

A Meeting of the Meridian City Council was called to order at 6:00 p.m. Tuesday, February 13, 2024, by Vice-President Liz Strader.

Members Present: Liz Strader, Luke Cavener, John Overton, Anne Little Roberts and Doug Taylor.

Members Absent: Robert Simison and Joe Borton.

ROLL-CALL ATTENDANCE

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

Strader: Good evening. I would like to welcome you all to this evening's City Council meeting. For the record it is Tuesday, February 13th, at 6:00 o'clock p.m. We will begin this meeting with roll call attendance.

PLEDGE OF ALLEGIANCE

Strader: Please join me in the Pledge of Allegiance.

(Pledge of Allegiance recited.)

COMMUNITY INVOCATION

Strader: Thank you. Next is tonight's community invocation led by Rabbi Lifshitz. Mr. Clerk, is he present?

Johnson: Madam Vice-President, we confirmed with him, but I do not see him here present.

Strader: Is he online perhaps?

Johnson: It does not appear so.

ADOPTION OF AGENDA

Strader: Okay. That's all right. We will move to our next item, which is the adoption of the agenda. There are no changes to the agenda tonight. Do I have a motion to adopt the agenda as published?

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: Again, seeing there aren't any requested changes, I move that we approve the agenda as published.

Overton: Second.

Strader: Excellent. We have a motion and a second. Is there any discussion? All those in favor signify by saying aye. Opposed nay? The ayes have it. The agenda is adopted.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

Strader: Okay. Next we have our public forum, future meeting topics. Mr. Clerk, do we have anyone signed up for the public forum?

Johnson: Madam Vice-President, we did not.

Strader: Are there any members of the public that would like to speak at the public forum? This does not include the land use items that are listed next. Okay. Thank you.

ACTION ITEMS

1. **Public Hearing for Whitecliffe Estates Subdivision No. 3 (Lot 8, Block 4) (H-2023-0065) by Shari Stiles, Engineering Solutions, located at 4557 N. Blissful Ave.**
 - A. Request: Vacation of three feet (3') of the eight-foot (8') side yard public utilities easement located on the southerly portion along the northern boundary of Lot 8, Block 4.

Strader: Now we will move on to our Action Items. First off we have the first item, a public hearing for Whitecliffe Estates Subdivision No. 3, H-2023-0065. We will begin with staff comments.

Johnson: Madam Vice-President, I apologize we are having some technical issues at that computer and working through restarting it, so we should be about one to two minutes away.

Strader: Thank you. If you are just joining us we apologize for the delay. We are having a slight technical issue. It will just be a couple minutes. Thanks. Linda, are we ready?

Ritter: Yes. I'm ready.

Strader: Fantastic. We will turn it over to you. Go ahead.

Ritter: Good evening, Madam Vice-President Strader and Council Members. We are here tonight for a request to vacate three feet of an eight foot side yard easement located on the southern portion of the northern boundary of Lot 8, Block 4, of the Whitecliffe Estates No. 3 Subdivision, located at 455 North Blissful Avenue. This site consists of .37 acres of land and it's zoned R -- I mean R-4. The foundation for this lot was installed at the typical five foot side yard setback at the northern property line, instead of the eight foot wide setback shown on the plat. The width shown on the recorded plat was increased due to location of a private pressurized irrigation line. No other utilities exist in the easement. The vacation of a portion of this easement does not reduce the required interior setback of five feet. Relinquishment letters were received from the utility companies stating no objection to this proposed vacation. Based on that staff would recommend approval of this vacation request and at this time I would stand for any questions that the Council may have.

Strader: Thank you. Council, are there any questions for staff? Okay. Do we have the applicant present? Excellent. Welcome. Please state your name and address for the record.

McKay: Becky McKay. Engineering Solutions. Business address 1029 North Rosario, Meridian. Glad to be here. This is my first time this year. Happy New Year. I'm representing the -- the applicant on this particular lot. We are asking for a vacation of a -- three feet of a pressurized irrigation easement. When they poured the foundation, framed the house, then, all of a sudden it became apparent that there was an eight foot pressure irrigation easement. So, the five foot setback was met, but the easement was encroached upon. So, it was at the point where -- kind of the point of no return and so my client Todd Amyx called me and said what do I do? I said the only thing we can do is go before the Council and ask to vacate a portion of that PI easement or PI easement and thanks to Mr. Bongiorno, the house did not burn down the other day. The painter had stained a door and, then, thrown the stain cloth in the corner and put a fan up and they combusted and when we saw the address of the fire we were like -- are you serious? Is that our vacation house? Yes, it was. It did not burn down thanks to Meridian Fire Department and so now they are, obviously, taking all the windows out and taking it down to the studs and rehabbing it. The house is already a custom home spoken for, so I feel very bad for the future homeowner, but, obviously, we are on the road to straightening this out. So, this is one step, then, my client's got to do step two. So, I ask that the Council please support this. Thank you. Thanks to the Meridian Fire Department.

Strader: Thank you, Ms. McKay. Council, do we have any questions for the applicant? Thank you. This is a public hearing. Mr. Clerk, do we have any members of the public signed up?

Johnson: Madam Vice-President, we do not.

Strader: Okay. If there is a member of the public present that wishes to testify on this item, please, come forward.

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: Not seeing anyone clamoring to testify on this particular item, I move we close the public hearing on Item 1, the vacation request for Whitecliffe Estates No. 3, H-2023-0065.

Strader: Do I have a second?

Overton: Second.

Strader: Fantastic. It's moved and seconded. Is there any discussion? Okay. All in favor of closing the public hearing, please, signify by saying aye. Opposed nay? The ayes have it. The public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: Since we had Becky here, I almost want to give her a hard time, but it's a good evening, we got a lot to get to tonight, so I move that we approve Item 1, vacation request for Whitecliffe Estates Subdivision, Application No. H-2023-0065 as presented.

Strader: Do I have a second?

Taylor: Second.

Strader: Fantastic. Is there any discussion? If not, the Clerk will call the roll.

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

Strader: The motion is carried and Item No. 1 is approved.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

2. Public Hearing for Kleiner Adjacent Subdivision (H-2023-0059) by Brighton Development, Inc., located at Northeast corner of N. Records Way and E. Fairview Ave.

- A. Request: Combined Preliminary/Final Plat consisting of two (2) building lots on 9.88 acres of land in the C-G zoning district.

Strader: With that we will move on to our second action item for tonight, a public hearing for the Kleiner Adjacent Subdivision, H-2023-0059. We will begin this evening's public hearing with staff comments.

Allen: Thank you, Madam Vice-President Strader, Council. Just a moment. The next item before you is a request for a combined preliminary and final plat. This site consists of 9.8 acres of land. It's zoned C-G and it's located at 1730 North Records Way at the northeast corner of Records and Fairview Avenue. A little history on this property. A conditional use permit was previously approved for a 472 unit multi-family residential development on this site and the director did approve an alternative compliance request for a reduced street buffer width of 16 feet along Records Way. The application before you tonight is solely a plat application. It has nothing to do with multi-family development which has been previously approved. The Comprehensive Plan future land use map designation is mixed use regional. The applicant is requesting approval of a combined preliminary and final plat consisting of two building lots on 9.88 acres of land in the C-G zoning district. Access to this development was approved from a right-in, right-out access driveway via Records Way along the west boundary of the site. Two other accesses were approved via a shared driveway with the adjacent property to the east, Carmax, along the east boundary of the site. No access is proposed or approved via Fairview or Elden Gray Street. A cross-access easement is required to be granted to the abutting property to the east, Carmax, for use of the portion of the shared driveway that lies on this site. Landscape street buffers are required along Fairview, Records and Elden Gray Street, landscaped in accord with UDC standards. A reduced buffer width was previously approved along Records south of the entry as I previously mentioned. The director approved a modification to the street buffer landscape requirements along Fairview with this application. I just wanted a side note. The staff report incorrectly stated that that was a request for a Council decision tonight and that -- that actually is a director decision, so that will be corrected in the staff report with the findings, but just wanted to let you know that that request is not before you tonight. A ten foot wide multi-use pathway is proposed within the street buffer along Fairview and Records in accord with the pathways master plan for access to Kleiner city park to the north. The Commission recommended approval of this application to City Council. Jon Warden, Bright -- excuse me -- Wardle, Brighton Corporation, testified in favor at the Commission hearing. No one testified in opposition. There were several people that commented and those were Larry Vanover, Scott Dextra, and Shawn Thompson. Written testimony was received from Josh Beach, Brighton Corporation, the applicant, in agreement with the staff report conditions. Key issue discussion was concern pertaining to traffic congestion generated from the development. Key issues of discussion by the Commission where the phasing of the project, the construction traffic impacts and pedestrian access to the Village shopping center to the west. The Commission did not make any changes to the staff recommendation and the only outstanding issue tonight for City Council is -- pertains to what I previously mentioned about the alternative compliance request. Staff recommends conditions 1.1B and 1.2B

are deleted, as the alternative compliance request is a director and not a Council decision. The director has approved the alternative compliance request and there has been no written testimony since the Commission hearing. The applicant is here tonight to present. Thank you.

Strader: Great. Thank you, Sonya. Appreciate the clarification regarding the alternative compliance. Council, are there any questions for staff before we get started? Okay. Seeing no questions from Council for staff, we will now hear from the applicant, Mr. Wardle, for up to 15 minutes. Please state your name and address for the record.

Wardle: Madam Vice-President, good evening. For the record my name is Jon Wardle of Brighton. 2929 West Navigator Drive, Suite 400, Meridian, Idaho. 83642. Pleasure to be here this evening. Also like Ms. McKay, it's my first Council meeting this year, so Happy New Year to everybody. I intend not to take 15 minutes. I will just bring up really quickly here -- see if you can see this. The project in front of you tonight is called Kleiner Adjacent Subdivision. It's a preliminary/final plat. Two lots. We have been through a conditional use permit already on this property -- project and it's been approved and let me just give just a little quick history here of everything that's happened thus far. There was a CUP approval back in April 22. We do -- that is going to expire here in a couple of months. We have submitted for a time extension. There have been two certificates of zoning compliance. The first one expired and we submitted for another one. That one is now effective and there were three building permits that were also submitted, but because of timing those have expired and let me explain why we have had some expirations here. It really comes down to financing. As you may know, financing has become a little bit more challenging and this project is a two phase project. This -- I will backup to this, but as you can tell there are two buildings in this project. There is the south building, which also includes amenities. That building is a structured parking and four stories of apartments up above and, then, a clubhouse in between, which is shown down here on Lot 2, Block 1, and the clubhouse connects to the building on the north, which is Lot 1, Block 1, which is also almost identical with structured parking and four stories of apartments above. Right now the way that financing works on this project is we cannot finance all the projects at once and the lender has requested that we only include what is in phase one, which is the south building and that's what's represented here in blue. So, we are building all of the parking for the entire property project. We are building the structure parking for building one and the clubhouse building one all in phase one. But building two, which is shown in yellow here, is not being built at this time, it will come in the future. So, at the request of the lender we submitted a preliminary/final plat, which is represented here Lot 2, Block 1, is phase one of the property -- of the project and Lot 1, Block 1, is phase two and that shows how the line is separated between the two construction projects. A little complicated. A couple of years ago when we started this process financing -- at least rates were not that complicated and lenders were a little bit more agreeable, but we -- this is what we do and so per their request we came to staff to come up with a solution, which is a two lot subdivision. There was one note in the staff report and regarding -- and -- alternative compliance and I don't need to get into that unless you are really interested, but there is a little red triangle here on the right-hand corner here

and that's the area that we are really talking about. There is a slight difference in what's allotted by code and what is required by ACHD. ACHD does not allow any grass between their storm drainage swell and the road and in this particular area where we have the little red area, we exceed the ten feet, which is city code. Our intent is, however, that when the curb line goes in this is all landscaped. That borrow comes out. It's not really the way we want to treat it, but ACHD has bigger plans for Fairview and did not want that curb line to go in at this time. So, that's what the alternative compliance request really was about. So, with that I stand for any questions, but we are in agreement with the staff report and with the Planning Commission's recommendation to Council and ask for your approval of the preliminary/final plat, which is File No. H-2023-0059, and answer any questions that you might have.

Strader: Thank you, Mr. Wardle. Council, are there any questions for the applicant?

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: When I see you I think maybe two questions for you. At phase two that you are not going to go vertical on approximately three and a half, four acres'ish?

Wardle: Sure. The total site is just under ten acres. I think the phase one are shown here in blue. That puts us, you know, probably five and a half, close to six acres, with the balance being that second piece.

Cavener: Okay. Madam Vice-President?

Strader: Go ahead.

Cavener: Just want to make sure you heard right. You still -- are you planning to landscape the whole area at once or are you going to landscape phase two when you decide to go vertical on it?

Wardle: Madam Vice-President, Council Member Cavener, our intent is to landscape the entire buffer system. So, Elden Gray, Records, Fairview, we will landscape everything that is within phase one. There might be some street tree -- or some parking lot trees in phase two that don't go in, but that would be part of the certificate of zoning compliance and also that building permit. But everything related to the subdivision will all go in at once with the project.

Strader: Madam Vice-President?

Strader: Councilman Cavener, go ahead.

Cavener: Thanks. Mr. Wardle, I think that it was -- more my concern is around Elden Gray, Fairview, et cetera, not having to kind of be a missing piece of the puzzle. So, I appreciate that.

Wardle: Absolutely. There is a gap in the sidewalk right there on Elden Gray where you come out of the roundabout heading to the east. The sidewalk doesn't exist on our property, but we are -- we will get that done at the very beginning as well, so that sidewalk system is complete.

Cavener: Thank you.

Strader: Thank you. Other questions for the applicant? I have one. Do you have an update on timing for each phase?

Wardle: We are currently -- the timing factor for us is we need to have the plat recorded and a legal parcel. So, as soon as that's done our hope is that mid to late summer we would be under construction of phase one. Phase two really would be based on how -- how the construction goes through phase one and we will start leasing that up and we can move to phase two. They won't be -- it might be even closer than that, but I don't want to commit to before the first certificate of occupancy before we start on the second building.

Strader: Okay. Thank you. This is a public hearing. Mr. Clerk, are there any members of the public signed up to testify tonight?

Johnson: Madam Vice-President, nobody signed up in advance.

Strader: Okay. Is there any more questions for the applicant?

Harper: Madam Vice-President?

Strader: Councilman -- Lieutenant Harper.

Harper: I guess I -- this one's -- we have kind of gone through a few revisions of this along the way and I just want to verify on Fairview, the turn lane slash deceleration stacking lane. Is there any information that you can provide on that, just to clarify what we decided on? Because that was a requirement at one point that I -- or the police department recommended.

Strader: Mr. Wardle?

Wardle: Just one second here.

Harper: Sorry to throw you a curveball.

Wardle: We will get it. It's a good question. So, this is the current configuration of Fairview where it gives you the three lanes coming through. Sorry. I can zoom in on that if you want right now. There is -- and we will be making the additional asphalt improvements for that drop right-hand turn lane coming in. So -- sorry. I wanted to show you what the actual is right now and, then, what that right-hand turn coming into Records would be and, then, this one -- it doesn't go to the centerline, so you don't see it, but that's showing that drop lane coming in there.

Harper: Perfect. Thank you.

Strader: Are there further questions from staff? Okay. Council? All right. Thank you, Mr. Wardle. Stay close by, please. Are there any members of the public present or online who would like to ask a question or testify? If you are online, please, signify by raising your hand. Mr. Clerk, do we have anyone?

Johnson: Madam Vice-President, no. The only members on -- sorry. The only people online are city staff.

Strader: Anyone present that would like to testify, please, step forward. Okay.

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: I move we closed the public hearing on Item No. 1, application H-2023-0059.

Overton: Second.

Strader: It has been moved and seconded to close the public hearing. Is there any discussion? All those in favor signify by saying aye. Opposed nay? The ayes have it and the public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: I think this application is a good reminder of how much we appreciate our Planning and Zoning Commission. I know we appointed some new commissioners last week, but the questions that I maybe would have expected to answer here were -- I think were addressed in the Planning and Zoning Commission and probably why there is no testimony tonight. So, with that, Madam Vice-President, I move that we approve Item No. 2, application H-2023-0059 with a couple of small changes. Based on staff's recommendation we are going to strike Condition 1.1B and number 1.2B as the alternative compliance request is a director and not the Council decision. Other than

that leave it as presented by staff and include all testimony from the applicant this evening.

Strader: Councilman Cavener, is that 1.1B?

Strader: Madam Vice-President, yes. I think that's what I said, but I very well could have bungled it. It would not be the first time. Won't be the last tonight either, folks.

Strader: It could be me. Is there a second?

Overton: Second.

Strader: Fantastic. It's been moved and seconded. Is there any discussion? Okay. Thank you. It seems fairly straightforward. Mr. Clerk, let's go ahead and call the roll.

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

Strader: All ayes and Item No. 2 is approved. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

3. Public Hearing for Linder Condos (H-2023-0074) by The Architects Office, PLLC., located at 300 N. Linder Rd.

- A. Request: Development Agreement Modification to modify the existing development agreement (H-2022-0091) to allow warehouse and flex space uses along with the previously approved self-storage facility and update to the conceptual development plan and building elevations.

Strader: All right. Moving on. Now we are on to Item No. 3, a public hearing for Linder Condos, H-2023-0074, located at 300 North Linder Road. We will turn it over to staff comments.

Allen: Thank you, Madam Vice-President Strader and Council. The next application before you is a request for a development agreement modification. This site consists of .98 of an acre of land. It's zoned R-1 in Ada county and is located at 300 North Linder Road. History on this property. An annexation application with I-L zoning was recently approved with the requirement of a development agreement, which was never executed. The commercial -- excuse me -- community -- excuse me -- I cannot talk tonight. Comprehensive Plan future land use map designation for this property is general industrial. The applicant proposes to modify the terms of the development agreement required with the previous annexation application with this application. Because the previous development plan was for a self-service storage facility, a future use of the property was restricted to that use through the development agreement. The

applicant proposes to modify the agreement to include warehouse and flex space uses, along with the previously approved storage facility use, to allow more variety in uses that can develop on the site. All of the proposed uses are principal permitted uses in the I-L zoning district and are subject to specific use standards in the UDC. The concept plan shown before you here has changed slightly. The one on the top is the one that was recently approved. The one on the bottom is the proposed plan. Previously there were eight tenant spaces and two buildings. Now there are seven tenant spaces proposed. Still in two buildings. Totaling 15,643 square feet. The west building had to be reduced in size to accommodate the cross-access easement and driveway required to the adjacent properties to the north and the south. The access driveway via Linder Road was also shifted to the south to align with the driveway on the west side of the street. Off-street parking is proposed in accord with UDC standards. A minimum of seven spaces are required, 13 are provided, which should accommodate any other proposed uses. The building elevations have also changed slightly as shown. The ones on the left there are the existing elevations. The one on the right is the proposed. Final design is required to comply with the standards in the architectural standards manual. There has been no written testimony submitted since the Commission hearing. Staff is recommending approval and the applicant is here to present tonight.

Strader: Okay. Thank you, Sonya. Council, are there any questions for staff?

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: Couple of questions, Sonya. So, I want to start first at the DA not being executed. You don't see this very often. Can you give us -- and maybe the applicant can give us some flavor as to why it wasn't executed. Do you have any history on kind of the rational on --

Allen: Madam Vice-President, Councilman Cavener, Council, the applicant has six months from the date of approval of the annexation findings to sign the development agreement and for it to be recorded. The applicant did not like the terms of the development agreement that were approved. They wanted to have more variety in uses. The way the development agreement was written it was solely for a self-service storage facility, which was what was approved with that previous application. So, the applicant just wanted to modify that agreement before they signed it, which is -- which is allowed per our code.

Cavener: Madam Vice-President, a follow up, then, if I may?

Strader: Councilman Cavener, you are recognized for the remainder of your questions.

Cavener: I appreciate that. Sonya -- and I didn't have time to go back in the minutes from when this was initially annexed in, but my -- my mind was telling me that Council

deliberated this and came to the conclusion that a limited amount of self-storage made sense because of the limited use. Am I remembering this or am I confusing it with another application that was before us?

Allen: I'm not entirely sure, Councilman.

Cavener: Okay. That's okay. I guess I can't ask you to look into all my crystal balls for me. So, apologies for that.

Allen: Next time let me know ahead of time and I can look in my --

Cavener: Apologies. And I intended to do my own homework today and the day got away from me. So, one last maybe additional question, then, Sonya. Is -- here it talks about that it's going to go on-street parking. Is that on-street parking on Linder or is that on-street parking going to be --

Allen: There is no on-street parking. There is off-street parking.

Cavener: Off-street parking. Okay. I must have misread that. Okay. Then that satisfies my specific questions. Thank you, Madam Vice-President.

Strader: Okay. Thank you. Are there any other questions for staff? Okay. Seeing none, we will now hear from the applicant for up to 15 minutes. Please remember to introduce yourself, state your name and address for the record. Thank you.

Putman: Madam Vice-President, Council, my name is Jeremy Putman. Address is 499 Main Street, Boise, Idaho. 83702. I am -- we are -- or the property owner and myself are coming here to ask for this amendment to the development agreement modification and speaking to that a little bit, I'm also the second architect to work on this parcel. The initial architect the property owner did not continue with and as I took on the project they wanted to make sure that there was a little bit broader use, instead of so narrowly defining this parcel, all making sure that these uses are principally permitted in -- in the zone and it does seem to fit within the fabric of the area. It is in an industrial area across -- across Linder. There is already industrial uses there and going with the -- the future use plan it's also compliant there. So, just wanting to give the property owner a little bit of flexibility. There will be a condo plat overlaid on this parcel in the future, so that units can either be leased or sold to individual owners and they can comply with the development agreement modification in some of those uses. It just -- in current market conditions it gives a little bit more flexibility for the property owner and persons wanting to conduct business in the area. We are still proposing general compliance with the development -- of the conditions of the development agreement modification and we are going to provide a similar elevation, although touched up a little bit working with the client to reflect a little bit -- well, a different aesthetic from -- from the previous design but, still in the same -- in the same vein with overhead doors and man doors accessible for the units on the north side and, then, mezzanine interior for a little bit of extra storage space and some of these units will have restrooms and potentially small offices

for whatever business would like to move in there. I think that's -- that's all I have. I did share a PowerPoint presentation with --

Allen: I'm sharing. I'm sorry. Are you touching the mouse?

Putman: I am.

Allen: It's going -- the mouse is going crazy.

Strader: While we are waiting -- was it Mr. Putman?

Putman: Yes, ma'am.

Strader: Fantastic. You still have about 12 minutes. I think we will pause your time, so you have a moment to load up your presentation.

Putman: Yes. And the site plan, again, just shows -- it's the same as in the staff report. General compliance providing access as recommended by the city or the Planning and Zoning for -- for access to the parcels to the north and south and, then, alignment of the driveway with the existing driveway across Linder, just to help minimize access onto that -- onto that street. Again similar layout for what we have had, except for reducing -- reducing the units, which still makes this a viable project. It can be done. And, then, just showing just updated color elevations, similar in texture and flavor to the -- to the previous design, but just updated slightly. And, again, like Sonya mentioned, we are still going to be going through design review and CZC. I guess what that I will stand for any questions.

Strader: Thank you, Mr. Putman. Council, are there any questions for the applicant at this time?

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: Jeremy, thanks for these visuals. I know you shared it, but I think are -- are helpful. Your 13 parking spots, none of them are within kind of the bays of the garage; correct?

Putman: Correct.

Cavener: And, Jeremy, can you walk me through -- if I'm remembering correctly -- and this is kind of similar to what kind of a use it is across the street on Linder, but am I remembering this piece of property correct that you have got maybe residential use either to the north or the south?

Putman: Yes. There is a residential use to the north.

Cavener: So, Madam Vice-President, I will just kind of share kind of where I'm at on this, Jeremy, is that, you know, I struggled when this initially came in. I sometimes get criticized because I don't -- I don't mind storage. I think it has a need in our community and I saw this as a nice amenity for a need in -- in kind of Old Town Meridian adjacent. But I'm also very sympathetic to people that have kind of lived on their land even in the county for a long time and have had Meridian kind of grow to their border and so I'm -- I'm sensitive to an enhanced use that wasn't initially contemplated. So, I believe I was supportive of -- of the storage unit, but I think what you are proposing here -- I think we would both agree is a more intense use certainly than -- than -- than occasional storage and so it's certainly -- it's always a little irritating for I'm sure for probably staff and the public and Council, we go through a public hearing process, an annexation request. Council deliberates, debates, and there is a development agreement. I know this was all before your time and there is ample opportunity for the -- for the owner and the applicant to voice their concern about the development agreement and I guess I don't recall that occurring. So, to, then, have this process play out again to come back for a development request -- a develop agreement request, I don't think I'm going to be supportive of that tonight, because, one, I think that we had a process that played out and while this allows for you to come back and request, we kind of already rendered the decision. For me my -- my support of the annexation was tied to the use, because I want to be really mindful of the -- the neighbors that are going to be impacted and -- and I think with you proposing what is a more intense use, it's not something that I'm going to be supportive of tonight. I appreciate you coming and bringing that. Good news there is -- there is five of us. There won't be a tie tonight. But I just -- I wanted to kind of be up front with you about really some concerns about something that I like, I just don't think that it is the right time or the right location for this particular piece.

Strader: Thank you, Councilman Cavener. Mr. Putman, would you like to respond?

Putman: Yes, Madam Vice-President, Council and Councilman Cavener. It is my understanding in talking with the current property owner of this parcel and a little bit of the history of the previous application, that the property owner to the north did submit a letter in support of the project and also reduced landscape buffer. So, he -- they are fully aware of the project and what is going on and speaking with the property owner, I'm certain we could also reach out -- or I know that they have reached out to the -- to the parcel owner to the north and just let them know, you know, there was also a mailer sent out for -- for this and no one showed and it would have been very easy for the parcel under the north, you know, to walk over. So, I do -- I do hear that and I appreciate that sensitivity. That is actually -- that is very commendable. Just providing some more information for what I know to this date.

Strader: Mr. Putman, it is a public hearing, so we very well may hear from members of the public that are impacted. I did have a quick question and, then, I will go to the other members of Council as well. Can you give us a flavor for -- I share that concern, so can you give us a flavor for the potential tenants that you are in discussions with? Maybe that is another way to tackle the issue.

Putman: Yes. Certainly. The parcel owner, in wanting to broaden the use of this one storage -- like personal storage of purchasing a condo is still on the table, but in discussions with those that he knows, even some of the businesses adjacent on Linder, the -- the parcel owner is a contractor himself and the types of uses that would be in here would most likely be storage of materials and things like that, small office. The -- I have not heard of, you know, the -- a desire or conversation of much light manufacturing, but it's mainly been, you know, storage of materials for use -- and use elsewhere off site, so --

Strader: Thank you. Unfortunately, don't have a little more specifics, but I guess that's where you are at in the process. Councilman Taylor.

Taylor: Madam Vice-President. Yes. Jeremy, thanks for the presentation. Kind of along those same lines, do you anticipate -- or does the property owner anticipate the occupants being kind of a retail based or is this primarily viewed as storage for an existing business where they could put materials or things or -- I'm just trying to get a sense of the -- you know, the traffic in and out and the types of ownership or uses of the property.

Putman: Not anticipating a lot of like retail frontage. I know that that is allowed with -- with flex -- the flex use, but the main conversations have been mostly in the -- in the warehouse -- warehouse type uses.

Taylor: And follow-up question. In some of the discussion -- I guess I'm thinking a little bit what Councilman Cavener mentioned in terms of not initially signing off on the initial agreement. Was it because conditions changed and, therefore, the desire for a different product changed their mind or was the intention all along hopefully to have this type of a product? I'm just trying to get a sense for the ins and outs and how we ended up where we are today, because I'm a little bit sensitive to what Councilman Cavener said with respect to here is what we want, but, then, didn't sign it, didn't agree to it and, then, we are coming back with a little bit similar, but yet modified plan. I just want to know what prompted the -- the shift. Was it always hoping to have a different product or did market conditions suggest that a different -- a different product was a better -- better type of use?

Strader: Mr. Putman.

Putman: Madam Vice-President, Council, and Councilman Taylor, my understanding is that this has always been the intended design for this parcel. I'm not sure what happened with the previous applicant, but from what I understand the -- it does not appear that the parcel owner's intentions were fully communicated and expressed in that initial development agreement modification -- or application.

Strader: Is there any further -- are there any further questions at this time?

Overton: Madam Vice-President?

Strader: Councilman Overton.

Overton: Again, kind of on the same vein as you are hearing, the angle that I get most concerned about when I look at this is that under this new use, especially with the explanation that this could become a warehouse space for a company, is the 13 parking spots are going to be way too few, depending on what use comes into that warehouse and even if four of those spaces are used as storage, three of them, if they end up being a warehouse type space, could end up being completely taking up all your parking for work vehicles for whatever those businesses might be and that's my gravest concern is there is nothing more than those 13 spaces and under the initial approval, the initial development agreement, that was really not a big concern, because everybody was going to be temporary who was there and now you may have more of a non-temporary use of parking spaces and I fear an approval on this would be totally inaccurate -- inadequate for parking for this location.

Strader: Mr. Putman.

Putman: Madam Vice-President, Council, and Councilman Overton, I do appreciate that and understand the concern. As far as the zoning regulations we are actually providing more parking than is required for the amount of square footage. So, the requirement for parking I believe is nine and we are providing 13. So, we want to make sure that there is adequate parking on this parcel for any -- any mix of use that -- that may come in to each of these condo -- condo units.

Strader: Thank you, Mr. Putman. Are there any further questions or shall we hear from members of the public? Okay. Thank you. Stick around, please. Mr. Clerk, is there anyone signed up in advance to testify?

Johnson: Madam Vice-President, nobody indicated they want to -- wanted to testify.

Strader: Okay. Are there any members of the public online at this time? Okay. Thank you. All right. This is a public hearing. If you are a member of the public who would like to testify regarding this application, please, approach the podium. Going once. Going twice. Sold. Okay. Thank you. Are there any further questions from Council for staff or the applicant before we hear the final word?

Cavener: Madam Vice-President, I have two questions. One I think for Sonya --

Strader: Councilman Cavener.

Cavener: -- and one is for Mr. Nary. Sonya, Jeremy indicated that they had a letter and support from the neighbor of this use, but I don't -- I don't see that. I don't know if that has been provided to us and I have somehow missed it or if -- if you can point me in the right direction, so I can fish on my own.

Allen: Yes. Madam Vice-President Strader, Council, Councilman, yes, there was a letter approving -- or in agreement with a reduced buffer width. Typically -- I don't know if it's 20 feet buffer width is required to residential. They agreed to reduced buffer width of five feet. So, I believe that is in the application file. Laserfiche.

Cavener: I was -- I was looking into public testimony, so I -- it did not come up. Madam Vice-President, one more question for Mr. Nary, so --

Strader: Council Cavener.

Cavener: Bill, where they haven't signed their development agreement, if this development agreement modification is that they are requesting something that hasn't been signed, but if this is unsuccessful what does that mean for the annexation request?

Nary: So, Madam Vice-President, Members of the Council, Council Member Cavener, so our standard protocol is until the development agreement is signed or agreed to we don't annex the property. So, the -- the property would not be annexed, then, if that's the case. But certainly correct, that is a standard we created a number of years ago allowing this one request prior to signature, because we had occasions where we put people through the entire process over again to do an amendment and we thought that was somewhat unnecessary if we haven't signed it yet, it's fairly recent in time, there is a change for a reason. So, we do allow it. But, yeah, to answer your question, property won't be annexed until we get the development agreement.

Strader: Thank you, Mr. Nary. Okay. Are there any further comments or questions before we hear the final word from the applicant? Okay. Seeing none, Mr. Putman, you are invited for up to ten minutes to have the final word here.

Putman: Madam Vice-President, Council, I do appreciate the -- the feedback in this. Some of this is new, not having been a part of the -- the previous application and those discussions. I guess one thing that I -- and this is a -- a normal narrative for areas of a city that is developing and realizing a fuller density and a greater use for its citizens. So, this is -- is normal and I understand that -- the hesitation and do have appreciation. I think we have, you know, shown that this parcel owner has talked with surrounding property owners just to be -- be neighborly and let them know what is -- is happening. There is also similar development south on Linder that is kind of a similar type of idea where there are tenant spaces with warehouses. Adjacent residences. And I think a current application for like a gym type use. So, this is -- while, yes, it is -- you know, the next kind of domino to fall in this area as it were, it is not unusual for this area and we just would appreciate your consideration and approval of expanding the use for this particular person.

Strader: Thank you. Is that all, Mr. Putman?

Putman: Yes, ma'am.

Strader: Thank you. Quick question for the city attorney. If this application is denied this evening is there a time frame that the applicant would have to wait to make an additional request, as with some of our other applications or -- what would that process look like if, for example, they were to firm up a more clear tenant and could put some more guardrails or scope around to the type of user?

Nary: So, Madam Vice-President, Members of the Council -- and Sonya can correct me if I'm wrong. If -- so, if a -- if a development agreement isn't signed there is a six month window in code. But it does, then, require some initiation on the city's part to also notify the applicant that, again, this project is not moving forward, the application can't move forward any longer with that development agreement they have had in the past. But they would have to start the process over. So, I mean they would have to begin over again with a project, go through the process of what is it they want to do, because it hasn't been annexed and they haven't complied with the code. But normally at this juncture we -- if we -- we kind of wait and see what the applicant is going to do. I don't know hard and fast -- planning will contact folks. I know they reach out to us a lot of times and, then, Mr. Parsons keeps track of those timetables, but I don't know how quickly they will go back. But -- but that would be the -- where we would go is what's their next plan. Again, the six months will expire they are supposed to bring forward something. If they don't they may need to start over. I don't -- I don't know specifically the process and Sonya would be more attuned to what -- the planning side of that.

Strader: Thank you, Mr. Nary. Sonya, did you have anything you wanted to add to that?

Allen: Madam Vice-President Strader, Council, the only thing I'm kind of concerned about -- or not -- don't have an answer to, Mr. Nary, is if they have run out of time on their six month window to sign the existing development agreement what do they do tonight if this is not approved. Is it an immediate start over because we are out of time or is there any additional time granted to sign the existing DA?

Nary: So, Madam Vice-President, Members of the Council, maybe to answer that question, again, there is a -- kind of a limbo. I mean it does say shall in the code. So, I'm not going to -- not going to step away from that. But we have given people some grace if they are going to move forward -- I mean if this doesn't -- if this were not to be approved and they wanted to sign the existing DA to at least move the project forward, they still can come back and do a modification to the development agreement. I mean they could still come back and do another application, begin the process to modify this a second time. Maybe with -- as Madam Vice-President said, more concrete plans, more concrete in what they want to do. So, they kind of have two choices, either they could start over, because they haven't signed this development agreement. Again, like I said, we haven't been super tight on the 180 if they are going to move it forward and get this -- and keep it moving. If they are not, but that's their only option, is they could, you know, certainly move forward with it as is or start over.

Strader: Thank you, Mr. Nary. Maybe one more question and I can see the applicant discussing, so we will give them a moment to do that. Would it be appropriate or make sense for the Council to extend the period that the original DA is valid for to give the applicant the ability to sign it?

Nary: Madam Vice-President, Members of the Council -- Sonya, the time period I -- and correct me if my memory is failing me tonight, but we have given people some time -- we have given them an extension of time to sign the development agreement or is it just to begin the project? I can't recall the specifics.

Allen: Yes, Mr. Nary, we have and that process is through a development agreement modification, which is what's before you tonight. However, Mr. Nary, would that have to be noticed for that reason? And if it -- if that is the case, possibly recommend continuance for a couple of weeks and renotice for the decision then.

Nary: That would be the -- probably the easiest way to make sure the public has an opportunity to weigh in would be to extend it, as Sonya said, to leave this process for a couple of weeks, then, we can get some noticing out.

Strader: Thank you, Mr. Nary. Mr. Putman, would you, please, approach for a moment? So, you have heard some discussion and I know you were also kind of in a sidebar, but just to summarize, you know, the options. I think you could give us some direction if you would like us to go ahead and vote tonight or would you like to request a continuance to perhaps get some more concrete plans and a request together or to the Council.

Putman: So, I guess -- sorry, Madam Vice-President and Council. Because of the sidebar can you -- can you clarify the -- the options that we have got moving forward?

Strader: Mr. Putman, I'm happy to. I will probably lean on the city attorney just to hair, but it sounded to me like if this application is denied, which we don't know, we haven't voted yet, the process would start over because the original development agreement is going to expire and so if the process were to start over you would have to go through the whole process again. If you were to request a continuance perhaps you could come back in 30 days or something, if you have some more concrete plans that you think would come together. I can't tell you what road you should go down. That's just an option. Mr. Nary, did I get that correct? Do you want to add anything?

Nary: Madam Vice-President, no, you had it correct. I mean really you have those two options. Either continue to clarify some of the things that Council has asked for or -- or to be denied and start over.

Putman: Okay. Madam Vice-President, Council, and city attorney, appreciate that clarification. I think probably the preference would be to have a continuance if the application is denied tonight. Yeah.

Strader: How long would you like to continue it for?

Putman: Thirty days would be adequate. Yeah.

Strader: Okay. Thank you. That was very helpful. Okay. Council, we have heard from members of the public -- well, we haven't heard from members of public, unfortunately, but we have talked amongst ourselves, you have heard from the applicant the request for a continuance. I'm looking around, do we have any motions? Discussion?

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: I would be happy to make a motion here in a moment, but I want to also be fair to the applicant.

Strader: Uh-huh.

Cavener: If we are going to request it for 30 days per their request, I think it is important that we are pretty clear about the things that we were wanting to see come back. So, what I heard was -- and I want to make sure I'm capturing this is -- Council Member Strader, you are looking for a little bit more concrete as to specific tenant use, who are the tenants, what is the contemplated use? Councilman Overton, I heard your valid concerns about parking. Not quite sure how they are going to address that particular piece, but I think you would like to maybe hear some plans around how to mitigate parking concerns. Certainly I have got some concerns about use and the impact on the neighboring residential. I'm not sure if there is any other -- want to give them the opportunity clear about what -- what we are asking them to bring back and want to make sure that we are giving them good direction as well.

Strader: Councilman Cavener, just speaking for myself, I think it would benefit you to take a continuance if you feel there will be clarifying information that the use is not a more intensive use, that it's similar to what was contemplated perhaps, that it's a warehouse and flex space where the parking is appropriate and you can narrow that type of user in. I'm not sure it will benefit you to get a continuance if you can't, you know, provide that type of an update. So, that I kind of leave the ball in your court, but that's what I would be looking for. I would be looking for that type of information, that there are some mitigating factors that would get me comfortable with intensifying the use. You would probably have to have some pretty specific guardrails around the type of user. Council, are there any further comments?

Taylor: Madam Vice-President?

Strader: Councilman Taylor.

Taylor: Are we going to be allowing the continuance for 30 days? Are we voting on that? Are we allowing -- so, we will be voting to allow a 30 day continuance with the information? Okay.

Strader: Councilman Taylor, if a motion is made to do so, then, yes, I think that's the direction it's going to go.

Taylor: Council -- or Madam Vice-President, just for a quick comment, I think it would be helpful for me to just share some thoughts with the applicant on this. I think those are all valid concerns. I think the one sticking point for me is changing the use originally that you had mentioned at the forefront. I do think it's a fair comment, though, to say -- I know we want to know the kind of applicants that will be there, but I think it's kind of hard to say exactly what that might be. I also think it's -- you know, when thinking of owning and developing a property that -- especially as you are looking to maximize the value of the property, I'm concerned if we were to put guardrails around the kind of tenants that would be there. I'm sympathetic to the parking. You know, what if somebody had a -- put a little CrossFit gym in there and you had, you know, 15 or 20 people showed up in the morning, because they wanted to work out in this little, you know, one man CrossFit gym, I think we could see some -- some real issues with that. But when I look at the surrounding area and the types of properties that are there, I actually think this is a really good fit. I think there is a lot of self storage kind of close. There is more always coming online. I actually really liked the concept. I think -- I like the idea of it being kind of an overlay of a condo space to allow -- again I think property owners should have the ability to maximize the value of the property in the highest and best use. So, my inclination is if it -- if it's aligned with some other requirements we have -- we have placed upon them and they are in compliance with that and if our only concern is a possible constraint of parking or maybe how the process got to where we got, you know, I would be supportive of this application. I think what -- what we have asked him to do is generally acceptable to me, though, I am a little bit concerned about not agreeing with the original development agreement with the intention of always maybe moving this direction, but I do think it's hard to put some guardrails around a piece of property and I would like to see people be kind of creative in how they want to use a property and I think this is a good approach to that. But I do -- I would also maybe suggest if there is a way to provide some -- some input from the public or any additional information that would give us more clarity, I think that would only be helpful to the applicant. So, I thought I -- just wanted to share that in this forum tonight.

Strader: Thank you, Councilman Taylor. And certainly you are also welcome -- everyone is welcome to make a motion. So, I think we are at that point in the evening, discussion, motions.

Overton: Madam Vice-President?

Strader: Councilman Overton.

Overton: Just to give them a fair understanding of where I'm at, after everything's been presented tonight I can't help but agree with our original decision on what this original DA was for the state -- stated reasons that we have given across this panel tonight. I have seen situations in the city already where I look at them very similar to what we are dealing with here and I want to look at them and go how on earth did that happen? How did a warehouse space turn out to be the home of a heating and cooling company. They put all their product into the warehouse, took a small office area and made it their dispatch center and now I got eight trucks parking in front of everybody's area, because there was not enough parking for that business and there is a lot of other shared uses and I will not -- and I won't vote in favor of that knowing I could be setting everyone else who uses this up into that kind of a failure. I think what we approved originally was the right idea for this location based on its size and it's going to be hard for you to sway me that we should change to this new idea that you brought forward tonight.

Strader: Thank you.

Cavener: All right. Madam Vice-President?

Strader: Councilman Cavener.

Cavener: A motion is always in order. So, I'm going to move that we continue H-2023-0074 to March 19th, 2024, to leave the public hearing open and I'm getting maybe a nod from the attorney to have the applicant re-notice for the public hearing? Is that typical in these situations?

Nary: You can direct it. That's fine.

Cavener: Okay.

Strader: Councilman Cavener, would it be okay for a little discussion if we could hear from the city clerk regarding the calendar.

Johnson: Madam Vice-President, Councilman Cavener, March 19th is the night that we have canceled due to quorum issues. So, we are looking at March 12, which we can notice for. It's 28 days. Or we can go to March 26th.

Cavener: Madam Vice-President, as always the clerk is anticipating my needs. He gave me a note that said March 12th worked. I wanted to give the benefit to the applicant, give them an additional week. Clearly always follow the clerk's directions. So I -- I will amend my motion to reflect March the 12th, 2024.

Strader: Okay. Is there a second?

Overton: Second.

Strader: It's been moved and seconded to continue this hearing to March 12th. Is there any further discussion?

Cavener: Madam Vice-President?

Strader: Yes.

Cavener: Just a couple of quick comments to the applicant. I appreciate you being here tonight. Recognize it's always hard to follow somebody else and -- but this is also I think where our Council is trying to be flexible; right? This really should come back through the re-annexation process. We are trying to be business friendly, give you guys the opportunity to address some concerns, but I think our vice-president gave good direction and advice. If you can't get there on this, that's okay, with -- withdraw and come up with a better mousetrap and know that you have got a body here that's going to be receptive to what you guys want to do when we look forward to seeing you when that time comes.

Strader: Is there further discussion? All right. If not, there is a motion. Clerk, please, call the roll.

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

Strader: Item No. 3 is continued. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

4. Public Hearing continued from January 9th for 2023 for Mixed Use Comprehensive Plan Text Amendment - Mixed Use (H-2023-0057) by City of Meridian, located City Wide

- A. Request: 2023 Mixed Use Comprehensive Plan Text Amendment Mixed Use to update and/or replace certain text and graphics associated with the mixed use sections, including other minor revisions, terms and a new appendix.

Strader: Hopefully we will hear from you again and it will be a positive discussion. Okay. With that we will move on to our final land use item. Item No. 4, the public hearing continued from January 9th for the Mixed Use Comprehensive Plan Text Amendments. I expect this will be a meaty discussion and with that when you are ready, Mr. McClure, we will turn it over to you, Brian, for staff comments.

McClure: Madam Vice-President, I'm here to present a follow-up to the one on January 9th regarding the mixed use amendment to the city's Comprehensive Plan.

Strader: Excellent. Please proceed.

McClure: Over the next few slides I will review some of the concerns that staff heard previously. One of the previous concerns that staff heard from Council during the public hearing was the level of public involvement in. Response to the rescheduled public hearing we included another approximately 50,000 NextDoor hits, 20,000 newsletter hits with approximately 7,500 opens and several individual and small group citizen meetings. I don't want to mislead that. That's pretty normal, but -- to state. The other concern a note that staff took away from the meeting was concerned with the footprint height and guidelines. In response staff provided a memo with additional background context and options. This slide includes some additional context and history on the topic of building sizes. Council has the ability to require discretionary building restrictions of any type with annexations, rezones and CUPS in mixed use areas. Council also has the ability to waive some guidelines with good reasons and also approved changes to the future land use designations in the future land use designation -- future land use map in part to avoid size restrictions for buildings. Examples here -- good reasons are Costco and Wal-Mart. Additional requirements may provide some comfort, but may still be sized up with no guarantee for application of the guidelines. Design is also complicated. Staff have continued concerns in maintaining delineation between general guidelines and strict requirements when it comes to building design features on the site. There are many ways to mitigate for building mass in context sensitive building and site design and staff have no way to justify the adopted values for the maximum building areas as proposed in the updated mixed use text. They appear arbitrary and if they ever had justification that's been lost. Lastly, we have some other adopted policies that very much support the new texts. Here we have several of those policies that staff could do a better job referencing within mixed use developments. These are not prescriptive and they are -- are very open, but the clearer the city is with approval expectations, the more staff can successfully advocate for this and I will let you read those.

Strader: Thank you, Brian. I think we have all read the memo. So, you -- I think so. So, you can just carry on.

McClure: So, I will wrap up here with some additional comments received during the hearing continuation. The summary here is something of a disservice given the length of the comments received and so I'm leaving them as concluding remarks. We had one additional form survey provided that included no comments, but general support from answers that are yes or no. Several engaged stakeholders provided some very thoughtful written comments regarding this application. The general feeling -- and, again, this is a summary -- does a community value -- values to the guidelines relate to maximum square footage. There is a sense of already limited tools being eroded and that flawed or otherwise existing building restrictions are important. Some of the comments also included a number of related and unrelated -- unrelated comments regarding public process and so I hope you have had a chance to look at those. With that this is the same request we had last time and I'm open for conversation and questions.

Strader: Thank you, Brian. Councilman Cavener.

Cavener: Thank you, Madam Vice-President Strader. Brian, a question where you are - the comment about concerns from the public, this is the first that I'm -- I'm hearing about it and, again, not your fault, but I think the link to the -- that typically links to the public records file for this links to the website that you guys have put together, so I appreciate you flagging it for us, that they are in the public record. We, as Council, did not have the chance to review that. We weren't provided it, nor I think the public. Again, not -- not a glaring error, not a mistake on anyone's part, but just maybe if you wouldn't mind summarizing some of that or at least forwarding the link to us so that we have at least -- and I may be alone in that. I wasn't able to review it.

Strader: Councilman Cavener, I requested the link and was able to review the public comment and it was extensive and I thought very rich feedback worthy of consideration. I will let you respond, Brian.

McClure: Madam Vice-President, Councilman Cavener, it's very difficult to summarize and putting aside some of the other topics that aren't directly related to this application, you had three very engaged stakeholders provide written testimony for that. Their names are not unfamiliar to you. They shared Council's concerns when they -- after they were -- they weren't previous concerns that they were aware of. After -- after the last hearing where you asked us to go out and talk to them, they shared some of the concerns that several persons on Council -- concerns they had. They were generally that while the mixed use requirements and mixed use neighborhood and mixed use community for the building restrictions that are either at school or vertically integrated project, are important. They -- it helps to protect community to transition and protect existing neighborhoods and that they wanted those. One of them understood -- at least one of them understood that it was arbitrary, but leaning towards sort of my comments about other standards being eroded and not having a lot of other things to fall back on and the other two were a little bit more general I think, but had the same concern, that they would like -- they would like those existing requirements for maximum building square footage to remain in the proposed changes to mixed use.

Strader: Brian, would you mind if I jump in a little? Thank you. To give you my take on it after reading it and I think you are going to want to read these comments for yourself. Like if I were you I would want to. I thought there were -- there was a lot of really good feedback. I thought that it was extremely thoughtful. There were several that were multiple pages. There was actually a -- there was a review of this memo and all of the options. There was some feedback regarding option three, this idea of a 30 foot additional setback for every one story of height disparity, that that seemed very inappropriate and that that was not a good solution. I think there was a -- an acknowledgement that this proposal is an improvement overall to the process, but that taking away the building area restriction kind of takes away the only concrete bright line that individuals have to -- to try to enforce this idea of neighborhood transition and there was actually a suggestion -- and I don't know if that would be long better, you know, in the development of like design standards, but there was a very specific suggestion that perhaps in like mixed use neighborhood developments or other mixed use developments that there not be more than a one story difference between directly

adjacent uses and I thought that that was kind of an interesting idea and I don't think I'm doing it proper justice, because we did hear from three folks. Thank you.

Cavener: Thank you.

Strader: Other questions, comments, reflections? All right. With that --

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: Brian, just to make sure that I -- I also heard you correctly, things happening in realtime. If I heard you correctly, you and staff had the opportunity to review those comments and didn't make any changes to what was presented to us a month ago; is that correct?

McClure: Madam Vice-President, Councilman Cavener, some of their comments are hard to disagree with, but because of the boxes we operate in, yes, that's the case.

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: Brian, as always I appreciate your willingness to be candid and diplomatic. I'm bad at both of those and I appreciate you walking us through some of this tonight. Really appreciate it.

Strader: Thank you. Brian, is there anything you want to add before we open up the public hearing portion of this evening?

McClure: Madam Vice-President, I don't think I have anything right now.

Strader: Thank you. All right. This is a public hearing. Mr. Clerk, do we have anyone signed up to testify here?

Johnson: Madam Vice-President, we did not.

Strader: Okay.

Johnson: The only people online are city staff.

Strader: And I know we did hear from some members of the public that the -- that did write in that they would not be able to attend this evening. We do have a couple of members in the audience. This is a public hearing. If you would like to provide any testimony or thoughts you are welcome to approach the podium at this time. Okay. Thank you. Thanks for being with us. All right. So, Council, just to summarize -- and I

can get -- I know I have been very loud about this particular topic. You know, if you feel like you would like to move forward tonight we could consider doing that. I personally feel that it would be important for all the members of Council to be able to review the public testimony that was provided. I thought it was very detailed and helpful and we did have members of the public take a significant amount of time to provide that feedback. So, I would recommend a continuance, but perhaps with some direction or at least some reflection on -- on the memo itself. But I will open it up for discussion.

Cavener: Madam Vice-President, I appreciate the work that has went into this on staff and I don't feel good about this, because I clearly missed -- and, again, I still haven't found where the -- that public feedback is and so I may look to my good colleagues who show me where you found it and where I missed it, because that to me is an important piece to at least be able to have been prepared and maybe provide some context to staff. So, while I do not want to slow this process down for anyone as a result of me, I -- I won't be voting in favor of adoption this evening.

McClure: Madam Vice-President?

Strader: Yes.

McClure: If the concerns are strictly regarding the square footage change -- and that's all I have heard -- a solution -- and as I wrote in the original staff report, the only reason we brought this forward is because it was pointed out to us. A solution would be to keep the existing text as -- as they are and not strike them and we could come back and modify it later.

Strader: Thank you, Brian. That is something for us to chew on. One thing I want -- the only thing that bothers me about that approach -- I don't want to let the perfect be the enemy of the good, because I think on the whole the work you have done here is fantastic. The modeling -- I mean you and I and Councilman Overton went through your -- your multi-year projection modeling of the impacts and we have done -- there has been so much legwork that's gone into this. I agree with you totally that the direction it is going is very positive. A fear that I have is that we keep this building area footprint restriction, but don't seize this opportunity now to craft something maybe that would create a building height restriction that's relative to adjacent uses or even just gives you some direction about the next step is we really need to look at design standards or something. I just don't want to not seize that moment and have that follow up happen. So, that -- that's my only concern there and I do think, you know, that -- that the members of the public really did provide good testimony. I guess a question -- I don't know if it's a question for -- for Bill or for you, but, you know, if we were to continue this, for example, for a week, could we have that sort of a continuance in order to address this one issue? So, perhaps we could, you know, continue the public hearing, but with maybe, you know, a shorter turnaround. Do we have a noticing issue? Like how does that all work?

Nary: Madam Vice-President?

Strader: Mr. Nary.

Nary: So, no -- no additional noticing is required, so you can continue this just simply for a week for more information. That's --

Strader: Okay. Mr. Clerk, I'm looking over at you. I believe we have a pretty light agenda so far for next week; is that right?

Johnson: Madam Vice-President, I'm double checking. I do believe so. I can confirm.

Hood: Madam Vice-President, while the clerk is looking that up, if you don't mind.

Strader: Go ahead.

Hood: I just -- a week I think is great. Obviously, you all can do what you would like to do. I just want to put that in context a little bit. The print deadline for next week is noon tomorrow. So, you probably won't have anything really to stew on. So, new information will be really new to you, because anything we propose will be after the print deadline to the clerk likely. So, the discussion can be continued, but you really won't have anything more substantive to really chew on. I'm not -- I don't say that to encourage you to continue it further, but I just wonder if your expectation is that you actually have some new -- something black and white to review over before next week, your packet goes out before then.

Strader: Mr. Hood, if you don't mind, just to tease that out a little bit, though, we already have testimony from the public that hasn't been reviewed by Council and -- and, Councilman Cavener, you are not unique. I had to actually specifically request a link and I thought maybe I was just like the odd woman out and hadn't figured this all out, but I think all of us are in the same boat, that we haven't been able to review that. So, it seems like if we put this on the agenda for next week we will all at least be able to review the public testimony that's been received. Hypothetically we could keep this public hearing open in the event that there is additional testimony. We could receive that just like any other application; right?

Hood: So, my apologies, yes, I kind of understood this as twofold. One, so that anyone that didn't review what I'm assuming is in the record online and available today -- some more time to review that. I also heard the last part was to maybe play with some of the existing language, if we are going to keep this, to make it perfect or improve on the good to be even better. So, if that's not part of it -- and we can even play with that a little bit, just -- you won't, again, have anything from staff to further consider prior to next week.

Strader: Mr. Hood, that's perfect. We are on the same page. I'm not looking for staff to provide any additional analysis and writing. I would personally encourage you to at least reflect on the suggestion that was made regarding some type of a height restriction for mixed use community, whether it would make sense to have some type of

a height restriction of one story between directly adjacent uses. If you feel that that is a solution that could be considered and your -- maybe your comments will be, hey, we think that's part of the design standards process and that's where that should take place. I don't know. I don't want to speak for you. But that's the one piece I think I would like to hear a little more from you on, Brian. But I'm just looking to everybody else. Is there any -- any concern, anything further from Planning stuff specifically that we are looking for? Yes. Councilman Taylor.

Taylor: Madam Vice-President. I -- I got pretty comfortable with kind of where we were with that, but I was -- I thought I was just the new guy and didn't understand how to access the stuff. So, I'm glad that the veterans on Council also failed. I would like to review it and compare that with what's been proposed. I'm not looking at anything -- for anything new either from -- from staff. I'm pretty close to being comfortable, but I think a week to review those comments, especially it sounds like there is something of -- of note in them I would appreciate that.

Strader: Great. Okay.

Overton: Madam Vice-President?

Strader: Yes, Councilman Overton.

Overton: First off I would like to commend Planning again for all the work they have done on this. I know it's a once a year process to make this change and a tremendous amount of work and thought went into it. I guess one of the questions I have is I did not have a chance to review the public remarks. But just to get this out there in front of all of us, with the public remarks being out there, Brian, you brought the same product forward. If there is changes to be made are you looking for Council to make those suggested changes or are we looking for you to make those changes and bring them back to us? Because I think that's kind of important that we understand that before we meet again.

Strader: Thank you, Councilman Overton. Brian, I will maybe just chime in with one thing and, then, turn it over to you. It sounded like from reading the memo and from reading that other information you have provided that because it's been through the planning and zoning process you did not feel comfortable independently making additional recommendations outside of the memo without direction from Council, but I don't want to put the words in your mouth.

McClure: Madam Vice-President, Councilman Overton, and Vice-President, that point is true. Logistically it's also just -- I don't want to -- I don't want to presuppose conversation next week. It's going to be very difficult, to be honest, to craft anything that's going to work in most conditions. It sounds easy to just say one story next to adjacent parcels, but you can have very deep parcel, you can have property owners who don't care, you can have very creative design solutions for that. I mean they may have wide buffers. What -- a parcel you look at some parcels are huge. You know,

what is the -- what's the minimum length there where you sort of say, okay, that's -- that's no longer I believe an element, because we are talking about a parcel that hasn't been annexed yet. It's 80 acres and you said one -- one story. Like there is just the sideboards there and the nuance -- and what you have to consider is pretty vast and I would be hard pressed to find anything more general that I support that isn't more code based, more design based and include other things like landscaping, parking, actual architectural treatments, terracing -- I mean there is just other things you can do and I wouldn't feel good about recommending some blanket standard here. That doesn't mean it's not bad, my standards just might be off, but it will be difficult for me to get there. I'm happy to have that conversation though.

Strader: Thank you, Brian. You know, yeah, that's a question I had was, you know, we have several parts, you know, of our Comprehensive Plan where we say, you know, pretty general things, like transition between neighborhoods is very important. I wondered if guidance that was not super specific, but generally in mixed use neighborhood we would expect to see high disparity of no more than one story between directly adjacent uses. If something like that would be helpful and I -- again, I don't want to craft it for you, but it seemed like a worthy recommendation from the public at least for us to consider. I think what I would be looking for from you would be -- and it's totally fine if the answer is -- I think that's what you just said, hey, that sounds interesting, that's part of the UDC design standard overall, that's where that needs to take place, and we could always give you to next week if we thought it was helpful, we could give you that direction. Like we would love for -- City Council would love to see us work on that next. I don't know. Did I hear -- I hope I'm not mishearing you.

McClure: No. I think I understand the comments. I understand. Thank you.

Strader: All right. Well, I don't know if I'm there. I don't know if I'm out on a little island by myself with that suggestion at all. So, it sounds like we have all got to -- at least the majority of Council has got a desire it sounds like to -- to read the public testimony. Come back. So, with that, Council, do I have a motion to keep the public hearing open and continue, please?

Cavener: Madam Vice-President?

Strader: Councilman Cavener.

Cavener: I move that we continue Item No. 4, the public hearing for H-2023-0057, move that we continue this item to next Tuesday, February 20th, 2024. And, then, request that staff send a link that includes all the public testimony that isn't attached to this agenda this evening to the Mayor and Council and to make that public testimony available via the application material link, so that the public that wants to review this agenda for next week has the opportunity to see it as well.

Overton: Second.

Strader: All right. Excellent. It's been moved and seconded. Is there any discussion? Okay.

Johnson: Can I asked a clarifying question? So, what I can do is place the secondary link on the -- on the agenda. So, that what I'm hearing?

Strader: Mr. Clerk, that is fantastic.

Johnson: Because there are shortcuts.

Strader: Because there is a link to the public facing website, which is very helpful. I don't think we want to remove that. We are just adding an additional link with the materials for the application. That is fantastic. Mr. Clerk, any issues on February 20th? That should be fine; right?

Johnson: Yes.

Strader: Okay. With that we have got a motion. It's seconded. Let's call the roll.

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

Strader: Okay. With that the public hearing for the mixed use Comprehensive Plan text amendment has been continued one week. I look forward to discussing that further.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

FUTURE MEETING TOPICS

Strader: Okay. That brings us to Future Meeting Topics. Okay. Fellow Council Members, any suggestions of future meeting topics? Mr. Cavener.

Cavener: Madam Vice-President, no future meeting topics right now, but just a point of personal privilege. It is challenging to be thrust upon one to conduct a meeting and I just want to commend you. You did an exceptional job tonight of playing traffic cop and hearing the public, working with staff, so job well done this evening.

Strader: Thank you so much. We are not there yet. So, let's not jinx it. Thank you. You all have been very helpful as well in making motions and being very clear. I appreciate everyone's support. Any other comments on future meeting topics? Okay. All right. With that do I have a motion to adjourn?

Cavener: Move to adjourn.

Cavener: Okay. Excellent. We have a motion to adjourn. All in favor signify by saying aye. Excellent. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 7:32 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

_____ VICE-PRESIDENT LIZ STRADER	_____ DATE APPROVED
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ATTEST:

CHRIS JOHNSON - CITY CLERK