the -- only the age qualified that would give you the flexibility of having less than the parking pad out the back. If it's standard single family in a standard zone without that kind of a caveat or qualifier, you have to have that parking outside the structure. So, I'm not sure that it will -- I'm not sure that it will come up or that it will become a problem that had -- that cannot be addressed through the application of the code in effect at the time. I just wanted to make sure that the caveat that we have in the note modification is that it's granted only in the case of a collector street with on-street parking and garage access from an alley and the assumption is that you are meeting the parking requirements per code. If the required 20 foot landscape buffer from the back of curb is provided and the dwelling setback is not less than ten feet from the back of sidewalk, again, I think the best example -- and I didn't even think to put it in the slides -- would be what we did in Paramount. Twenty feet at the back, ten foot minimum at the front and you don't detect any sense of -- of confinement and in that particular case we didn't have the streets that had the on-street parking with the bike lanes. Narrower streets, in fact, than what this particular case -- these are a 77 foot street with all the improvements that are required under ACHD's residential collector standard, so --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, the assumption in the age restricted communities is that there would be fewer vehicles at each property; right? Which is why it has a different set of standards.

Wardle: Mr. Mayor, I believe that's correct. But has there been a change, Bill, in the code from that standard or has it always been -- have we -- I think you are correct that we have done some alternative compliance, but in those cases we also provided parking stalls strategically located for the -- the overflow or guest parking. But maybe Bill can clarify the code standard right now for any age qualified.

Parsons: Absolutely, Mike. Thanks. Mayor, Members of the Council, yeah. We took that requirement -- it's something that we have talked about with the focus group the last several meetings that we have had with in the last couple of UDC updates. Parking is a hot topic in our community, as you know, and we felt it would be best approached -- so, we took out age restricted parking from our code and allowed -- and we would analyze that on a case-by-case basis to what Mike was saying alternative compliance. In -- in the case of what the applicant's referring to as far as their Cadence product and even their Hill Century Farms project is they went through a PUD process and they asked for a reduction -- you know, they asked for dimensional standards to reduce some of their setbacks and some of their parking standards. But they did so in -- by allowing private streets, allowing parking on one side, as I mentioned in my presentation. This afforded more parking on street. But they also provided parking throughout the development to address where they were deficient in order to address some of those concerns with their parking. So, yes, can someone do that -- I looked at the parking standards. It does say the director -- as determined by the director they have to provide equivalent parking and that setback has to be at the five foot mark and the reason why we set the five foot mark a few years ago when we modified the code is because we didn't want people parking in the alley. We felt like if we created a wider parking pad than five feet, then, you would have people parallel parking in the alley blocking access for garbage trucks and the fire trucks if there was an emergency there and so we were very mindful that we set it at five feet, so we would -- we would try to discourage that activity. So, just to quickly wrap up my comments here, one, we don't address age restricted parking anymore. It's what the code is today. We do that through this process -- through that public hearing process. You explain it in your narrative and, then, as we present to Commission and the Council we explain to you that it's intended to be age restricted and this is the parking that they are providing and you guys are -- I know this body is, again, asking for more and more parking counts as developments come before you, so that's how we have agreed to address that. I am getting ready to kick off the next round at UDC focus group meetings, so I'm happy to take back any -- some feedback if you want me to at least have us address this comment. We are -- we will be discussing multi-family parking. That's something that you wanted us to look at, once again, and, then, also happy to bring up this topic if you -- if you would like me to.

Wardle: Mr. Mayor, I want to just conclude and just -- I think we all missed one important word. The only place this would apply is on a collector roadway, not the local streets. So, it's very narrow and you won't see a lot of it, but where there is a residential collector street and you want to have that character, rather than fences, as we have done in some of our other projects, then, it affords that opportunity. Thank you.

Simison: Council, any additional questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just following on Council Woman Perreault's comments -- and I just want to make sure I'm fully wrapping my head. I think it does make sense in the front of the homes. I don't have an issue there. I think that the question, I guess, that's still lingering in my mind is how many situations under current code we would end up with that five foot minimum in the back and I'm wondering if we need a catch all minimum that is higher than five feet for the back piece? Was that only applying to age restricted or are there other categories on an alley loaded that this could be a shorter distance in the back?

Parsons: Well, I think Mike's done a great job of doing what we want. He's -- he's actually expanded on it, because he said -- he said common drives, he said local street access and he -- he said alley access. This particular section of code only speaks to alley access where you could take advantage of the five foot setback. That's the only exception in code at this point. So, I think from -- from staff's perspective we feel comfortable with what they proposed and what they are trying to do, because we -- we are scratching our heads with them saying we don't want to create conflicts -- we hear time and time again we don't want conflicts with other agencies, so we need to adjust our code to adjust. So, in my mind if we want to create these types of developments and have these livable communities, as Mike alluded to, we have to have some flexibility in code to do that. Going back to Councilman Borton's comments, as HOAs -- it's -- it's like anything, right, you're the property owner, it's an easement, how they define that in the CC&Rs is some HOAs have all of their landscape maintained by the HOA, so that's something that a developer would have the ability to do, that all this area is maintained under one common ownership and you are covered. Two, it, again, is a collector road. Code requires a street buffer along collector roads, whether it's an easement or a common lot. So, the homeowner or the property owner or the HOA is going to have to make -- and we approve landscape plans to show that it's in compliance with the code. So, we still have some enforceability here if someone's not maintaining it, because, one, it's an easement and, two, it's a collector street, which requires a certain amount of trees along that street buffer. So, I don't want to lose sight of that either. So, we -- I think we have it covered. I -- we don't get a lot of alley loaded product. The last couple ones that we worked on, again, have been through that PUD process, because time and time again as we take these developments before the Commission and this body, you have -- you have always wanted more parking. You always want four parking stalls per unit and sometimes our development community is like why does the Council and Commission want so much parking for the community. We can't get transit or, you know, we got to be able to do some -- get density, do this, keep things affordable, if you keep requiring us to pave everything and do all this we just can't get to that point. So, again, I'm not trying to beat the drum here, but parking is a hot topic. Again, I'm trying to think on the top of my head how many developments we have had someone take advantage of this and I think of the ones that I have worked on most of them have been done through the PUD process.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. Yeah. I'm not taking issue, actually, with the recommendation in terms of the setback from the sidewalk in the front of the homes. I guess my question is should we separately be considering a requirement for the back specifically for a minimum setback from the alley? That -- and so I guess would -- would you envision that we would contemplate that under the next round of UDC changes separately from this or -- you know, are there a lot of circumstances where that would actually happen or not?

Parsons: Well, let me clarify. The setback for the structure and the -- and the setback for a parking pad are two different things. The parking pad is not a setback. The setback -- the five foot setback is to the garage. Now, parking pad is just a dimensional standard to provide the required parking stall dimension. So, again, there is -- I'm looking at the code here and let me go through the R districts here real quick and I will let you know how many of those. So, our traditional neighborhood districts, like our TN-R TN-C, they do have the five foot rear setback. Again, we are trying to get people -- we were -- the reason why we reduced that a few years back is we were trying to get people -- incentivize people to do more of that, because we don't have a lot of that in our community and trying to get more of a variety in our developments, rather than your typical from load garage dominated suburban developments. We are trying to get more of that pedestrian oriented neighborhood -- traditional neighborhood feel. So, that's why we tried to reduce those standards a little bit to try to drive some innovative design I guess is the -- is the best way to put it and we just didn't -- it hasn't taken off yet for whatever reason. But I think as of late I think this applicant has proven that it can be done and people are still in the market for that, but some of our other developers say there is absolutely no market for alley loaded and why it doesn't work for one and it works for the other I'm not sure. I don't get in the business of crunching numbers and whether development works or not. But certainly I think the R-15 zone -- let me pull up that code real quick -- quick and, then, I will circle back with you, Council Woman Strader.

Wardle: Mr. Mayor, I intended to take five minutes tonight. I appreciate your time.

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

Johnson: Mr. Mayor, no, we did not.

Simison: Okay. Do we have anybody in the room that would like to provide testimony on this item? Anybody online that would like to provide testimony on this item?

Johnson: We do have somebody online.

Simison: We do have somebody online who is raising their hand to provide testimony.

Johnson: Logged in as J. Edwards and you are unmuted.

Edwards: Hi. Can you hear me?

Simison: Yes, we can.

Edwards: My name is Julie Edwards and I live at 1310 East Mary Lane. I was just wondering was it possible to pull back up the PowerPoint slide of Apex West? I just wanted to bring up an example on there to see if that would apply to this, because I'm a little confused about the -- the rear loaded lot. Yeah. That one right there. So, the -- in the color -- colored portion of it -- so, you are talking about the residential collector and so on either side of that road are alley loaded lots. So, I'm guessing that people are driving in to park in their driveways from this residential collector. So, if you just have five feet on either side until you reach the garage, this is -- from what I believe I think this is kind of a through street to other parts of that subdivision. So, you are going to have higher amounts of traffic and, then, you are backing out of your garage with five feet until you hit the road, is that -- if I'm -- if I'm understanding that correctly. So, I just don't think that alley -- alley loaded in this situation on a residential collector, if it's an alley load on a true alley, if that makes sense, but an alley load on a collector to me does not make sense and that actually seems like more troublesome for accidents and things like that. I don't know if anybody else agrees with that, but I'm a little uncomfortable with that.

Simison: Mr. Parsons, would you like to provide correction on that comment?

Parsons: Yeah. So -- so, Julie, the graphic that you are looking at -- essentially the homes -- the -- the homes will not have access to this collector road, they would have to physically turn and access through the alley and enter from the alleyway. So, there wouldn't be any conflicts there. This graphic is a little mis -- misleading. So, the topics that we are talking about tonight is where you would have the fronts of the homes, the porches, oriented towards the collector road with access coming from the back of the lot, not the front of the lot, and that actually makes for a safer situation.

Edwards: Okay. Thank you.

Parsons: You are welcome. And, then, circling back to your point, Council Woman Strader, it looks like the R-8, R-15 and R-40. So, it allows for that five foot reduction when you have alley loaded homes. So, there is three zones that allow that reduction. Sorry. Including the TN-R zone. So, I guess there is four. But, again, this is the goal is to try to align some of these up with -- with those districts.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, Bill, in this example the purple lots, alley loaded lots, there would be a 20 foot parking pad in the back and either on that parking pad there will be a garage or there won't be a garage and if there is a garage, then, there will be five feet from the garage to

the alley; correct? Five feet of driveway essentially. If there isn't a garage it would be a 20 foot pad of some kind.

Parsons: Not necessarily. So, Mayor, Members of the Council, so at a minimum the code -- so, parking spaces for residential districts are based on bedroom counts. So, a one or two bedroom home requires one garage space and one parking pad. You have a garage and for a two and three -- two, three, four bedroom home you need a minimum two car garage and two parking pads. So, four spaces in total. So, in the situation that you have described, if the applicant was -- or somebody was to propose a three, four bedroom home, they would need a two car garage and a 20 by 20 parking pad in order to meet code, unless they had an approval I didn't require that. If it was a two bedroom unit -- a one or two bedroom unit, which we don't get one bedroom units, but for the two bedroom units, with an office, technically, yes, you would still have a two car garage or it could be a one car garage with a ten by 20 parking pad. It just depends on how the applicant designs the -- the structure. But typically you would get a two car garage and, then, a five foot parking pad, which is not a parking pad, it's a five foot setback from the alley. It's a driveway approach at that point.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I work so much better with visuals. Would you indulge me in pulling up a specific street in Meridian as an overhead example of what I have concerns about?

Parsons: Sure. Give me a second here.

Perreault: Yeah. You bet.

Simison: Just so we are clear, do you know where a place to look is? Are you -- okay. Just didn't know if it was going to be a hunt and search or --

Borton: Hey, Mr. Mayor?

Simison: Councilman Borton.

Borton: What do you call a deer with no eyes? No eye deer. Need more time?

Parsons: Yeah. I'm trying to pull up Google Maps here.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: You are reluctant to call on me. What do you call a deer with no eyes and no legs? Still no eye deer. Better find it quick.

Simison: All right, Bill. It looks like you are at a street.

Parsons: So, if you can see my pointer here, this is a pretty simple situation. This is exactly -- although this isn't a collector road, you can see here in this particular case there is no parking pad. The home fronts the main street that comes out of this subdivision and there is an alley there behind it. Again, this was approved through a PUD.

Simison: Would the applicant like to come forward for any final comments?

J.Wardle: Mr. Mayor, for the record -- switching Wardles here -- Jon Wardle. 2929 West Navigator, Meridian, Idaho. 83642. Can I have the screen just for a second? Let me just raise my hand here. I just -- I just wanted to put on the record that there -- there are two standards for the setback as we are talking about alleys. Yes, there is a setback which Bill had indicated as five feet. But in most of the cases in the projects that we have been doing alleys, these are homes where you have three or four bedrooms. Here is a case in Paramount. This is Cagney here. This is just south of the Paramount Elementary School. We have a number of roads -- let me just zoom out here -- that all go out to, you know, arterials and collectors, but I'm just talking about this area here. In this particular area we have a ten foot setback from sidewalk and on the alleys we actually have a 20 foot setback from face of garage to edge of alley. The requirement -- again, like I said, there is two requirements. One is the setback requirement, but, then, there is also the parking pad requirement. In this case these homes have three car -- or three bedrooms or more, meaning they need to have a minimum of two car garage and they need to provide that two car parking, which is the parking apron that's here. In the example that Bill just provided a second ago, it is of note that that project is Heritage Garden -- Heritage Commons. That is an age qualified community and so I think at the time that one came through there were some consideration -- I wasn't here when it was done, but that is an aged qualified 55 plus and these communities that I'm showing you right here at Paramount, this one in particular, is -- is not restricted and -- and these homes were built with three bedrooms or more. We have been looking at this. We know the reality of what you need to happen. I understand what you are saying, Council Members, regarding that setback in the alley, but we were -- we have been very particular about 20 foot setback in the rear of these homes, which are not restricted by age. Again, the -- the specific application for this request is on collector roadways. What we have typically done in the City of Meridian on collector roadways, we have turned our back to them. We haven't embraced. We have some really nice landscaping, but we have landscaping and we have a fence and there is very few openings were people can actually look out on the collector. In the project that we are talking about here, this is a residential collector. It happens to show up on the ACHD plan as a residential collector. We didn't want to turn our back on it. In fact, originally across the street that's what it was going to be, it was going to be a common lot. The rear of the homes no -- no interaction. But in this particular case we have an opportunity to have front porches, have the automobile access to the rear on this collector street and make them very livable. The common -- or the -- the easement is within the lots. It's -- every lot in the City of Meridian has an easement on it. These homeowners will -- will take initiative to maintain it. I mean I can tell you that we have a great tool out there. If it's not the HOA, then, it's next door. We have a very good

opportunity to shame our neighbors for not doing certain things, right, wrong, or indifferent, but it's been our experience on the communities that we have managed and we manage these throughout and we are very clear that that landscaping would be the responsibility of that homeowner in this application when we bring that front porch to the street. We do appreciate staff working on this with us. This is not -- while we did make application for it and we do have a -- a specific project where this applies, this isn't just self serving. There is a definite conflict in the code as ACHD interprets alleyways and the setback from collectors and we just felt like this created a more livable opportunity and so we just simply ask for your -- your approval of this UDC amendment in front of you that would allow for this easement to occur when homes are alley loaded on a collector roadway. Stand for any questions you might have for us.

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

Parsons: Mayor, Members of the Council, I want to go back to some earlier discussions. You said is there a way to -- to make sure we are -- we are -- we have it covered, because you are right, it -- every -- not every day developer is alike and -- but certainly if you look at that -- the proposed language we could make it clarifying that they would get the exception if they also provided the 20 by 25 parking pad in that note and make it clear or we could also add that -- that graphic into the code as what the intent of that note means and, then, you could see through that graphic that there is a 20 by 20 parking pad and that was the intent of it, is that you would -- you could take advantage of the easement, you could take advantage of the ten foot setback if you do these things, you provide a 20 by 20 parking pad, it's alley loaded and meets the criteria and as per the graphic or whatever we can attach in the code. So, you could do that as well if that's your pleasure tonight. I don't think the applicant would have any heartburn with it.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I, myself, would be a lot more comfortable that -- I realize that is not part of this application, but I feel like that if we approve this there could be consequences with -- with the rear setbacks and now all of a sudden what would have been a 70 foot lot or it's a 60 foot lot now becomes a 50 foot, because we approve this and we are -- we are not discussing what's happening on the -- on the alley side, so, yes, I would -- I would like there to be minimum requirement of a 20 foot parking pad and -- because I don't -- I don't feel personally like that's clear and in the sections of code that cover R-15, R-40, where it says there is a five foot alley setback, I don't -- I think it appears that -- now, you are saying that there is parking standards that aren't mentioned in here and there are, but if you have a one or two bedroom townhome, which, you know, we have just discussed this evening the three bedrooms, which would require that the -- the two car garage, plus the 20 foot parking pad, but if we -- if we have a two bedroom home that requirement doesn't exist. Is that what I'm understanding? Yeah. So, either we need to specify if it's, you know, less than three bedrooms this is what needs to happen or we need to just say there

has to be a 20 foot parking pad. I don't -- I'm not comfortable approving this unless we address that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: That sounds great to me. I don't know if we need to take additional public testimony if we are kind of getting to that point, but I think it's a good suggestion that makes up for some unforeseen circumstances where we could end up with density that wasn't originally contemplated. Mr. Mayor?

Simison: Council Woman Strader.

Strader: Unless Council Woman Perreault would like to, I'm happy to make a motion.

Perreault: Go for it.

Strader: Okay. So, I would move that we approve -- oh, I move we close the public hearing.

Cavener: Second.

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

MOTION CARRIED: ALL AYES.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we go ahead and approve file number ZOA-2021-0003 as presented in the staff report for today's hearing date with a modification that -- to take advantage of this exception we will require a 20 by 20 foot parking pad in the alley loaded area.

Perreault: Second.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Would the motion maker also like to add that this illustration be added into the new code?

Strader: Absolutely. Couldn't hurt.

Perreault: Second agrees.

Hoaglund: Mr. Mayor?

Simison: Council -- the motion -- yes.

Hoaglund: Councilman Hoaglund here and, Bill Parsons, do we need to make sure that the Commission verbiage for homeowners association is added as was covered in the -- in the -- in the language?

Parsons: Mayor and Councilman Hoaglund, it's covered.

Simison: Is there further discussion on this item? Okay. If not, all in favor signify by saying aye. Oppose nay? The ayes have it and the item is agreed to. Maybe the best thing to happen to a 737 Max in a long time.

MOTION CARRIED: ALL AYES.

4. Public Hearing for Apex East Subdivision (H-2021-0086) by Brighton Development, Inc., Located on Parcel S1405120902, South of E. Lake Hazel Rd. Between S. Locust Grove Rd. and S. Eagle Rd., in a Portion of Government Lot 2 and a Portion of the SW ¼ of the NE ¼ of Section 5, Township 2N, Range 1E.

- A. Request: Rezone of 32.21 acres of land from the R-4 to the R-8 zoning district.
- B. Request: Development Agreement Modification to allow the proposed development plan.
- C. Request: Preliminary Plat consisting of 97 building lots and 14 common lots.

Simison: Next item on the agenda is a public hearing for Apex East Subdivision, H-2021-0086. We will open this public hearing with staff comments.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Before we start this, unfortunately, I will be -- I will need to recuse myself from this conversation or this discussion. Thank you.

Simison: Thank you. Alan.

Tiefenbach: Good evening, Mayor, Members of the Council. Congratulations to our newly elected Council people. We were all kind of cheering for you out there in the background. It was kind of hard to keep a dry eye. All right. So, this is a rezone, a preliminary plat, and development agreement modification. The property was annexed and zoned R-4. It's part of the south Meridian annexation. It consisted -- this south Meridian annexation consisted of 1,322 acres. There were numerous development agreements associated with this annexation. Each development agreement was specific to the property annexed. This property is governed by Murgoitio -- I always say it wrong -- Murgoitio development agreement. The DA allows agricultural operations to continue until the property is developed and at that time the property -- when it was annexed the city anticipated that there will be rezone and platting for this property. Prior to any development the DA requires that a development plan be approved through a DA mod. So, they can't build anything on this property without doing a DA mod. The Comprehensive Plan recognizes this property for medium density residential, which is three to eight dwelling units per acre. The applicant requests a rezone of 32 acres of land from R-4 to the R-8 zoning district and a development agreement mod to create -- to do this development to allow a proposed preliminary plat consisting of 95 residential lots and 14 common lots. Please note that the number of lots has been reduced. It was 97, now it's 95. I will talk to you about that at the end of the presentation. R-8 zoning district requires a minimum lot size of 4,000 square feet and a minimum street frontage of 40 feet. Preliminary plat data shows that you would have minimum lot size of 6,900 square feet and an average lot size of 8,400 square feet. These are sizes which are smaller than The Keep Subdivision to the east, which is here, but it is larger than the impressive Eastridge and most of the lots in Lavender Heights Subdivision across East -- East Lake Hazel Road to the north. The lot sizes are well within the -- the FLUM designation, which, again, I said is three to eight dwelling units. The plot proposes two points of access from a new collector road. The new collector road is called Recreation Avenue, which is what you see here. Over here to the west is new Discovery Park. The -- let's see. The primary access will occur at approximately the middle of the property, which is what you see right about here. There is also a southern -- a second southern access down here which would align with the drive aisle and to Discovery Park. South Recreation Avenue also provides the primary access to -- to Discovery Park and south Meridian fire station. At some point they are going to be closing off the access of Lake Hazel to Discovery and this would be the way in. For an inner-agency cooperative development agreement Brighton Development is required to construct South Recreation from a cul-de-sac at the south property line -- if you could see my pointer. But down here basically. To Lake Hazel Road. They are going to be required to install ten foot pathways on both sides of this collector. The proposed plat also depicts a ten foot wide pathway running along the south property line. So, there is a pathway which you can see running here, connecting to the Farr Lateral, which is shown on our pathways plan. Let's see. One of staff's recommendations with the earlier plat was the original version of the pathway went straight to Recreation Avenue. Our

concern with that was it would be spilling people off of the middle of the road, you know, people -- pedestrians tend to take the quickest path of resistance, so we were afraid people wouldn't walk up to Recreation, then, they would just be cutting across and jaywalking. We also just had concerns of people, again, taking the shortest approach and just walking across all the lawn, when, basically, it would be a better idea to just realign that pathway. That was one of our recommend -- recommendations. Since the staff report the applicant has realigned this. So, what you are seeing now is the version that they have -- they have recently done. Three common driveways are proposed with this subdivision. The applicant's provided common drive exhibit was demonstrating no more than three units is served, whereas a maximum of four are allowed. They meet all the dimensional requirements. The applicant has submitted an open space exhibit, which reflects 19.5 acre -- percent of qualified open space. This is a little bit less than the 20 acres that went to the Planning Commission. I will talk about that shortly. This includes two one acre properties at -- this includes two one acre parks at the south perimeter of the property. A half acre park, which is a little larger now towards the center of the development, a hundred percent of the collector buffers, half of the arterial buffer, and several trail corridors. The open space exhibit originally included the 55 foot wide Farr Lateral easement, which is what you see here. The original version showed this as being counted as open space. However, the UDC says that protective buffers of a minimum of ten feet in width can be counted, but they have to be dedicated for access -- for active access. So, our -- our feedback to the applicant was if you want to count this as open space it has to be usable open space. The applicant has -- has mentioned that the irrigation district is not too keen on this being used as open space, so they have just eliminated this from their -- their plans and I will circle back in a minute about some of the Planning Commission's recommendations about this. As I said -- so, the Farr Lateral, which is what you see in the yellow here, runs along the eastern property line. The applicant's requested a waiver which -- which -- from which requires piping this. They have been saying that it's cost prohibitive to pipe this lateral. They would prefer to leave it open. The landscape plan includes a fencing plan. There is six foot high wooden fence provided along South Recreation. The landscape buffering along the side of interior trail connection. There is open style metal fencing that are provided along the portions of the open spaces that are visible from internal roads. They have also left most of this area along the Farr Lateral as open style fencing. Staff had concerns with CPTED, Crime Prevention Through Environmental Design. We had issues with what could be happening back there in this lateral, especially if there was solid fencing and you can't see what's going on back there. So, this is open style fencing to help prevent that issue. Okay. In the staff report -- here is the elevations. The original staff report that you got -- the elevations that were submitted were for single family attached. It was duplexes. We circled back to the applicant. One of our recommendations of approval was you need to show which lots are the single family attached. There is also a condition that talks about single family attached, meaning duplexes, have to go through design review. The applicant subsequently said, oops, we are actually not proposing any single family attached, this is all single family detached. So, what you are seeing now here are the most recent versions of the elevations, which are all single family attached. The Planning Commission heard this proposal on December 15th, 2021. The Planning Commission ultimately moved to recommend denial of this application. The reasons listed were the

-- and I will show you here in a second with the -- well, I can show you now. The reasons listed, first of all, were the number of lots that were originally bunch up around here on the north. This is a new version here. The -- some issues around the common drive -- they weren't too keen on the common drive. The issues with -- around trash and service trucks. They had issues with putting a pathway -- with not having some kind of pathway back here. They recommended that if -- if -- on the Farr -- if the irrigation district would not allow a pathway in their easement -- in their easement, one of the things that could be done was to just put a pathway next to that. I don't think the applicant is keen on that. They also were reluctant to up zone from R-4 to R-8. There was a lot of discussion about whether or not there should be a continuous of upzoning. There was a couple of neighbors that showed up that also had the same opinion that we shouldn't be upzoning from R-4 to R-8. I think the applicant will give you a little background, that it was always intended for R-8 and the R-4 was a holding zone. Again, I will let you -- I will let them describe that to you. What you are seeing here -- I have put in little red boxes to kind of show you what's changed between the Planning Commission and what's here tonight. The first thing is that they have -- they have reduced the lot up here and they have opened up this open space, so you can see it's much more narrow. It's wider here. We recommended a better usable open space there. The other thing they have done is this little sort of squeezed open space they have opened it up to make it a little larger and a little more usable. They have -- the original version of the pathway -- which, sorry, I actually realized I gave you the wrong one. It was straight here and they bent the pathway here. What this did was that this reduced the number of lots from 97 to 95. So, they lost two lots. They lost about half a percent of open space. Staff -- as this meets all of the -- meets all the dimensional standards, it meets the density of the Comprehensive Plan, it meets all our Uniformed Development Code, staff was supporting this proposal. With that I would stand for any questions or comments.

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

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Alan, did I read somewhere that -- that Planning Commission was also concerned about the area around the -- the common drives and not being too -- in the middle of the development, the common drives here on the -- yes. Did I understand that there was a concern about that? Because I didn't quite gather if that's the area they were concerned about.

Tiefenbach: The area that they were concerned about was up here. If you look at the original -- the original version, which I don't think I included, there was a few more lots and their opinion was that this particular area was just too crowded. They also had some concerns about the number of lots that were in here, which is why the applicant opened up this. But this is -- this area here is really the area they were discussing.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Okay. My apologies. I thought I read somewhere that they -- they didn't favor any common drives in the development at all.

Tiefenbach: Council Person Perreault, Mayor, yeah, that's true. That -- it's kind of a general statement. Their opinion was they just don't like common lots -- or, sorry, common driveways in general. Numerous reasons. But I think they were talking about parking, garbage service, et cetera. So, yeah, I think that's -- I think that's an accurate statement. They are just not huge fans of common driveways in general.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just -- I can't remember off the top of my head, but could remind us if -- what is the minimum lot size for R-4?

Tiefenbach: I believe it's 8,000 square feet. Bill's nodding his head, so I guess I'm starting to learn the code after being here for a while.

Strader: Thank you.

Simison: If there are no further questions from Council for staff, we will ask the applicant to come forward.

J.Wardle: Mr. Mayor, Council Members, good evening. Jon Wardle. 2929 West Navigator, Meridian, Idaho. 83642. Appreciate the opportunity to be here tonight and be here for our first hearing of this year. Thank you for letting -- letting us come and talk about Apex East with you tonight. Alan did a great job and I'm not going to spend too much time on the details of the project as a whole in terms of the overview, but I do want to provide just a little bit of context here. Alan had mentioned, when we -- this is providing you a vicinity map of a variety of projects which we have had approved or in process with the city. We would call the project marketing as Pinnacle, but the plats are coming through as Apex and so each of these plat areas will carry the name Apex -- like tonight is Apex East. We have previous approved Apex Southeast, Northwest. Apex East is in front of you today and there is also another application, which the city will review at some point in the future called Apex West. Apex East is just on the east side of Discovery Park, which is a great asset for the community. Here is a combined master plan of the project, noting Discovery Park as well, the different phases that we have -- have in process with the city at this time. As mentioned, we did -- we are requesting a rezone from R-4 to R-8 and I will get into that a little bit more in some detail here. It's 32 acres. We are proposing 95 single family lots. Detached single family lots. And now with a density just under three units per acre. The average lot size actually with the change that we did has increased. We are at 8,500 square feet per lot. On the open space, just a little bit of clarification here. The areas highlight in green are the qualified open space. The area in yellow

doesn't qualify as open space per the city's ordinance and I will detail that here in a little bit. But the uses that -- or the amenities will include a play structure in the north, a gazebo and benches in the south, as well as creating the first part of the regional pathway that will connect to Discover Park in -- in the near future. There, obviously, were some items that came out of the Planning and Zoning Commission meeting. There was a question and a statement actually made about compliance with the Comprehensive Plan, the R-4 versus the R-8 zoning and the designation, the standards. The common drive in the northwest area. The open space in Lot 1, Block 6. The regional pathway in the southwest corner and provided you an actual recommendation for denial. Just a little bit of history, which Alan has addressed. But back in 2015 the city initiated a -- a mass annexation of over 1,300 acres. This was done to -- I guess what could be said was to protect the city's investments in that area. No harm. No foul. But Kuna was approaching and the city decided we need to make a statement and do an annexation and plan for those improvements in that area. In this particular property the Murgoitios when it was annexed as an R-4. There was a -- there was a condition in there that said unless rezoned by the city in accordance with UDC following application by the owner or developer or future developer and, then, in accordance with the zoning ordinance designation at that time. In that spirit we did -- we have requested a rezone for the property. On the left here is the future land use map. It really does show a variety of different land uses out in this area, from low, to medium, to high, even some intense regional mixed use as you go over towards Meridian Road and Lake Hazel. On the right is the actual zoning map as it exists today. R-8 is kind of the mustard. The R-4 is a little lighter yellow. R-15 the darker orange. And R-2 is a very light yellow. As you can see that there are a variety of different uses -- rezones that have occurred out here and -- and really they have all been in compliance with the future land use map, which was approved by the city. Of note, the Commission noted that they found that the proposed plat is generally not in conformance with the Comprehensive Plan. That's a little -- it was a little bit of a head scratcher for us, because if you look at the requested designation, which we have here, and the designation on the map is medium density residential and the R-8 is compliant with the Comprehensive Plan. Now, here is the nuance and some will say tonight that, you know, we need to be absolute on these designations and regulations, but I just want to give you a comparison. R-4, minimum frontage is 60 feet. R-8 is 40 feet. Minimum lot size is 8,000 square feet in R-4 and 4,000 square feet in R-8. In an R-4 you only are required to provide 12 percent qualified open space, so in the case of this project it would be 3.86 acres. In an R-8 designation 4.83 acres -- 4.838 acres is what would be required for qualified open space. I'm going to the top here. The minimum frontage on our lots is 59.85 feet. So, we are .15 feet off of the 60 foot requirement. We do have some lots in here that average -- that are a minute square footage of 6,900 square feet, but the overall average of our lots of 8,500 square feet. Like I said, the -- the minimum -- the average size went up and in terms of qualified open space, we have 6.29 acres. So, we could dial the project back and go to R-4, but we are looking for a little bit of flexibility while maintaining the same type of density and that's what we put in front of the city today. The areas that Alan noted very appropriately, I have highlighted here as well. On the -- on the left side is the revised plan given and, then, on the right side is the one which was in the application that the Planning and Zoning Commission heard. We did modify the -- so, the three elements here are the common drive in the northwest corner, the common area in

Lot 1, Block 6, and also the regional pathway in the southwest corner. We did modify by the common drive in the northwest corner. We -- we did remove a lot and created more open space there. In this part -- this is where the city is building their combined fire and police station. This access up here in the left -- up in the northwest corner is actually emergency access as well and so that common drive has a dual function. We did create a little bit of difference, though. Most of these common drives are 25 feet in width and, then, the driveway goes right up to it. This case we actually created it so that there was a path -- a sidewalk. So, there is a detached planter strip and, then, there is a five foot sidewalk on the -- so, that we can actually make a pedestrian connection right out to Recreation and get over to the park as well, instead of having that driveway be, you know, just a very large sidewalk, we wanted to maintain that same look and feel like we have in the rest of the community. There was also -- this -- the note about the -- the regional pathway. On the right-hand side shows the -- the proposed regional pathway plan. There currently aren't any pathways out in this area and we are -- will be making the -- the first connection of that, so over towards the east. I will note on Recreation as well, I highlight it there in red, we actually are building a ten foot sidewalk there, so the regional pathway can connect to the ten foot sidewalk, so I can also get over to the park. So, this -- you know, this will start building out, the city's pathway plan, in south Meridian. I want to go back to just a question or note on the open space. We did have an original design that showed the open space along the Farr Lateral. We counted that. It didn't qualify. And so it was pulled back. So, in the previous plan it was -- we had about 18 point -- point four qualified open space. This new plan we have actually increased the qualified open space. So, the requirement within the zone would simply be -- sorry. The requirement would be -- in an R-4 zone 3.86 acres, compared to 6.29 in an R-8, at least 4.83 compared to the 6.29 that we are showing today. As noted, we do concur about modifying that pathway in the southwest corner. Have no issue with that. There was some question about moving it maybe a little bit farther to the east, but we have the Williams Pipeline. We really just wanted to cross the Williams Pipeline perpendicularly and, then, we will parallel it. It just saves us all some issues later on with their maintenance obligations requirements. There were a couple of conditions, as Alan noted. We will do a little bit better job next time of reviewing exhibits to go in, but we do not have any attached homes in this community. So, Item 2-A and Item 10 are not applicable. Item 2-D, which is the Farr Lateral, it is a 55 foot easement. We have 30 on our side and there is 25 feet on the -- what would you call the east side. Currently to my knowledge the City of Meridian does not have an agreement with the Bureau of Reclamation, Boise, Kuna, the project board, to put pathways within their easement and Boise, Kuna, is -- they -- they want to protect their access to there. We do intend to landscape with grasses up to their existing access road, which is on our side, but we can't put trees in there. We are going to put an open metal fence so the homes will open up to it, but we can't put trees. We can grass it. We would really encourage the city to see if they can come up with a cooperative agreement with them, given that Boise, Kuna, and the Bureau of Reclamation controls so many of those laterals in south Meridian, but we don't have the relationship like we do with Nampa-Meridian and with Settlers. So, it is problematic for us to do that. But by maintaining the easement outside of the lots, should the city be able to get that type of arrangement, let's open it up, let's make that a pathway that the city can use. Absolutely. But I will note from the -- the city's own plan that that part of the Farr Lateral is not on the city's pathway plan.

It is coming to the south over into the park and my guess is this piece of the pathway that shows along the Farr going that way, will have to be outside of the easement, because as it stands right now Boise-Kuna does not allow that. Finally, again, with -- with the recommendation that Planning and Zoning Commission made, we -- we don't agree with their findings, in particular the rezone findings one, two and three and the preliminary plat finding two and five. Apex East is compliant with the Meridian Comprehensive Plan. There is some question about the rezone from R-4 to R-8, but dimensionally and density wise we are the same, we just were asking for a little bit of flexibility to provide -- to let us work the site. In particular, it's not your typical square site. We are wedged up against Lake Hazel with a very narrow neck and the Farr Lateral on the east side and we feel like we have done a really good job designing this project based on those -- those constraints. It is consistent with the Comprehensive Plan in terms of providing diverse housing and it is not detrimental to the public health, safety and welfare. If we came in with an R-4 plat, there really wouldn't be any change in density. In fact, we could reduce wider buffers we have on Recreation. They are not the minimum. The minimum would be 25 feet from back of sidewalk and I think we go anywhere from 37 to 42 feet from back of sidewalk to the fence line. We could reduce other areas. We don't feel like that's the right way to do it when we are talking about the overall look and feel of the project. We do concur with staff recommendations for approval, including the city and agency comments and conditions, including the noted modifications I just mentioned. We do disagree with the Planning and Zoning Commission. We haven't always landed like that. I don't think we have ever had this come up before. It doesn't mean that it's not worth conversation, but we don't agree. The project does comply with the Comprehensive Plan and we request that the city approve the -- the City Council approve the rezone, the preliminary plat, and the DA modification with staff's recommended conditions of approval, with the noted modifications and also modify the rezone and preliminary plat findings. And I stand for any questions you might have.

Simison: Thank you. Council, any questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. I think it might be a good opportunity just to get an update on Pinnacle holistically, so -- we are having a lot of discussions about schools. It's one of the biggest issues that we are having. I think originally Pinnacle, as a whole, was like a ten year -- like a ten year build out. Are you guys ahead of schedule? Can you give us a flavor for the total number of housing units that are going to be delivered, you know, coming up in the next few years? I'm sorry to put you on the spot on the whole thing, but I think we need to get a feel for that given how large it is.

J.Wardle: Mr. Mayor, Council Woman Strader, I appreciate the question. Thank you. With the exception of Apex 33, the rest of the -- the property had -- was part of that initial preliminary plat and solidifying or making modifications to the rezone -- to the zoning as well. Again, this all came in -- all the property you see over here all came in as R-4 and

when we brought forth our first two preliminary plats we also did the rezones that we felt were appropriate for the property as we would build that out. With that said, we have two preliminary plats which are under development right now. Apex Southeast, which is directly adjacent to Discovery Park on the west and south of Lake Hazel. The first phase, which is 77 lots, we are paved, but we are not platted in terms of it being finalized. So, that plat will get recorded sometime here in the next 30 days, fingers crossed. We also have another phase right below that Apex Southeast No. 2 and that's another 60 lots. But we will -- that won't be phased until probably middle of this year, probably May, June by the time that phases and we have Apex Northwest where we are building our amphitheater, the community center, and the future Meridian library here in the corner and we have 56 lots, which are also paved, but not platted, and we would expect to have those delivered in the next 30 days and, then, a second phase of another 52 lots just the north of that, which would be late summer build out for us. So, this year, just off the top of my head, there will be about 250 home sites which will be platted and have the potential to be built on. I also want to note that the -- the donation that we were able to do with Gem Prep has occurred. They have started construction on their school. Their operational date will begin August this year of 2022. So, they are on a fast track to get that built and it is a K through 12 school. They, obviously, will ramp up. My expectation is the younger grades will fill first and those will trickle up, but they have a goal of, you know, up to 550 kids there at the school. We also, as we noted before this -- this body, we have a ten acre West Ada school site. We all know that there are all sorts of conversations there, but that's a commitment we have made and we continue to stand by it. At the time that they are ready to do something that site is available for them. One of the other things that we have done, Council Woman Strader, because I know it's a hot button -- I mean education is a hot button, but the other one that you hear a lot is transportation. So, let me just note what we have been doing. Starting probably within the next two weeks -- I'm sorry to everybody who lives in south Meridian, but that intersection will shut down again. The Locust Grove-Lake Hazel. We are -- we are starting the construction of the dual lane roundabout and five lanes each way on Lake Hazel for a quarter mile, as well as three lanes north and south for an eighth of a mile. That work will start here shortly and the goal is by May we will be paved out and that roadway improvements will be in place. We have also entered into a cooperative development agreement on behalf of the city and ACHD to build another half mile of Lake Hazel, basically at the west end of the city park, going all the way over to The Keep Subdivision. There -- there were some reasons to help facilitate that in particular for the investment that the city has made out in Discovery Park, but getting that roadway improvement done. When that work is done, then, the highway district is going to step in and rebuild the intersection of Eagle Road and Lake Hazel, again, to a five lane standard. That will be a signalized intersection given the grades. We don't want to have a roundabout up there on the hill. And, then, going the other direction. We also have started a conversation with ACHD to build the other three-quarters of a mile from where we will terminate here, all the way out to Meridian Road. It will be a five lane road. We need to sequence that, because we, obviously, have another half mile that needs to get built this next year and we can't have all these intersections and roads closed at the same time, but our idea would be that that piece would get built in -- start in 2023 for open 2024 and, then, I think ACHD's goal on their intersection is in 2024-2025. There is a lot going on

right now in terms of the investment that -- that -- that the city has made in their facilities, both with the Discovery Park and the fire department, but we are also making out there, so that we can have an education piece that's in place from the very beginning, but that we can also have a transportation system that's pretty well built out and we just don't limp along with some additional pavement on the side of the road.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I mean I think that's one of the things we appreciate about you guys, you are a good partner and you help solve, you know, problems -- the problems that come with our growing pains. I guess, you know, I feel like you did a good job answering the question about the total number of units that will be built this year. Have your plans changed in -- let's just say 2023-2024? Do we have an idea? Has it changed the total number of units you feel you will be delivering? Are you moving that forward? Is it according to the original schedule that you outlined?

J.Wardle: Mr. Mayor, Council Woman Strader, I will say we -- we have a lot of lots -- we have many lots coming on in 2022 and that's just a timing question. There were -- I think we all recognize that last year was hard, both from construction, but also plan approvals. I would say -- expect that we would average probably 150 to 200 lots a year and so, yes, we have a lot more coming on right now, but it's -- it's in line with what we anticipated with the project being probably a ten year project. Now that could change, but that's -- that's what we are -- we are still with our plan.

Strader: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you, Jon. We heard an application last week also in the southeast area where it was presented that Gem Prep would -- would relieve some of the concerns in the school district and so despite the fact that applicant isn't financially contributing to Gem Prep, more than one applicant is stating that they believe that that will create some relief and the -- the question came up about whether Gem Prep is specifically for this geographic area or if any student is permitted to attend there and it was our understanding that any students in any geographic area in Meridian can attend there and it wasn't geographic specific. So, can you kind of comment on how you believe this really truly does relieve concerns over school capacity for your development if Gem Prep isn't -- if the students aren't specifically being prioritized for southeast Meridian? That's my first question. My second question -- and if you would rather answer that and me come back at the Mayor's pleasure, we can do it that way, too, because my second question has to do with open space.

J.Wardle: Mr. Mayor, if I can answer part A then. Mr. Mayor, Council Woman Perreault, that's a great question. We actually worked really closely with Gem Prep in their application for a charter. You know, one of the things is it is a public school, so it's a -- if we want to call it school of choice, but there are opportunities for anybody within the community to attend there should they work through the lottery system. With that stated, Gem Prep also noted that there are three priority areas. There is a priority area that -- and I'm not going to be ashamed of saying this, but there is a priority area around Pinnacle. They have looked at what's there and what's anticipated and that's the first. So, if those students come in and they -- in the lottery system they are there, there is space, they would get chosen first. Then they go out a ring from there, which I don't know exactly what the dimension is, but there is a -- there is a dimension in the south area and that would be ring two. That group would -- from the lottery would apply and if there were spaces they would be allowed to attend and, then, beyond that is if there is any other availability when that next window opens up, then, it would be open to the community at large. I -- I think the charter school here provides a short term opportunity, because I don't know that there have been too many of these that have done -- been done in Meridian within a planned community. Now, we do have charter schools in other places, but we felt like they were a good partner, because we do know that, you know, West Ada as well is a high quality partner and we partner with them on land donations and improvements, but we felt like this jumped the process forward where West Ada may need some more time. With that said, we are -- we are committed to education and we still put that on the table that this project in particular has uniquely shown what can be done when we have problems and we went out and found a solution to that problem.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Sorry to get so technical about this, but you are -- you are very intimately aware of our conversations regarding school capacity and the challenges that come with it. When they prioritize that is that the number one priority -- with a lottery system there is a variety of things that the school decides regarding student -- student ability that -- there is -- there is a list of things that they consider when they choose who -- who is accepted, you know, when they apply. Do you know if that geographic location is their number one priority for choosing those students or is it going to come after the other items that are typically considered in the lottery?

J.Wardle: Mr. Mayor, Council Woman Perreault, I can't tell you for sure. I don't know. I do know that there are a variety of items that they consider. Family. So, for example, if -- if there is Gem Prep student currently that's attending Overland and they -- I think they would have priority to move out here if this is closer for them and their family would also be -- so, I do know that they have a great mission. I know that education wise they are -- they are very focused on what they do, but there might be a number of things that would perhaps limit how many students that are directly around here could go in, but they were very clear that they felt like there wasn't a charter school opportunity in this location and they felt like this would be the draw directly here.

Perreault: Mr. Mayor, may I follow up with another question?

Simison: Council Woman Perreault.

Perreault: Would you mind bringing up the slide that shows the open space or where the parks are located. So, just a question about -- I actually find it interesting and not -- not necessary to have -- to have -- not necessarily have that green space there up in the northwest corner per se. I guess I'm trying to understand the functionality of that truly is as it's located -- as it relates to the rest of the development, so was there consideration made after the P&Z conversation about putting some of that green space in the center, maybe around where the common driveways are in the middle of the development and if there was what -- what conversations were had and -- and why were they -- you know, why was that areas not chosen. I just -- it's feels like the -- you know, the -- the open space is at two ends of the project and there is not any -- anything that's really central, especially not having a pathway along the Farr Lateral, it seems like from north to south it -- it's a little bit disjointed.

J.Wardle: Mr. Mayor, Council Woman Perreault, let me go back to one graphic here. Let's not forget that this project directly fronts on Discovery Park, which is a large park. So, just that in context, when we looked specifically at the question that the Commission asked about that area in the northwest corner and I think it was -- it was a valid -- a valid question. Where I have written common drive, you know, this is a -- this is an arterial coming on to a collector and we have a fire station here. Probably not our best planning moment on the right-hand side where we had that lot right over there against there. So, it gives us an opportunity to actually do some berming and do some things to pull that back. We did also look at consolidating the common area in the middle. I think that was a great suggestion about, you know, making it a little bit more accessible and contiguous, so that you had some more open space. With that in mind, we are not at a deficit of open space here. We can talk about, you know, where the open spaces could be and, like I said, we have some very unique locations on this property as we wedge in a few locations. We didn't really feel like there was a need to do something here in the middle where those two common lots were. It wasn't -- we just don't -- we just didn't feel like there was a need to add anymore open space here in the middle, given that we had open space here. They all have really direct access over to the city park and, then, we will have that pathway system along the south, which will open up a lot -- you know, an amenity that's really important for the city, which are the pathways. So, no, we didn't feel like there was a need to add any open space in the middle there.

Simison: Council, any additional questions for the applicant?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Jon, just maybe real quickly. If you can walk through Council -- what are you able to achieve with the R-8 rezone you weren't able -- aren't going to be able to achieve under the R-4?

J.Wardle: Mr. Mayor, if I can, Councilman Cavener, just go back to the dimensional standards. When you look at our lots and I highlight a little box down here below, because there is -- again, there is always a carve out in code; right? But the minimum frontage on the lots with an R-4 zone is 60 feet. When you look at our lots and you carve out the -- the piece in -- down below, which are like knuckles and corners and things like that where you can have wedge shaped lots, we are point one five tenths of a foot off. Could I make that up? I can make it up. Really, the issue is in this grouping right here and I have created two common lots on the end and I could absorb that. So, that -- we can easily fix that. The other one is on the lot sizes. I have some lots which are less than the 8,000 square feet, but could I go through and could I, you know, squeeze things out and make that work? I sure could. These lots right here, they are 7,200 square feet, so all I need to do is add ten more feet on the back in a buffer that's not required, but we actually think having that buffer along the city park is better than having those homes closer to. So, those lots are 7,200 square feet. So, Commissioner -- or Councilman Cavener -- I think I may have called you commissioner earlier. I apologize if I did.

Cavener: That's all right.

J.Wardle: Could we go and hit the exact standards with R-4? We could. But I think we probably also would look very closely at that open space requirement, which is significantly less than what we are providing. So, there are trade-offs and I think if we are going to have trade-offs what is the benefit? Well, the benefit is the density is effectively the same. There would be no change in density. In fact, we probably could go back and look through the dimensional standards and maybe add a couple more lots and still be within the dimensional standards. Based on the feedback, we removed a couple of lots, but we feel like the request for R-8 just allows us to do a little bit more in design.

Cavener: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I appreciate those comments. I -- I think you are right there and it's a beautiful project. It's just a great design. I'm just surprised it isn't R-4. This is a great example of where I would put the minimum amount of open space. Twelve percent is plenty. It's less -- I mean you are adjacent to a regional park, for goodness sake. So, I think if you moved those two lots up by the common drive and put them in where the center open space is, you save an acre, going to -- you save an acre of open space -- minimum open space going from R-8 to R-4 and you move the -- that I mean it's a somewhat minor redesign, but make it R-4, have the bare minimum open space, because, effectively, you have got -- I mean this is the perfect example of why we want to encourage folks to utilize the

regional park. That's where the investment is. So, that's where they are going to go to recreate, which is fantastic. So, that's really what -- how I saw this is -- you just make those adjustments you have described, make it R-4 and -- and utilize all the space, leaving minimal open space, understanding the regional park is next door. It's a great project.

Simison: Is that a question or a comment? Just so -- in case you wanted --

Borton: I don't think I asked you anything. I guess I was just -- maybe you can provide just a brief response to -- to that. I think R-4 is -- you are a hundred percent correct. It is compliant as presented with the comp plan. It doesn't violate its terms. I agree with you. But R-4 meant something. You are right there. You have got an opportunity to do it and perhaps it wouldn't cost you any lots. Because I don't think open space is that critical here at all.

J.Wardle: Mr. Mayor, Councilman Borton, I appreciate the comment. We haven't ever tried to do the minimum and -- but I -- I appreciate the note and I also, you know, respect the investment of the city park there and we -- we intend to use it and use it a lot. We still think that there are -- there are some needs for having some amenity. These are minor. We are not -- this doesn't have a pool, because we have the other pools in the other location and those -- those are -- have some other amenities there that these -- this community will also benefit from. I think while we could put the open space in the corner, feel that it would be -- again, we can look at it, but I feel like having it internal where the residents get that benefit is -- is our preference. But I hear what you are saying, that we definitely -- we could move it over, we could make it so we just hit the R-4 designation exactly and --

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: To close the loop -- it solves that common drive problem, too. I mean you got a fire station next to houses. Even -- even adding that one -- removing that one lot has some impact, but, boy, think if you could just remove those other two adjacent to a fire station and a busy entrance, no net difference in lots. Probably could make a nice kind -- kind of a beautiful entry into the subdivision and you have the same number of lots.

J.Wardle: Mr. Mayor, Councilman Borton, good point. We will have emergency access there regardless. We have to have that given the way that this one is configured. The loop -- we have too many lots with just a single point of access, so we -- we have to provide that access over there, just in case -- if the road got blocked here they need to be able to get out. So, if it got blocked here they could still get out this way, but that's -- so, we were trying to accomplish -- I mean it won't ever happen, but you could probably pull a hose from the fire station over if it was something right there, but we work really closely with your fire department on -- on what we need to do and that -- that access will still be there, it just -- it's a function of where we put the bollards to limit cars going in and out.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, it looks like that on that center most street there will need to be a bridge over the Farr Lateral? Is that something that you would -- would be involved in building or is that something that an applicant on the east side would eventually have to do? And, then, also just wondering with the -- the drive that's in the middle of the -- access that's in the middle of the development, obviously, there is probably not going to be a required sidewalk, because it doesn't -- it doesn't connect to another street on the west side, but will you be putting any kind of safety measures there to cross over to the park or they -- or will they have to walk down to the park entrance to the south?

J.Wardle: So, Mr. Mayor, Council Woman Perreault, I need to look at this pretty closely, but when I -- we have been working on this design with ACHD and with the City of Meridian. I am pretty confident that we have a return on the other side of this road, so when you -- when the sidewalk comes out there will be a safe passage across to the park at that main entrance. So -- so, I will confirm, but it's -- I'm pretty sure there is a sidewalk or a curb return that will receive it on the other side of the road as well, so that there will be a safe passage to the park at the main entrance. As to the other question on the bridge, we actually -- we will be required to either build or trust fund our half of it. So, we are -- we are responsible for doing half. It's been our experience that the highway district actually prefers us to trust fund, so that they have the dollars and they will be able to work that bridge crossing with the other property owner if and when they decide to develop.

Simison: Council, any additional questions for the applicant?

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, I just wanted to add one comment, at least for the record purposes. I wasn't involved with a lot of the discussions with the property owners in the south in the south Meridian annexation back then. The Mayor was -- you were and Mr. Hood was involved directly with them. I did deal with all of their attorneys and I did with some of them. So, they asked for -- this is just a -- just putting some context around the ask. So, there was never a commitment or a promise to the city that a DA modification was an automatic thing. That never was a conversation I ever had. But the conversations I had with the attorneys was the R-4 designation was merely a way to move this forward and get it done. There is not a desire or an intention of the city that it would all remain R-4 forever. And many of the property owners are still the same ones. So, I don't want them to view that -- that the city is somehow now has changed their mind and that is your desire that they all remain R-4, because of this commitment that was made six -- six or seven years ago. It was the context of the discussion about then. We were moving forward to get the annexation accomplished and wanting their buy-in with the idea that something else would come about. Again, never was a commitment that we would automatically

agree to any change, but that we were certainly receptive to change, because we were expecting there to be a change. So, I just wanted to make sure of that part of the context, because not -- not all of you here, again, I didn't talk to the property owners and the Mayor was involved with those, Mr. Hood with Planning was. But I did talk to a lot of them and I did talk to a lot of lawyers and that was one of the concerns they had at the time.

Simison: Just that and I mean my recollection was everything came in as an R-4 as a holding zone. That was the intention. And, then, we had some that asked for a different zoning at that time, which we said no, because we wanted it to be looked at in the context of the current development whenever that occurred. That was my recollection. Thank you, Mr. Nary.

J.Wardle: Thank you, Mr. Mayor.

Simison: Thank you. Mr. Clerk.

Johnson: Mr. Mayor, we have two people signed up. First is Wendy Webb, representing Southern Rim Coalition.

Simison: State your name and address for the record and be recognized for ten minutes.

Webb: My name is Wendy Webb. My address is 2299 East Lodge Trail, Meridian, Idaho. Again, I am speaking on behalf of the Southern Rim Coalition. We were actually contacted by a property owner in The Keep, which is the adjacent property on the southeast corner. They were disappointed in the request to change the zoning from R-4 to R-8. I reached out to our members to see how they felt about the changes, especially with the more recent onset of our affordable housing crisis. Overwhelmingly we all felt the same. We are opposed to the rezone of this plat from R-4 to R-8. I'm not going to pretend that I understand the legal implications or the requirements of the development agreement that occurred seven years ago. If the request is here before you tonight, I am under the assumption and impression that you can deny that request, otherwise, why would we all be here. We are opposed to the rezone for three reasons. Number one is the principle. By changing the zoning in this plat and other applications it degrades the integrity of the plan and those executing the change. Citizens are frustrated and are -- are starting to lose their faith in -- in the city. Over and over again, as you probably remember, the Southern Rim has -- has requested to stop allowing step-ups in zoning. Too often applications requesting step-ups are being presented. What kind of precedence are being set. Yes, this development is really on the low side from R-8 requests, but what about others in the future. If it is so close it should not be too difficult to change the plan and keep it -- keep it as an R-4 designate. I know it was discussed that they could remove the -- the buffer or the -- some of the strips behind the homes and that -- and they could enlarge those lots to make them fit the R-4 zoning. Another option would be to take out one home along that strip and that would also change it to the R-4 -- R-4 zoning by reducing it by one house. Second, proper transition is not being held accountable as the Comprehensive Plan encourages. The property to the east has a very large estate home. The home is less than ten years old recently the owners invested hundreds of thousands

of dollars in landscaping, adding trees, a brick paved drive, an orchard, et cetera. Clearly the property value is high and a proper transition should be encouraged. At the southeast corner of the proposed development the property borders the subdivision called The Keep. The average lot size in The Keep is 33,000 square feet. Very different than the average proposed in the Apex East Subdivision of 8,000 -- I believe it's now 8,500 something square feet. The original designation of R-4 zoning is more appropriate for this land. Third, variety of housing as encouraged in the comp plan is not occurring. Almost everything being passed in the last year is R-8 and above. There is a desire for larger lots. All 58 lots in The Keep were presold. Ninety percent of the buyers and new homeowners are from the local area just wanting a larger lot and more -- a larger lot and more elbow room. Community surveys have shown the desire for and importance of open space in our community. Open space is desired not only in parks and neighborhood open spaces, but also in larger lots. The availability of larger lots are almost nonexistent in south Meridian. Those are the reasons we have for opposing the rezone, but when we look at the big picture we have a repeat of last week's meeting and the meeting that was held in November with the Centerville Subdivision. Until we can figured out as a community how to build three new schools in south Meridian it is absolutely irresponsible to continue to approve any further development -- any further residential applications. Don't get me wrong, we are not opposed to development. It's crucial for our economy for the state of Idaho. It always has been. We just feel like it needs to be thoughtful and responsible. The Southern Rim -- Rim Coalition, we like Brighton. They are a responsible developer. They are one of the most responsible. If all the homes backing the adjoining property where R-4 zoning standards and it was only the homes back -- homes backing Lake Hazel that were R-8 standards, we would still be in opposition. It is about the principle and the precedent. Sticking to the plan and setting a precedent that others can follow. I am only here to honestly represent residents of south Meridian. You need to know how we think and how we feel about these important matters that affect our community. Thank you for your consideration in this matter.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Strader: Mr. Mayor?

Simison: Go with Mr. Cavener first on that one.

Cavener: Thanks.

Simison: I use my ears more than -- than -- so --

Cavener: Wendy, I'm sure that -- thanks for being here tonight. I appreciate it. I'm sure some of my Council Members may dive into some of the questions I may have, but I guess for me one of the bases is now we -- I understand you are kind of representing the Southern Rim Coalition. Does your organization have a basis on which you determine if you are going to support or be in opposition to a rezone?

Webb: We have a mission statement that talks about responsible growth -- about responsible growth -- I'm trying to think how to phrase it. Putting me on the spot. We are fairly loose. We have five people on our board right now and we keep in communication. We are not in a lot of communication all the time. Last week we had a different representative for us speak for the Centerville subdivision. We keep in touch a lot through Facebook. We have a Facebook group. And so before this applicant came to Planning and Zoning I just put that -- I try to be very neutral. I try not to throw any -- anything out there that's nasty or -- or not the right -- right way to go, but I just put in there that the application was requesting a rezone from R-4 to R-8 and I wondered how our membership had felt about it. Within two hours I had over 20 responses and they were all against a rezone and all concerned about the open space in -- in south Meridian. It was very quick.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Follow up. And I ask this, because I think that your organization has really tried to position yourself as kind of the -- the thought leader representing citizens on this side of the dais --

Webb: Right.

Cavener: -- of these things and so it's helped for me to know -- and maybe the Council as well to say these are the basis of why we would oppose this rezone, but if it didn't do A and B, then, we will be in support. It's -- it's a struggle and just seemed very candid for me to kind of -- I think what you are touching on is kind of the arbitrary nature of how your organization makes those recommendations about either being in favor or being in opposition and I'm just trying to kind of wrap my head -- my head around it, because from -- from my perspective I look at this -- again, the R-4 was a holding pattern. I think that's a good opportunity maybe for your organization to meet with the city and under that history, so that you can maybe make some more informed recommendations in the future, but from my perspective, if we have an application that is requesting to rezone to R-8, but their density is being fairly limited -- and, frankly, I agree with your point about it being a little bit inconsistent with the comp plan, because it's almost too low of density based on what the comp plan is calling for. So, those -- those were some of my -- I read your -- your testimony at Planning and Zoning and -- and those were some of the things that I was scratching my head on saying, wow, I -- these are some things that I have heard the Southern Rim Coalition come and speak in favor of and asking for in other applications and to see that brought here and, then, to also continue to -- the Southern Rim come to oppose it, it just -- it makes me just -- I'm a little perplexed about the basis on which you make a termination of this is why we are going to support something and if we are not -- if it's just a polling of members and members say thumbs down and some members say thumbs up and that's how you decide, that's -- that's okay, too, I just -- I was always under the impression you guys had a much more strict process or rubric about how you would determine if you would support -- if you guys were going to speak in favor of something

or in opposition. So, just -- just some of my feedback based on kind of what I have seen in the years up here.

Webb: I think I understand a little bit about what you are talking about. We have always asked for open space and we have asked for lower densities and so it is confusing when we come here tonight and we say we really want R-4. I think it's the precedent. I feel like -- Brighton is a wonderful developer and they put a lot forward to our community, but I think in some ways it's not fair to change their zoning from R-4 to R-8 and not -- and not allow other applications to also change and not every applicant is as good as Brighton and is responsible as a developer, so I feel like we need to be careful with the precedent that we are setting in allowing the zoning changes. You are right, I do not understand the legal obligations with the development agreement and that holding place, but I am a little confused that it was a holding place R-4 and in all the developments that are coming in nothing is R-4. It's all R-8 and R-15 so far. I understand in the Apex West, which is coming up, one of them will be an R-2, but there is nothing R-4 and I think it was -- I don't remember how many thousands of acres. So, I -- I just think we are missing out on an opportunity to have one piece of that stay as an R-4. And, then, also the Southern Rim Coalition -- I miss Susan Karnes. I really do. This is not a place that I'm excited to be, but I do really care about the community in south Meridian. James Phillips spoke last week and -- and he did a great job and he's been an asset to our team. Now I'm forgetting what I was going to say.

Cavener: Mr. Mayor? I just -- I want to add. I don't want the -- you touched on this. I'm really glad you are here, too, and I'm really glad that you are representing the Southern Rim Coalition. I think you have always brought -- it's very evident that you care about our community and you have always tried to be really diplomatic. So, I'm -- I'm glad that you are here and I -- and I appreciate your -- your comments. I'm not trying to -- to joust with you, it's just --

Webb: Yeah.

Cavener: -- I think it would be -- it's always going to be more helpful for me to understand this is -- this is the basis, this is the matrix that an application needs to meet in order for the Southern Rim to support or this is the things that if they occur we are going to oppose it. It helps -- it helps me to -- because I value your organization and the perspective that you bring, I try to tap into that. If I -- if I don't have a consistency about where you are coming from on something it makes it hard for me to understand your opposition or support of when that comes.

Webb: So, to that point a couple of years ago I believe Susan Karnes led a change to -- I'm not sure if it was to the UDC, to comp plan, to -- to stop allowing step-ups and that was the whole -- that was her whole point was to stop allowing step-ups in zoning -- in the changing in zoning. So, that's always been something that the Southern Rim Coalition has fought for is to not allow step-ups. Once the FLUM is -- is in place that we don't have an applicant come before and ask for a step-up. That has always been something the Southern Rim Coalition has -- has asked for.

Cavener: Mr. Mayor, I recognize I said I was only going to have one -- just maybe one more just to wrap this up, then, I will -- I will shut up, I promise.

Simison: Councilman Cavener.

Cavener: So, Wendy, there isn't a scenario, then, from the Southern Rim Coalition standpoint where they would ever be supportive of a change in -- in zoning if it -- if it resulted in an increase in density?

Webb: I think there are some obvious changes -- or some obvious times when changes have to be made, but I don't think this is one of them. I think there -- you know, if there is a commercial aspect that comes in somewhere or the city -- you know, if something happens sometimes there do have to be changes. I can't say hard and fast that there can't be, so --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Wendy. And we do so appreciate having this role in the community of neighbors advocating. I think that's important and I appreciate that you are organized. I think that provides a lot of help in terms of having the conversations. One thing I'm struggling with -- so, they are providing 6.29 acres of open space and the minimum requirement for an R-4 is 3.86 acres. They are providing 2.43 acres extra. If I divide that by 95 units -- and I Googled to find out there are 43,560 square feet in an acre, that means that each unit has as a delta of additional open space of over a thousand square feet. So, what I'm struggling with is if they met the minimum they could easily just get rid of have a bunch of this open space and they would have more than a thousand extra square feet, essentially, per lot, so that's why I'm having a hard time wrapping my head around the opposition to the R-8. That to me is a real challenge, because they actually could easily pass the minimum if they weren't providing that open space. Is that part of the conversation for you guys? Is it just the precedent of it, because you feel like up zones were abused in the past? Is that where this is coming from? Like help me --

Webb: I think you are right.

Strader: Okay.

Webb: Brighton does a great job providing open space and we really appreciate that and it's been really hard in these shoes trying to figure that out. I think it's more of the precedent maybe of what's happened in the past and -- and what's going forward. I mean I -- and I look at the development that was denied last week, they worked so hard with the residents. I really applaud Becky for all that she did. But what it came down to is the schools and -- and you didn't -- you know, you put it on hold, because of schools, and I -- I just -- I'm not sure that it's fair that we do one thing for one developer and another for

another. So, it's nothing against Brighton, it's nothing against development, it's just, you know, setting precedent and -- you know, and the principle behind it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe to get clarification. Maybe Mr. Nary and the planning staff can step in. Certainly the rezone opens up that question, but to the extent that this was just a simple R-4 application, you know, I'm having a hard time seeing -- given that it's already annexed, what ground we would have to stand on to stop it from moving forward. But someone tell me if I'm off base. I believe in would be entitled at that point.

Nary: Mr. Mayor, Members of the Council --

Simison: Mr. Nary.

Nary: -- Council Member Strader, no, you are correct. I mean without -- this is already annexed property. So, the only discretion here -- and, again, the difference between annexed and titled property, even on a DA modification, is now we are going to have reasons that have to go beyond just not in our best interest. They have to be more specific. They have to be more pointed. One thing I can explain -- and maybe that would help at least this witness, as well as whoever is online, the step-ups in the past were automatic. They didn't need -- they didn't need a discretionary choice for the Council to move from an R-4 to an R-8. Now they do. So, Mrs. Karnes did lead an effort to remove that automatic requirement and that worked. It does no longer exist. It's not in the comp plan anymore. So, that was successful. So, it is a decision point. So, you are correct in that the -- the decision still is a discretion on the Council, but as I had stated earlier, again, when these properties were annexed the city's at least response to these property owners were we understand that you don't know what you want to do with it yet, we understand we don't -- we don't know what it will be ultimately, so not only will we recognize that a DA modification is going to be asked for, the city actually paid for it. So, the first time they asked for a DA modification for all of these properties, the cost of absorbing that expense was on the city, not the property owner, because they recognize that something else was going to come in front of them that wasn't necessarily going to be an R-4. It doesn't mean it couldn't be or wasn't wanted to be, but they knew it might be something else. So, those -- those two factors I think are part of the decision that the Council is mulling is because of those prior conversations and discussions and at least minimal commitment to the asking and -- but you are correct, in the past that was a commonplace thing for step-ups, but it was automatically allowed and it is no longer automatically allowed.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Thank you. So, you had mentioned two things, one that -- that this would degrade the integrity of the plan. I assume you mean the Comprehensive Plan. I actually think that us setting a precedence for approving a development that's in our FLUM is setting a good precedence. So, right now the FLUM says R-8. It doesn't say R-4. So, I think that if we are going to talk about precedence, it creates more of a precedence problem for the city not too approve a zone within its plan than -- so, as far as I'm concerned we create a precedence problem by saying this should stay as R-4, because that's not what's in our future land use map. So, there is that element of it. The second thing -- when we talk about step-up, I don't love that phrase. I think it create confusion. To me a step-up only exists if they are trying to get a higher density than what's in -- in the Comprehensive Plan, which they are not asking for. They are asking for what is already in the Comprehensive Plan. They are not asking for R-15, which would be a step-up, unless I'm not understanding the term step-up and certainly I would invite the staff to correct me if I'm wrong about what I'm saying. But this isn't a step up. They are asking for what the -- the Comprehensive Plan has currently marked in there as medium density residential and on the low -- very low end of that. So, I just wanted to clarify those two things, because this isn't degrading the integrity of the plan, they are -- they are proposing something that is in the plan currently, which is medium density residential. So -- so, I just wanted to clarify that. The second thing I wanted to ask is you mentioned the owner to the east, are you speaking on the -- on that owner's behalf? I don't know the owner's name, so I don't know if they are one of the individuals that sent a letter in, but I would -- I would think it wouldn't be fair to speak and make assumptions on their behalf.

Webb: I am not speaking on their behalf. She will be testifying next.

Perreault: Okay. Great.

Webb: I'm just letting you know what's there.

Perreault: Thank you.

Webb: Just letting you know what's there.

Perreault: That's fine.

Webb: And I'm trying to remember all the points that have been made. Is that okay if I -- Mayor, if I go ahead? Thank you for the clarification on the modification development agreement. You are right, I don't know understand that. I am wondering how many other parcels in the city have a holding on them for -- for that kind of zoning, because I -- I do feel it's kind of misleading to the citizens if it's being held in an R-4 we kind of think it's an R-4 and so I just wonder is that happening in other places in the city? I don't know. It's -- okay. I hope not, because that is really hard to figure out and I do understand the FLUM does say medium density. You are right. I shouldn't have -- have said that. It's just going back to what map says R-4. There is too many maps to -- to try and keep -- you know, too many different things and it is confusing when you do -- when they have to request the zoning change. I mean when you see that in a hearing application request to rezone

from R-4 to R-8 the flag goes up and I think that's where the flag went up from all the residents in this area and nobody looked back to the development agreement of 2015 or understood that and so in a way it's kind of misleading for the property owners of that area.

Simison: Well, what might be helpful is for Bill and Bill maybe to get together with the Southern Rim Coalition and provide all those areas from annexation where the current R-4 holding pattern doesn't align with the FLUM, to at least provide that information --

Webb: Thank you.

Simison: -- for future applications.

Webb: Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I want to tease Wendy a bit. So, you weren't happy that Susan did that no automatic step-up now, so -- no, I --

Webb: No.

Hoaglun: It was a good thing. I mean it was something that was no longer automatic, so people can actually talk about and discuss it, so --

Webb: Right.

Hoaglun: Don't tell her I said that, but -- but I'm -- I'm glad to see you are hard and fast on those step-ups. You know, not all property is 40 acres on flat ground with no neighbors around. You know, we have to deal with these unusual parcels sometimes that are hillsides with angles and especially canals. So, sometimes the developers do have to request certain things to make it -- make it work and I guess -- I want to make sure your members understand and -- and Council Woman Perreault definitely laid out the FLUM, you know, the future land use map is -- it's medium density and this does -- does meet that. But we would not approve all requests to step-up. I mean we look at each one on an individual case and what I found being on Council is people vote with their pocketbook and what I mean by that is when it comes to, oh, R-4 to R-8, more homes, less value, it impacts my property values. You know, that's the first thing people consider. And when you really get down into the weeds and you will get there and, you know, hang in there, that's all I will tell you, hang in there, you will get there. The business of government has its own lingo and different things and -- and you are bright, you will -- you will get it. It will -- it will come. But I think if your group can have the discussion about the value of property and a development which you are saying goes from R-4 to R-8, but yet when they include more open space and if you say, okay, if we are going to say, no, you are going to be R-

4, they can have less open space, a little more density, and that's where the value actually goes down. Those properties will be less in value than they are with more amenities and more open space and I think that's what your membership wants. Let's preserve what we have -- and I know density is -- is an issue of any sort. Everyone would love to have everyone five acres, ten acre parcels and, unfortunately, those -- those days are long gone. I live up in north Meridian on the farm, you know, and those days are long gone. But we do want still nice places and we want to have that value protected and people go, oh, that's -- that's a nice development and you are right about Brighton, but is there a way that -- and I think the Mayor offered a good -- a good suggestion of having our planning folks talk to your coalition, but are there other ways that we can help the group understand some of these issues, because it is complicated at times that sometimes that density increased and what they are trying to do will work for them and work for the surrounding property owners in keeping their values steady, as opposed to possibly in their minds degrading their property value. So, is there anything else that you can think of that -- and you don't have to say anything tonight, but think about that and see if there was ways we can help make people more informed about this process and how to look at some of these things that helps them understand, hey, this is beneficial doing it this way, as opposed to just, oh, R-4, well, that's -- that's better than R-8, when -- and that's -- that's what we try to weigh is is this actually a better result by -- by changing this and helping everybody in that whole process. So, I guess I don't have a question, but I definitely would like you to comment if you have one.

Webb: Thank you. We do appreciate the suggestion of meeting with Planning and Zoning and Mr. Nary to understand that. Just another thought. This is just my individual thought, something I haven't discussed with the Southern Rim Coalition. Larger lots, more setbacks between houses, make a property value higher in my opinion, because your property value is not as dependent on your neighbors. If your neighbor doesn't keep their house up and you are five feet away, it can degrade your property value. So, that's one thing that I do -- you know, I appreciate open space, but there is great value in -- in setbacks between houses, too. I think that's what's saved Meridian through the years is having so much lots -- is having big lot sizes has kept the neighborhoods from becoming throwaway neighborhoods. So, I have seen that in a lot of communities, so --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Wendy, yeah, I appreciate that comment. Of course that's where homeowner association comes in and people love them and hate them, so --

Webb: Yes.

Hoaglund: Thank you.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Not so much a question, but just -- you had mentioned that you didn't think that there were other R-4 lots in this area. I'm pretty sure there are some in the -- the northwest section of Apex. Jon had mentioned that there are R-4 lots in that this evening and, then, there is another development that's going to be on Eagle Road across The Keep on the west side -- excuse me -- on the east side that -- that is a mixed size where there is going to be smaller lots and some larger lots. There will be some estate size lots in there as well. So, there are actually some larger lots coming into that area and I'm sure the city would be more than willing to -- to show you where those are going to be, The ones that are approved, and if we are looking at a ratio of large lots versus small lots, if you look at an overall ratio of that area there are a lot of large lots, which means that if we are truly going to hold to our requirement in the comp plan to provide a variety of housing, it would mean we bring more dense housing into the area, not less, and also if we consider not only the -- the ratio of larger lots to smaller lots as an obligation of our comp plan, but also the type -- the types of buyers that can buy from a cost standpoint, there are many lots in that area that are 750, 800 dollar thousand homes and higher. There aren't a lot that -- that are 500,000 and less. So -- so, from that perspective us as a Council have to consider are we truly considering the variety of housing as an obligation and our Comprehensive Plan is not bringing in density actually meeting that requirement for us.

Webb: Yes, I would appreciate seeing some R-4 lots of -- I think it was 33,000 acres that was annexed. It would be nice if -- if some part of that 33, 000 acres stayed R-4. Thank you.

Perreault: Mr. Mayor, to clarify --

Simison: Council Woman Perreault.

Perreault: -- that's not those lots. I'm talking about projects that have been approved already -- that are completely approved. Not the -- not the -- not the properties that are in holding that are designated R-4 that are -- that are annexed, but are not -- not approved subdivisions. I'm talking about subdivisions that are already platted.

Webb: Okay. I'm not aware of those.

Simison: Council, any additional questions? Okay.

Webb: Thank you.

Simison: Thank you, Wendy.

Johnson: Mr. Mayor, next is Mary Affleck.

Simison: And, Mary, if you could state your name and address for the record, be recognized for three minutes.

Affleck: How long?

Simison: Three minutes.

Affleck: Oh, that's not very long.

Simison: You can do it. I have got faith.

Affleck: I don't think so, but I will try. My name is Mary Affleck. I live at 6519 South Raap Ranch Lane in Meridian, the great state of Idaho and I wanted you to have the personal side, but first I want you to know that what you approve we live with and you approved the subdivision to the north of us, which is Eastridge and we lost our view with that. They built it up 60 feet, but I don't think that's in zoning or anything. We got the subdivision to the east of us and that one went from being on an acre to R-4 -- is that right? R-2. Which is better, but some of them are still not even a half acre that they are on. And, then, everything else over there has just gone boom. The Comprehensive Plan, which we thought and you thought was going to be yours in the making, right, went boom because everybody decided to move to Idaho and so we haven't had time to build schools, to get financing for it, and some of these things we just have to slow down on. That's all there is to it. It has nothing to do with even going from R-8 to R-4 or R-4 to R-8, it's common sense and I saw that when Becky was here presenting her subdivision and you just said no, because we are putting it on hold because of this school situation and I think that we need to stop and look at that. Let me tell you some of the other things that we have to live with. First of all, we are losing our house in the front, because it's too close to the road. It makes it too dangerous to have it there. We are losing a half acre of our land. We lost our view. We lost our privacy. We have our moat. Don't take our canals. We hated those, those are so dangerous for kids, but now they keep us from having people come into our property all the time and we still farm that, so we have to have tractors that come up the roads with 50 mile an hour cars and -- and it just gets some more and more people on the roads. I don't know if we will even have a farmer that will be able to do it this year. Last year we lost two, because there is just too much traffic there and they feel it's like New York City. So, we -- we have gained a few things. We gained all of the gophers and all of the voles and it's cost us over a thousand to try to get it taken care of, but we -- you know how that is, it's still ongoing. The guy that came and did it said he's never seen anything like that before. So, we gained that. We gained some light from the streets. We lost our stars. But now we have neighbors; right? Could I say one thing? Because this is really what I wanted to say. They were approved for -- they were disapproved in zoning because of the dangerous shared driveways and that was taken care of. I was grateful to see that. But the other thing that's dangerous is the fence that's going in the back. That canal is not a minor canal. We have a minor one to the -- to the east of us, but on the west side it is a big canal and when you put a fence where the kids can see it, they are going to want to be out there. If we lose our privacy when you don't have a privacy fence there and they -- kids and I know children trust me. I have ten

grandchildren right now and more on the way. So, anyway, I just wanted you to know that I really think it -- I'm not disagreeing with anything that you said about the -- the zoning or anything. It's not going to change anything it looks like on the plan. But I really would appreciate if the fence was a safer fence and more privacy for us. Thank you.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: A couple of questions.

Affleck: Sure.

Cavener: I appreciate you being here tonight. I had read your testimony at the Planning and Zoning Commission and having you here in person I think is just so much --

Affleck: I didn't put any testimony in, so it must have been somebody else. I was there. Is that what you meant? I was there.

Cavener: You testified at the Planning and Zoning Commission.

Affleck: Okay.

Cavener: It's -- where I had -- you -- you had testified, again, about -- about losing a house and losing a family, losing a half acre of land. Was that with your engagement with the highway district or with the city?

Affleck: It is.

Cavener: Okay. Got it. So, this is -- I think what it feels like is a little bit of like Meridian is kind of moving to your front porch.

Affleck: Meridian has moved to our front porch.

Cavener: That's got to be frustrating.

Affleck: It doesn't feel like it. They are there. It's city.

Cavener: Uh-huh. Well, I appreciate you being here tonight and kind of sharing your testimony and giving us kind of that flavor for how residential annexations and applications in south Meridian impact you. I appreciate you being here tonight.

Affleck: Thank you.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: One quick question.

Affleck: Sure.

Hoaglun: Did you talk to my wife before you testified? Because that farm girl wife of mine would say the same thing.

Affleck: I'm from Marsing. I actually lived in Meridian as a little girl and, then, we moved to Marsing. I hate this.

Hoaglun: Yeah. I understand.

Affleck: I like rural.

Hoaglun: Understand. Yeah. I get it every night, too.

Affleck: Yeah. And I like your wife.

Simison: Council, any additional comments or questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I thought one of the interesting points that Wendy brought up was transition. Is there something that you would like to see that would make the transition better in between your property and where this property is?

Affleck: Just the privacy fence. I mean really they are on the other side of the canal. We -- and the irrigation district put up signs that it was private property, because since The Keep has gotten in our traffic up and down that canal, both in driving and in pedestrian, has been pretty ridiculous and they built it up, so we have all of these eyes looking down now into our property.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I think what's a little bit tricky, sort of like different perspectives on the fencing thing; right? So, part of our perspective is a public safety perspective of if the police department can't see what's going on next to the canal, we don't like that either. So, I think that's what they were kind of getting to with the open vision fence.

Affleck: I think you are going to be fairly safe there with the police department right in front of it.

Strader: Yeah. It's just -- we have these standards, you know, for the -- we have really standards for design in terms of the safety and --

Affleck: Do you know what the canal bank looks like? You can only do -- and I'm not sure of the exact regulations on this, but so far the top part is theirs and they come and spray for the weeds every year. So, it's not going to be pretty to have an open look at the canal bank is what I'm saying. I don't know what you could -- what they allow in it, but I have never seen where you can even have greenery around -- along the canal bank.

Strader: Mr. Mayor, a quick follow up?

Simison: Council Woman Strader.

Strader: Have you had a chance to --

Affleck: But you do have gophers that come through and they have to come and take care of them every year.

Strader: I'm so sorry about the gophers and that sounds absolutely horrible and they are just, you know, nasty creatures if there is too many of them. Have you had a chance to talk with the Brighton folks and see if you could work something out about the fence thing, maybe -- maybe you could have a property -- maybe a fence could be built on your property that's higher or something that would help you with the buffering between your -- I'm just asking the question if you have had a chance to chat with the applicant directly about your concerns and if they have --

Affleck: I haven't. He did send me a letter before and that that they were going to have a privacy fence along that side, so -- but I know that they have to do by regulation whatever you -- whatever you tell them we live with.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I was thinking out loud like maybe -- maybe there is a scenario where there is an open fence on one side and a privacy fence on the other side, but I don't want to get in the middle of all this too much. Thank you.

Affleck: Thank you. I appreciate it.

Simison: Thank you.

Johnson: Mr. Mayor, next we have Julie Edwards. And, Julie, you can unmute.

Edwards: Hi, there. My name is Julie Edwards and I live at 1310 East Mary Lane. I wanted to go back to the actual plan for the subdivision and wanted to speak about the common driveways and that was something that was spoke of at the P&Z meeting last week and it wasn't only a concern for that northwest corner, it was also a concern along that eastern side where there are the two sets of common driveways. They spoke of congestion on all three of those corners, say somebody has family in town, folks visiting, a barbecue, whatnot, it not only affects the people on the common driveways, but also on that entire curve, both the inside and the outside, and so, you know, I had suggested last time perhaps keeping the -- where they created the new open space up in that northern circle, you know, having the houses up there and instead taking those two common driveways on the east side and joining them to create a walking -- a walking path and having those four -- four lots as green space and reducing green space elsewhere. So, it was more centralized green space for that subdivision and perhaps less neighbors carrying into the neighbors to the east. I guess the other thing, too, I wanted to mention was that -- so, this is for Apex East and so in the somewhat near future you will be seeing plans for Apex West where they, again, are showing these common driveways that I think will also pose traffic issues there as well. So, I feel like if this plan is approved as is here, then, they will expect that to be approved as is in the -- in the Apex West future plans as well and that's all I have.

Simison: Thank you. Council, any questions?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Julie, appreciate your testimony. The -- the topic of common drives has been hot and heavy amongst this Council over the past year and I think that it sounds like maybe you have experienced some challenges with common drives and I know it's something I think that Council pays a lot of attention to when they pop up. I'm curious kind of from your perspective -- and, again, I don't know if you are in a spot that you can see what the Council is able to see right now with kind of the street access, because --

Edwards: Yes.

Cavener: -- I followed kind of the conversation from the Planning and Zoning Commission about -- about trash and traffic backing up and when I look at these I don't see is a lot of concern about those going on, so is your -- is your concern just based on kind of what you have seen in the past and not wanting to replicate those challenges or do you feel that this particular project with these common drives bring a special set of challenges that we don't typically see?

Edwards: I just think it's over an overall congestion issue and, you know, more so in summer, in snow removal, if there are snowy winters, you know, what I had suggested, rather than, you know, given the way it is somebody will buy those lots, somebody will buy those houses and, you know, it will be fine I'm sure, but to ease the congestion -- you

know, when you are looking on the east side of that subdivision where the -- the northern most common driveway is, there is four lots kind of in that corner cluster. So, if you removed that common driveway and turned that -- those four lots into three lots and, yes, they would be unique shapes, but, you know, I don't think people are opposed to unique shaped lots. You know, that's a space for a garden or a space to plant some fruit trees, a place to put a playground for their kids. So, I just think having something like that would create, you know, less congestion overall.

Cavener: Thank you, Julie. Appreciate your testimony.

Edwards: Thank you.

Simison: Thank you. Council, any additional questions? Okay. All right. It looks like we have another individual coming forward to testify.

McKay: I only have three minutes, so I will be quick. I have known Mary since I was seven. We grew up in Owyhee county. So, we are farm girls. Thank you, Mr. Mayor, Members of the Council. Becky McKay. Engineering Solutions. 1029 North Rosario in Meridian. I'm off my crutches. Still not back to normal. Trying to get there. I would just like to make the comment that I would hope the Council would look at this project just as they looked at the project that I brought before you last week. Councilman Cavener, you said, you know, we need to take a pause, we need to look at the lots that we put online. I calculated 160 students just in what Mr. Wardle indicated they have coming online relatively quickly. This will add an additional 60 students. They are Lake Hazel Middle. They are Mountain View High School. They are Mary McPherson. Gem Prep South is only going to be K through five that first fall and this Council has always been very very fair to me all these years, regardless of who was Mayor, who was on the Council, and has treated everyone equitably and with transparency and if you want the development community to help reach out and solve this school problem, then, that pause needs to be across the board, so that we can unite. If some developers, even good developers with good projects, are allowed to skate under the door, even though the door slams shut on others, then, how are we going to group together and make a difference? Get our BCA, get our other organizations to go lobby the legislature to get -- meet with the school board, to meet with your staff and solve these problems. I can't do it alone and that's what I want to express to the Council and to the Mayor. I can't do it alone. My client can't do it alone. But if you do take a pause, that pause needs to be across the board to help us all get something accomplished. Thank you.

Simison: Council, any questions?

McKay: Did I do it in my three minutes?

Simison: You were well under.

Cavener: New high score.

McKay: Geez. For once. Now I get a credit. I appreciate your time --

Simison: Thanks, Becky.

McKay: -- and I know you guys work really hard at what you do and I sure appreciate it and I'm glad to see that you are all back and he almost made me cry. Family's everything. I appreciate that.

Simison: Thank you. Is there anybody else who would like to provide testimony on this item? Anymore out there? Okay. Seeing none, if the applicant would like to come forward and as he does, Alan, just a question for you or Bill, is there cross-access to The Keep into either one of the proposed properties? I'm just curious looking at what the cross-access is currently proposed and how that's supposed to align or not align with the one to The Keep.

Parsons: Yeah. Mayor, Members of the Council, the stub street the applicant is proposing does not align with the stub street that was approved with The Keep, but we -- given the shape of -- I think it was Mary's property, it is -- they are both triangular and so even though their road may come up and maybe stub there farther to the south, if it winds up and ties into The Keep, there may be an opportunity for some integrated open space down in that lower corner around the canal enhancing the pedestrian connectivity and that's something that we spent time with the applicant trying to determine how that would work in the long -- in the plan and so we had asked them to somewhat show how that could work in the future and this is what we got from them, but I'm sure Jon could elaborate on that, but, no, they do not align.

Simison: Yeah. I guess that was my essential wondering if --

Parsons: They are stubbed.

Simison: -- pedestrian access made more sense here than vehicular access overall long term.

Parsons: Well, on the -- yeah. When we met with the applicant our concern was if we didn't get a connection here, then, we are forcing people onto an arterial to get to the park, but you are right, pedestrian connection can make that -- we didn't want people to get in there car -- we hope they walk to the park, because it's so close, but being human nature -- because The Keep doesn't have an access to Eagle Road either, their two accesses come off of -- or, excuse me, off of Lake Hazel. Their two accesses come off of Eagle Road and I don't believe there is a stub street to the south either from The Keep, because of the lateral, so, really, The Keep has two ways in and out only and then -- so, if we don't get connection between these -- these two properties, then, everyone is going out on the arterial to get to the -- to the park or have to wait for other properties to the south to develop and create that collector road that we have planned out there. So, it's a timing issue really.

Simison: Okay. Thank you. Sorry about that, Jon.

J.Wardle: Mr. Mayor, Council, for the record again Jon Wardle. Again, thank you for letting me come back up tonight and just have a couple comments before we conclude the meeting -- or at least our part of the hearing tonight. Just -- it's important to just re -- to hit this point again, that there was an annexation done in south Meridian that included 1,300 acres. There were plans made, both transportation wise, public work wise, and also anticipation by the school district of what would happen out here. So, those have been built in. Are there -- are there capacity issues? There are. Are there solutions? There are. Some easy, some hard, and some probably haven't even been put out on the table, but they are conversations. But this is -- this is the way that this has been done. Are there better ways? Yes. But there are mechanisms and we feel like we have been able to come together and provide some really good planning for transportation and for schools. We understand what you are saying, but the -- or what has been said. But this property is annexed and zoned. It's in the city. There has been provisions made for those things. I understand what -- what Ms. McKay has said tonight, but, candidly, their project isn't annexed. They are making a request. And we -- we have -- we are annexed and the city made a provision out here that at the point in time the development community came forward with plans it was anticipated that rezones would occur and they would be -- the guide for that is the future land use map. I have interacted with Wendy over the years. She's been involved in our meetings. She and a couple other Southern Rim Coalition members came to our office pre-COVID. I do know that she did post out on Facebook about this request. I did take exception to it. Actually tried to interact with some of the neighbors on -- on Facebook. The -- what was put out to the membership was this application goes before Planning and Zoning, the developer is asking for a change in zoning, the parcel is zoned R-4, minimum lot size is 8,000 square feet and 60 foot minimum streets. They are asking to change to a zoning of R-8, which is a minimum 4,000 square feet and 40 feet minimum frontages. What do you think? There was no discussion until I brought it up in that conversation about what the proposal really was and so, of course, I'm going to raise my hand and say, yeah, I don't want an R-8 lot. They are 4,000 square foot lots. But there was no context and when I tried to interact with members -- and it -- you know, it's social media, you -- you do what you are going to do. I know, Mr. Cavener, you are out there every week taking hits here and there. I thought context was important, but it wasn't -- it wasn't mentioned. So, with that said, again, the future land use map is -- did anticipate medium density residential. We are sensitive to the issues that have been raised. One of the things regarding the -- the canal between us and the Affleck property is the canal sits high. It's about five feet on our side -- the canal is five feet higher than the property we have below and that easement is at the toe of that slope and so any fencing, whether it was solid or private -- or open, it wouldn't clear, basically, the -- the canal. The canal access just does sit high and so even if that was an opportunity and the city does have the preference for open metal, a solid fence wouldn't help either way, unfortunately, given the location of that canal. Just in conclusion, a precedent has been set and the precedent here is the city made a request of property owners to bring those properties in and that the anticipation was that they would rezone in the future. You see what's in front of you in this future land use map. If we roll back to 2015 none of this property would show that being in the city and if we requested to be

annexed into the city today we would go back to the future land use map. We did have a conversation with staff early in the process. We did consider doing an R-4 zone, but because of these small tweaks on the changes and frontages, as well as the square footages, we felt like by keeping the density low, but providing the open space, that this would not be out of character for the area. It is different for sure. Very sensitive to what -- what the Afflecks have experienced, you know, now being surrounded on all sides and also I know that they have -- they have worked and we need to, you know, applaud them or thank them, but they have worked closely with Ada County Highway District to come up with a way that that roadway could get expanded and that is an impact to them. So, I don't want that to be minimized either. The last item that I just wanted to hit was there -- there is a lot of discussion about common drives and, in fact -- and the most recent UDC -- or maybe it was the one before, there was a modification reducing the number of homes on these common drives. We -- we recognize both what the concerns may be or are. In this case we are doing two homes on each common drive, so it's minimal. The other option is to do large wedges with, you know, the requirement of the city is 30 feet of frontage and in this case we would have a common drive, which is effectively the same thing for a couple of lots. Welcome the opportunity to have that conversation with staff further about common drives, but we do -- we -- we are working within the zoning ordinance that's there and we have tried to minimize that. We do recognize that there are decisions and discussions that need to occur, but in the case of this project with a mass annexation that did occur, those decisions did happen and the city provided the mechanism by which rezones could happen within the context of the project. Again, we are annexed and zoned and we are just asking for a modification with an R-8 zone. We have noted the -- the conditions that are not relevant given that we aren't doing attached homes and we also are in agreement with staff's recommendation on modifying some of those pathways -- or modifying the pathway in the southeast. One note -- I looked at the plans really closely or quickly, but I did want to confirm for Council Woman Perreault that we actually do have pedestrian ramps and receiving on each side at that intersection. That's built into the plan and so when that road is built those pedestrian connections will occur there, there, there and there where the public roads are. We are asking for your approval of this project, modification of the findings that Planning and Zoning Commission passed on to you as a recommendation and so that the preliminary plat could be approved, the DA could be modified, including the rezone to R-8 and I stand for any questions you might have.

Simison: Thank you. Council, questions?

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If you guys could go back to the site plan really quick. Yeah. One thing that's kind of driving me crazy is, you know, some of these here on one of the common drives on the east side, just the amount of -- kind of walking around they would have to do to get that connectivity to the other side. I actually thought one of the folks provided some interesting testimony and -- we don't like common drives clearly. This fits. It's not a huge

amount off of common drives, but did you guys consider, you know, running that road through, making more of an A shape, just because it does -- the connectivity just feels a little cramped here in terms of how somebody would get, you know, maybe to access the open space, for sample, in the northern part of the property, like they would have to really walk a pretty circuitous route. Just wondered if you thought about extending that road as was suggested?

J.Wardle: Mr. Mayor, Council Woman Strader, we actually did look at making that road continuous. One of the negatives of that is, then, the road becomes too long and, then, we have to provide traffic calming. So, here is the give and take, right, and so we intentionally didn't make that connection. You know, we kind of have some built-in traffic calming over here with the way these intersections -- but that would be one continuous road with just homes on the side in front of it. We have done other projects where we have had a common drive and, then, we have continued it -- a pathway through. That's -- I think that's a good suggestion we could look at there and, you know, basically, there would be a common lot through. The common drive for that one would stop there, but, then, a pathway would come through connecting both of those. But given that we are just talking about, you know, really two homes that access it, you know, we don't feel like it will be overloaded by -- you know, with some of the concerns. I think the changes that the city made reducing that -- you know, the number that you could put on there was a very good change and I think we have -- we have tried to use them in a location where you do get a little constrained on the frontages and this is the -- the design that we feel will -- will work well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I just want to make a comment just like where my head's at in terms of south Meridian. You know, I'm -- I'm really struggling with adding any additional students to this area right now and I know you guys have brought Gem Prep, you donated land, so I feel like you are exceptionally proactive and, you know, I appreciate that. If this was an R-4 it would go right through, it would be entitled, there would be no discussion and maybe this is -- I'm talking out loud. Maybe this is what the purpose of a moratorium really is, to take that pause and have an equal playing field for everybody while we all get on the same page. We can't even get our arms around the students that are going to be delivered on an annual basis in this area. I'm just having a really hard time conceptually with that and this rezone is the only leg to stand on to say no to this. I also don't -- it feels a little cramped in some areas to me as well, but that's just -- that's just kind of where I'm at and it's -- it's hard, because it's not -- it's not Brighton's fault. I think you guys are doing all the right things, I'm just sympathetic with the argument, like why are we considering development in this area at this time until we can figure this out, but this is annexed, so it -- it is a little -- it is a little different. Just talking out loud.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Recognize the applicant's here before us, but I appreciate kind of the vocalize and kind of what's in your head and I guess maybe I will -- I will continue on some of that, because, frankly, when I -- when I looked at this week's agenda that's exactly where I started is where Council Member Strader did and I think that's where the struggle is is if this wasn't an annexation before us I don't think I would be supportive, but it is annexed and -- and the piece that I'm -- I'm wrapping my head around is what is the least amount of harm to the schools at this point; right? What is going to generate the least amount of students. So, does this just -- at three units per acre generate more students or -- which I think was a really unique suggestion from Council Member Borton, which is let's hold to the R-4, let's reduce some of the open space, because we have got this great park, we know in doing so, though, it's likely some additional units are going to come on with that and, then, adding -- not an overwhelmingly amount, but every student really matters in these conversations and so that -- I started where you are. I don't know quite where I have landed, but I appreciate your perspective on that. There is not a question for the applicant about that, but I did have a question, if I can, Mr. Mayor, just about that -- that collector that feeds into the neighborhood. I appreciate that there aren't homes that, obviously, are accessing that, but just past experience have shown you put a collector near a park that becomes de facto parking for softball games. I assume you guys put some thought into that. What's the width around it? Are we going to -- are we going to sign it no parking? Are we going to sign it no parking one side? I just -- I -- I know that this gets built and one of these future residents are going to call the city upset that softball players are parking on the street and Mr. Nary has been through those rounds, I have been through those rounds, Settlers -- I mean Settlers Park, you look at Mountain View High School, you name the park people go to, the least -- you know, parking of least resistance. So, maybe -- I just threw a lot at you. I'm curious kind of your thought response to the work that you guys put in to maybe address that.

J.Wardle: Mr. Mayor, Councilman Cavener, we had the same thought, the same concerns. So, as we have been working with the highway district and the City of Meridian on this cooperative development agreement to get this road built, as well as Lake Hazel, we were adamant that there be no parking on Recreation. Our conversations -- at least on our side and I can go back and I can look at that, but no parking at least on the east side of the road. Our conversations I believe with city staff was that there -- there will be sufficient parking inside. I know exactly what you are saying about Settlers Park. You find a place to park on the street and that's what's going to happen. The idea here is to -- to make it not convenient for that to occur on that public road. Will there be somebody who parks in the neighborhood? There will. And, hopefully, our neighbors decide that they can just walk across the street and not drive their cars over there, which would be good as well. But, yes, that's a design element where we are not having parking on Recreation on our side. If you give me a moment I can look in some notes or I can clarify it in a follow up later on.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: My suggestion would have been on -- on your side to sign it no parking. So, if at least that's where it's headed, that -- that's sufficient, at least for me. I don't have any other questions. Thank you, Mr. Mayor.

Simison: Council, any additional questions for the applicant?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just real quick, Jon. You know, as the conversation revolved around the common lots and with the common drive and those lots and you certainly are well within -- we did reduce that from four to three and you went with two. So, that to me is -- you are doing it right and whatnot, but I was just wondering if you take the two middle lots and throw those back to where that bigger open space is there at the northwest and, then, make -- yeah. Up there. And put those side by side kind of like you had previously and, then, put some more open space right there and, then, you just use the common drive for one -- one lot, but that's -- to me it -- and, then, you -- then you build in the little pathway, put in the bollards there for the driveway, so people can't drive through, but they just walk through and, then, use that -- that as open space to walk the dog, whatnot. But that's the only thing I could see that I would go -- I would be interested in that. But over -- overall it's -- it's -- it's a good deal. But is that workable? I mean that seems like it's one stumbling block overall and it's -- it's -- it's a great project and you heard my comments about value, you are adding value to the community in a bigger way than I think you are -- would have in the R-4.

J.Wardle: Mr. Mayor, Councilman Hoaglund, I appreciate the comment about some -- some redesign elements here. There, obviously, is a chance to fine tune that at a final plat, just to see if we can make some of those changes. I do -- you mentioned the word value and I just want to -- I'm going to just maybe drive this point home. When there was a transportation question in south Meridian Brighton stepped up to come up with a solution to work through that. When there has been a question about schools, Brighton has stepped up not only with donations of land for a charter school, but also the promise for a future public school. I -- I appreciate that we are all in this together, but we -- I think we also need to recognize that we all need to be doing similar things and not just letting somebody else do it. This is not a woe is me moment. We are very intentional in doing this, because we know that the communities we want to create need to be lasting value and so let's try to do something where we can get the infrastructure in place. I understand the conversation regarding schools and education, but in this case we don't feel it's applicable. We are annexed into the city. Yes, could we come back with an R-4 zone and meet the dimensional standards and like what -- likely add a few more lots? Yes. And we would meet the criteria. Not -- not trying to diminish that conversation and it's a good conversation, but it's a conversation that, you know, our partners at West Ada need to be involved in as well and I'm just hopeful that you can recognize that this has already

been considered in the overall planning of south Meridian. So, I just wanted to kind of drive that point home that the value that we are creating isn't just for this project, there is value for a much greater community where we are trying to make things happen sooner than later, so --

Simison: Council, any additional questions, comments? Well, I will just weigh in with a few comments from my perspective and to your point, you could have come in with an R-4 and not even gone through this process and put in whatever you felt was appropriate, but you took the time to go through the process to create what you think is a better project for whatever reasons from your standpoint or otherwise and I think that there is -- there is value in that even occurring, because you already were entitled and maybe you would have done something, but may not have had to ask for a rezoning, et cetera. The city -- in my opinion -- you know, I was on staff -- I was a staff member, I wasn't up here, but there was a commitment to the property owners down here that, hopefully, the development would occur at the right time and this project is already moving forward, it's already annexed in a lot of ways down here and the things that you spoke about, the investments, improvements that you are helping make for the community does speak volumes about what is being done. Just on the basis of this project personally I think it -- like I say, you could have done this without coming before us, in my opinion, with small touches, but you are trying to make it better and I think that that's a testament to kind of -- I'm going to attribute this to Phil McGrane talking about something in a campaign election that maybe he didn't even have to bring up, because the only people that would know were the people behind the scenes that they have never talked about ballots not being rotated properly, because it takes integrity to come forward and talk about projects in a time when people are questioning projects and have an open conversation about the -- what you are trying to do and why and let the dialogue occur. So, hopefully, that -- hopefully for Council, you know, we do have to take everything on their own merits and their own ways at their own times, but not every project is equal and the same and I think that's been proven out by this Council for years in a lot of different ways. The last project in on McMillan Road gets denied for five acres was surrounded by everybody else, because they are the straw that broke the camel's back. Everything is taken at the time it's considered for its own merits for that reason. So, encourage your dialogue and consideration on it, but I applaud you for, quite frankly, daylighting the proposal and bringing it forward and talking about everything that's occurring and giving the community an opportunity to weigh in, when you probably could have avoided that if you really wanted to in a lot of ways.

J.Wardle: Thank you, Mr. Mayor. Thank you, Council.

Simison: Thank you.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: It was pretty clear where I thought it made the most sense. It's a great project that's a hair away from R-4. I would be supportive of it as an R-4, even if it was -- had an

additional lot. I think it's a good example where open space should be minimal, if at all, because it's adjacent to a regional park and it sounded like and it looked like in the presentation there were some minor adjustments that could be made that would allow this still to have the same number of lots, still be successful as designed and -- and maintain that existing zoning. We would see a pre-plat and a DA modification and it might look almost identical and he probably could solve the issues up in the northwest corner. So, to the extent that it's annexed with that zone it would have proceeded, assuming the plat and the DA modification. So, our community brings up -- make some good points on their end of it, too, that we all take to heart. So, that's -- I'm leaning to asking for those minor adjustments and see an R-4 application. It would look very similar to this, so --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I respect Councilman Borton's, you know, consideration and what he views. My view is a little bit different. To me that R-4 is -- was a placeholder as they -- they talked about and I look to the future land use map, what it was and that's medium density and that's what this is it meets. So, this -- this was to come before -- before us, whether Susan Karnes made it happen or not, that was the plan from the beginning for that placeholder. So, development projects would come in and we could take a look at them and have this discussion about what that looks like and to me this -- this meets improved value over that R-4 designation and -- and I think that's important to the Southern Rim Coalition residents. It's not saying, hey, you know, we are just ignoring your concerns, but it's actually considering that if this has a higher value, then, that's a good thing for that whole community out there and I know, Mary, it's not going to be the same as it was, but at least the value is -- is -- is going to be improved if -- if we move forward with -- with this -- this request. Just kind of -- kind of my take on it. A little bit different than Councilman Borton's, but just how I view it.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think where I'm probably going to land on this -- at the end of the day I think the Planning and Zoning Commission's reasoning was well thought out. I want to support them. I feel like this is zoned an R-4 -- I -- I'm not supportive at this time of future annexations in south Meridian until we get the school issue figured out. I would like to see what an R-4 would look like. I wonder if it -- how -- how -- how it would look and I think it's possible that there will be a little bit more density, maybe not. You know, I would like to see what that looks like. I don't think the request was a huge ask, I just think given the acute situation in this area I'm going to stick to my guns on the R-4. That's where I'm landing.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I don't -- I don't see any benefit necessarily, personally, to -- to -- to see this as an R-4 versus what's been proposed. I -- I like the preliminary plat other than the few exceptions that we talked about, the design changes that the applicant seems amicable to make. I have no issue with the DA modification, but still very much concerned about the schools and I am hearing the public loud and clear about keeping consistency as we make these decisions and I'm wondering if the Mayor believes that the future meeting that we are going to have with West Ada School District here in the next month or so will provide enough information to us about this area of Meridian that it may give us more clarity on this project and whether we should consider continuing it until after we have that or is it going to be a high level meeting that's really going to be about Meridian as a whole and sort of a district wide type of conversation and I'm wondering if you could share your thoughts on that, so that -- that that would help me have some understanding about whether we could potentially wait and see if the district has some solutions for southeast Meridian in the near future. Which is the reason that we postponed the Centerville application.

Simison: I think Centerville was also hoping that the legislature would come up with some proposals related to schools as well -- as much. I mean you are asking me a crystal ball on what two new trustees even bring to the table and I think they created a new board chair on Monday night, so we have a new board chair leadership with a new vice-chair and at the end of the day, even if they decided to run bonds and tell us that they are going to run bonds, but they aren't going to do that until next September, if that was their solution what does that mean to this Council, you know. So, I can't -- I can't answer in a real meaningful way for you what the outcome of that conversation may or may not provide in determining what to do about these situations. That's the best I can do for you today. You know, I have not spoken with either the new trustees or have any idea what their thoughts are on these issues.

Perreault: Thank you.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Replaying a lot of the past eight years in my head tonight -- and no tears I promise -- but I was one of the two Council Members that was a part of this when we approved this mass annexation in part to protect our border and to more accurately plan for our city long term and so it's a good reminder that while I knew that, it sounds like maybe -- and we did many public hearings, that was also six, seven years ago, maybe a good opportunity, particularly as we are starting to see some requests come in that we do maybe a refresh with our citizens and remind them of the history, but I'm also like hearing visions and envisioning Susan Karnes up here telling us to follow the FLUM and to look at that and I think the FLUM has been such an important piece in part because of this mass annexation and so to Council Member Hoaglund's point this has been listed medium

density residential. It's -- it's also the reason, Wendy, why I asked you, you know, what would be the basis that you would support a rezone, because for me if it -- if it results in a lower density, that -- that's something that I can get -- maybe wrap my head around and I think this project does that and I know it's silly that we are talking about one or two or three units and that maybe means one or two or four or five students, but right now in south Meridian, four or five students makes a difference. I appreciate Ms. McKay sitting through our long meeting and providing some good context of the totality about -- about this project. I don't think any member of the Council would ever want to hold a project as a political tactic to further our efforts. We appreciate what you and your colleagues across the valley are trying to do to help us solve these problems and like I mentioned, frankly, if this was an annexation request I wouldn't be in support, but that ship sailed. We annexed it. We are paying the piper for the decision that we made to plan better six, seven years ago. So, because I think that this project would result in a lower impact to our schools than if this came through as a regular R-4 and because I think the changes that the applicant has made in response to the Planning and Zoning Commission, I think I'm supportive. I also hold, though, like we all do, the recommendation of Planning and Zoning in high regard and I read the minutes multiple times while I was recalling your testimony as I read the minutes, Ms. Affleck, that -- and the Planning and Zoning Commission really wrestled with that particular piece. I think that I could be supportive of the rezone request. I think it -- it ultimately is a better project than if this came through as an R-4 for this particular project.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: The school issue pops up again and it's not going to be the last time that it pops up again and that's one, again, you heard me last -- last week on this. I will jump on the soapbox real quick. I don't think we can pull out the rug from under the developers who were before us previously and are coming before us that have applications in the pipeline and all of a sudden just say, oh, nope, too late. It's an issue now. I -- I think we have to look to the point in the future and say, okay, from that point forward there is going to be a moratorium or whatever you want to call it, but I think we have to act on these as we have been and this one is entitled. I mean this one really is a stronger case. I know annexations you can -- you have -- have -- we have more leeway on that, but even that one, because of the timing, the investment they make, the understanding of what the community is doing to not be heard a basis on the application or what we are doing -- and I look at this location, you know, Councilman Borton, you point out to and, you know, there is -- there is good arguments about, well, you are right next to a park why do you need this open space, you know, and the R-4 argument. Yeah, you know, right next to -- that was our -- it's a priority growth area and we did that and we did it intentionally and now we are doing phase two and we are going to do a police station -- I mean a fire station is being built and someday a police station. So, are we putting those on pause? If we are going to put all development on pause, then, stop spending money on that, then, and I don't think that's the intent. I think we have to move forward with our responsibilities of water, sewer, police, fire, the response times, those types of things and working in

conjunction with West Ada we have got to get this figured out or at least make sure we all have the same information and keep it flowing, so they can make informed decisions on what's coming, where they are in the process, and we know the same thing and -- and I'm -- and if there is going to be a major crisis, then, yes, we would have to tap the brakes and Council Woman Strader is correct in that we need to get that information. We need to understand it. But, again, I think, okay, we need to do that, there is a process to do that, there is time to do that, so let's go out here to that future point and say, okay, we are going to handle all these based on their merits under the today's considerations and, then, when we reach that point in time, if that information comes in, then, we can say after that nothing -- nothing further. To me that's -- that's just a matter of fairness. That's a matter of working together with other community partners who have invested a lot of money, time, and energy into this, including property for schools, to -- to -- to make things happen, to meet the demand that's occurring in our community. It's a big challenge, but that's still -- okay. I will get off my soapbox now, but I'm still there.

Simison: With that, Council, are there any motions anyone would like to make to close the public hearing or otherwise?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move that we close the public hearing on H-2021-0086.

Cavener: Second.

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

MOTION CARRIED: FOUR AYES. ONE ABSTAIN.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just briefly, Mike, Jon, I have made it kind of clear where I'm coming from. It sounds like this -- this thing has got the votes to go forward. I will be voting against it just for those reasons. I just -- I wish it was -- those minor adjustments were made as an R-4 for the reasons explained. I'm not a fan of open space in this circumstance. I think it's unnecessary and if it provided an extra lot so be it. I just think it can get better utilizing the zone that's existing and the end result would be better. So, for those reasons I will be voting against what I think will be a motion to approve. So, just wanted to give that explanation.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I'm still struggling. I'm just having a really hard time with it, being open about it. I think what I'm really struggling with is, you know, it's okay to say when we think it's catastrophic we will turn off the pipeline, but I'm not -- I'm not getting alignment around when that is and I think we had the former chairwoman of the West Ada School District tell us that we are in a catastrophic situation. It is catastrophic is what I'm hearing and I'm just really struggling. I'm a no on annexations in this area going forward. I think in this case Councilman Cavener made a pretty compelling argument that maybe the rezone actually does result in a smaller -- fractionally smaller delivery of students. I wish we could take a pause. Much prefer taking a pause as Council Woman Perreault suggested and in the absence of that I do think the -- the R-8 is probably the right answer. I just -- we have got to get to some alignment around this and when is that time, you know, I -- I think that a moratorium makes a lot of sense to give us the time and whether it's six months -- these folks are going to have a very easy time delivering 250 units in this area of Meridian already. I don't think that would slow down their business plan that much. But I think in this case I probably will vote for it, given the investment that they have made in the schools themselves. I think the developer rose to a level of providing a charter school, providing additional land for West Ada. They have proactively helped solve the problem and that's probably enough to get me to change my vote, but I'm just really uncomfortable. So, thanks.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I hope Council Member Perreault won't be upset, but she kind of mentioned this when -- you know, get a heartburn every week and I -- I don't think there is anybody that's up here excited about the decisions that we are making right now, whether it's approval or delay or denial -- I mean each of these have big challenges and I think that we hear from so many in our community that make good points. So, I think that we are all on the same page. These are always challenging conversations. I think until we have got a clear pathway about how we can or can't move forward, we are going to -- I will start bringing the Tums, because I think we are going to need a lot of them. I did have a question for Council Member Strader. You had inquired during kind of some of your pontificating about a pathway being connected between those common lots. Is that something that you were hoping would be included within the developer agreement? I mean it sounds like the applicant was open to that. I just -- I wanted to make sure that should a motion be made that we are capturing at least all the elements that Council had talked about tonight.

Strader: I appreciate that. Yeah. I do think the pedestrian pathway would be really helpful in that area at a minimum just for connectivity. Appreciate that.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I have a question for Alan or Bill Parsons on -- on a motion. There -- there is a lot of moving parts on what they had asked for. I mean we are -- we are -- you know, I would make a motion for the preliminary plat and development agreement modification -- with the DA modification of staff recommendations and there was some things about modifying the rezone and preliminary plat, but I -- I may have that wrong.

Parsons: Mayor, Members of the Council, I can probably shed some light on that. As you know this came to you with a recommendation of denial. So, essentially, we struck all the conditions of approval, because there aren't any, because it came to you -- so, if you are going to reinstate an approval, then, the conditions of approval that we had written prior to the Planning and Zoning Commission are still in place and so that's why the applicant brought it up is because they have modified the plan based on what the Commission asked for, so we just have to make sure that your motion includes those conditions to be changed to reflect the revised landscape plan and pre-plat that was shared with you tonight and any additional conditions of approval you want with -- specifically to that micro path location that you want in the center of the development.

Tiefenbach: So, just to add, Council, the plat and the landscape plan that you have seen tonight and the open space was produced today. So, it would have been dated today.

Parsons: Mayor. Council. And, then, staff will update the findings accordingly if -- if you choose to approve the project.

Hoaglund: Well, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: See if that happens or not, so -- Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0086 as presented in the staff report for the hearing date of January 11th, 2022, with the modifications that were brought by the applicant to Council and with the plan that's dated today, January 11th, that's before us and I think that is inclusive of everything.

Tiefenbach: Does that include the trail connection that was proposed between the two common driveways?

Hoaglund: No, it does not for my motion.

Cavener: I will second for -- at least get the discussion going.

Simison: I have a motion and a second.

Hoaglund: Council Woman Strader -- Mr. Mayor, if I might ask her a question.

Simison: Councilman Hoaglund.

Hoaglund: What was that specifically? I remember you talking about that and, then, there was that -- I didn't know if that -- I kind of thought that went away, but I could be wrong. So, if you could explain that to me again.

Strader: Well, there are two common drives on the east side and currently for pedestrians to access that open space they have to take a pretty circuitous route through the entire development. If there is a small pedestrian pathway, which I don't think is a huge ask. It sounded like the applicant was open to it. I thought it would make it better, but, I agree, I don't think that a tiny pathway is the thing that would sway my vote at this point. I have already really wrestled with it, but I will leave it up to you if you want to include that.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: For what it's worth, I can go either way. I -- I know of a family that kind of is in this scenario and what it becomes is, again, that their -- their drive aisle, essentially, becomes a de facto pathway, so people are kind of crossing through all the time and it's -- it has been at least for this person that I know a little bit of an unintended hindrance that they didn't expect. I think it's well intended. It's a trade-off again of connectivity versus maybe a perceived invasion of privacy. We all are very protective of our homes. I think that there is -- there is a benefit of keeping it or a benefit of not including it. Call for the question.

Simison: Okay. The question has been called. Clerk will call the roll.

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

Simison: Three ayes. Two no's. And the motion passes.

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

5. City Council: Election of New City Council Officers and Department Liaison Appointments

Simison: Thank you. So, we want to continue moving. Don't need a break. Just get through this next part.

Bernt: Let's go.

Simison: All right. Next item up is Item 5, City Council, election of new City Council officers and department liaison appointments.

Bernt: Mr. Mayor, I will start off this conversation then --

Simison: Councilman Bernt.

Bernt: -- and, then, we will see where it goes. I just -- as we all know these -- these Council President terms are basically for two years and -- and tonight's the last night that I will be Council President and just want to say -- and there is not a whole lot to say from my previous comments, other than, first, Mayor, I wanted to thank you. It's been a delight working with you for the past couple years.

Simison: Ditto.

Bernt: We haven't always agreed and we certainly -- we have certainly had some animated discussions, but at the end of the day we -- but we have -- but we have always come out at the end of those conversations friends out of respect for each other and I really do appreciate that and with that said that, you know, Keith Bird, who was my predecessor -- and I have spoken about this before. We call it the Keith Bird rule and it will -- I'm so grateful that this Council continues to honor that rule in the sense that, you know, when we do have disagreements and when we do sit on the opposite side of the fences, we always, at the end of the day, have enough respect for each other in the seats that we -- that we occupy that we can, you know, give each other bro hugs and call it a night and the next day we are off to solving other problems and -- and having other discussions. So, I -- this Council is absolutely amazing and all the different perspectives and all of the different backgrounds that we have that bring insight and deliberation and -- and a pragmatic approach is what -- it's -- it's -- and the consistency is so important and that's what I'm extremely grateful for and I wanted to thank each and every one of you for your support the last couple of years. It's been a delight. Mr. -- Mr. Hoaglun, you have been a great vice-president. You're a dear friend and, you know, I love you like a brother and so at this time, Mr. Mayor, I would like to make a motion to nominate Brad Hoaglun as the next Council President.

Borton: Second.

Simison: I have a motion and a second to -- for Brad Hoaglun to be the next Council President. Is there discussion?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I'm going to choose to abstain from the vote this evening.

Simison: Okay. If there is no further comments, all those in favor signify by saying aye. Opposed nay. The ayes have it. Congratulations on your new position.

MOTION CARRIED: FIVE AYES. ONE ABSTAIN.

Hoaglund: Mr. Mayor, thank you.

Simison: Councilman Hoaglund.

Hoaglund: I think. I appreciate it. Just to comment quickly. You know, thank you for the privilege of serving as Council President. I go in with the ayes open. This is going to be tough. Tough year. But I want to thank Councilman Bernt for what he's done the last two years. I mean this has been a difficult two years and, Councilman Bernt, you and Mayor Simison did some amazing things to allow working with the City Clerk and other city departments to bring about the ability for the business of our government, of our city, to keep moving forward and I think it's done in a way that it's going to continue. Once all this thing is back to normal, whatever that looks like, we have created a better way for people to interact with their city government, provide testimony and to be here virtually and -- and I think that's a -- that's a fantastic thing. And it was a little messy at first. I mean there were hiccups and everything, but -- but improvements were made and we got through it and -- and that's -- that's a great thing. You know, we do face the challenges of -- of phenomenal growth in this community and it's evident tonight, you know, and these are hard decisions, but, you know, along with -- with the difficult decisions will come these differences of opinions and that's just the way it's going to be and how -- how do we deal with these things? But -- but it's okay. We won't agree on every course of action, but I think what I know about each and every one of you up here, whether you are in person or happen to be online on any particular meeting, is your heart, your intent, your desire is to make Meridian a better place and that makes a great difference that -- that that is what you want, even though we don't always see eye -- we will see eye to eye on that, but I know that's -- that's a good thing. I respect the intent of everybody up here and -- and -- and I know you believe that of others up here. It's a good working group. You know, I just hope we can be a good example -- continue to be a good example to our community members out there, our citizens that you don't have to agree on everything a hundred percent and get along. You can still have good debate and discussion and in the end disagree, but you can do so without being disagreeable and you can still respect the other person and walk away and understanding that, hey, what they believe they believe and it's right for them. So, I appreciate that and I do look forward to an exciting 2022. I don't know how else to put that. Challenging. It's going to be what unfolds. One of -- one of the good things about coming up and -- and taking a leadership position is that there is a vice-president and I'm excited to have someone who I greatly respect. That thinks very well. Looks at things through a lens that I have learned from and I think will be a --

Simison: You know I can't accept the vice-president --

Hoaglun: Mr. Mayor -- I'm sorry. I -- I really think I -- that was a good one, actually. That was pretty good. I would nominate Joe Borton to serve as vice-president for Meridian City Council.

Bernt: Second.

Simison: I have a motion and a second for Joe Borton to serve as vice-president. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it.

MOTION CARRIED: FIVE AYES. ONE ABSTAIN.

Simison: Council have anything else for --

Hoaglun: Unless the vice-president has any comments?

Simison: Oh. Yeah. Sorry.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: Just briefly. Just on behalf of the entire Council to thank Treg Bernt for being an outstanding president for two years. The manner in which you lead and the continuity to Mr. Hoaglun, it's just a culture of compassion and collaboration. So, I just -- I appreciate the remarks both of you make about working together as a team and we are better because we don't agree on everything all the time, but we always seem to listen and show respect and try to learn from each other. Different experiences. Different backgrounds. So, if it helps us make better decisions the city wins. So, the fact that you lead that way is greatly appreciated and, Councilman Hoaglun, it sounds like you are teed up ready to continue leading in that same fashion. So, I look forward to working with you.

Hoaglun: Future meeting topics?

Simison: Do you want to do the department liaisons?

Hoaglun: Oh. Yeah. Department liaisons. I thought you had that list. I have the list. I do have the list. For department liaisons --

Simison: Councilman Hoaglun.

Hoaglun: -- you received my -- don't I get to run the meeting now?

Simison: You can --

Hoaglun: No, I'm not the Mayor. Just to -- to lay out -- one of the reasons I -- I did what I did for -- I wanted to make sure our Council Members, who are new, Council Woman Strader, Councilman Woman Perreault, are going through the process of different departments and making sure they have that new experience until -- you know, previously having served I have made that circuit and been in every one and I know for you folks who have served longer, it's -- it's -- you know, you will -- you will get some departments you have previously served, but that's all right. For Community Development, Council Woman Strader will work with them. For Fire Department, Councilman Borton. For Parks, Councilman Cavener. Police, Councilman Bernt. And Public Works, Council Woman Perreault. So, those are the ones for our direct city departments and we will be coming forward with some other community partners that -- that we have to set up in place and have that moving forward. So, that will -- that's to come, but for Council liaison to city departments that's the setup for tonight.

Simison: Thank you. And just a preview of Legal we will be bringing forward an ordinance with some changes to align some of the City Council changes regarding ex-officio and other elements. I don't know if that's going to be next week or the week after in our department report for consideration, but you will be seeing that soon enough.

Nary: Yeah. Mr. Mayor, I think our intent was to bring a resolution on the liaisons for next week and I think -- I think Ms. Kane had prepared a draft already of the ordinance changes as well. I think those are in regards to the duties and responsibilities. I think that's planned to be on next week.

FUTURE MEETING TOPICS

Simison: Okay. All right. With that anything under future meeting topics?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Just -- I guess I know I'm -- I'm kind of rehashing this, but I would -- I think it's important that we have either as a -- as a workshop conversation or a main meeting, just to -- we got to start rowing in the same direction when it comes to this land use stuff. I think it's challenging that we plan some of the philosophical challenges that we are facing with an applicant with an application before us and so if this Council is saying we -- we want to do a moratorium, we want to do a pause or we want to explore other options that are pathways for the impacts on schools and roads to be resolved, I think that we have got to -- we have got to lay out a date that we are going to start doing that and so I appreciate Council Member -- Council President Hoaglun's comments tonight and so I don't know if that is a -- a workshop session or a general meeting, but I just -- I -- I would like a date on the calendar or at least a plan of when we are going to get that date on the calendar, so that we can -- we can have that conversation.

Simison: It's on -- duly noted for Councilman Hoaglund to help lead that conversation forward.

Cavener: Welcome aboard.

Hoaglund: Yeah. And, Mr. Mayor, one of the things to respond to that quickly, is I do think we want to meet with the -- the schools to make sure we have an understanding of how they are doing what they say they are doing now when it comes to those types of things and begin that process and, then, I think, then, we can take -- start taking next steps based on that information we receive. Hopefully that it will allow us to determine what direction we move in. I don't know. It's kind of -- we are building the airplane a little bit as we are flying it, which is a little scary, but, you know, we will -- we will figure it out.

Simison: With that do I have any other future meeting topics or a motion?

Hoaglund: Move to adjourn.

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

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 10:12 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK