

A meeting of the Meridian City Council was called to order at 6:05 p.m., Tuesday, March 1, 2016, by Mayor Tammy de Weerd.

Members Present: Mayor Tammy de Weerd, Keith Bird, Joe Borton, Genesis Milam, Luke Cavener, Ty Palmer and Anne Little Roberts.

Others Present: Bill Nary, Jaycee Holman, Bruce Chatterton, Sonya Watters, Bill Parson, Josh Beach, Clint Dolsby, Jamie Leslie, Mark Niemeyer, and Dean Willis.

**Item 1: Roll-call Attendance:**

Roll call.

<u>  X  </u> Anne Little Roberts	<u>  X  </u> Joe Borton
<u>  X  </u> Ty Palmer	<u>  X  </u> Keith Bird
<u>  X  </u> Genesis Milam	<u>  X  </u> Lucas Cavener
<u>  X  </u> Mayor Tammy de Weerd	

De Weerd: Thank you for waiting. We are five minutes late. We appreciate you all being here. Usually we have an overflow room that we can invite you to take a seat in, but it's filled with voting booths, so if you want to early vote we can accommodate you to do that, but we just can't accommodate you to sit down. So, our apologies. We do have the speakers on in the lobby, so if you start getting warm you can always step out and still hear what's going on. We do appreciate you being part of the public process and appreciate you being here. For the record it is Tuesday, March 1st. It's five minutes after 6:00. We will start with roll call attendance, Madam Clerk.

**Item 2: Pledge of Allegiance**

De Weerd: Item No. 2 is the Pledge of Allegiance. If you will all rise and join us in the pledge to our flag.

(Pledge of Allegiance recited.)

**Item 3: Community Invocation by Troy Drake with Calvary Chapel**

De Weerd: You guys gave me the chills. Hearing that Pledge of Allegiance was awesome. Thank you. Our community invocation tonight will be led by Pastor Troy Drake. He's with Calvary Chapel. If you will all join us in the community invocation or take this as a moment of reflection. Welcome again.

Drake: Thank you. God, we just want to spend a few moments here in gratitude for this great free country that we live in, Lord, that we can vote and that our voices are heard, Lord, and that those people that went before us paved the way so, that we could have a free society and to live, work, and play where we really -- where we want to and do what

want to and so we thank you for those liberties that -- that you have bestowed upon us, Lord. We also thank you so much for the City of Meridian. What a great place that we have here and we pray for the -- for the safety of our community tonight, Lord, all the citizens and firefighters and the police officers, Lord, that -- that evil would be rooted out and you would protect us all, God, from those who would seek to harm -- harm us and -- and, lastly, Lord, I just pray over our meeting here tonight, that you would give great wisdom to these elected officials here, these Council members and the Mayor, Lord, that you would bless them and help them to discern what should be done and what shouldn't be done, even on matters that seem very small and so we just want to be good stewards of all these things and so we pray just for our time here and all the conversations that are said, that you would be glorified in this place and so thank you ahead of time for what you're going to do, in Jesus' name, amen.

**Item 4: Adoption of the Agenda**

De Weerd: Thank you. Item No. 4 is adoption of the agenda.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: On the agenda under 8-E the resolution number is 16-1122 and also we would like to move 9-A, B and C up to right behind Item 6, ahead of Department Reports. And going to 8-A, that has been asked to continue until May 3rd. Item 8-E has been asked to continue to March 22nd. And with that I move we approve the amended agenda.

Borton: Second.

De Weerd: I have a motion and a second to approve the agenda as amended. All those in favor say aye. All ayes.

MOTION CARRIED: ALL AYES.

**Item 5: Consent Agenda**

- A. First Addendum for Time Extension of the Development Surety Agreement for Chinden and Linder Crossing.**
- B. Sanitary Sewer And Water Main Easement between the City of Meridian and Four Doors, LLC. For Stonestrow Subdivision**
- C. Memorandum of Understanding with Idaho Transportation Department - Motor Vehicle Title and Registration Record and Information Sharing**

- D. Meridian Monument Sign Agreement with CarMax E. Meridian Monument Sign Agreement for Chinden and Linder Crossing**
  
- F. Ground Lease for Lift Station Lot at Kennedy Commercial Subdivision with SANC Investments LLC as Grantor and City of Meridian as Grantee**
  
- G. Final Plat for Creekstone Subdivision (H-2016-0014) by Creekstone Meridian, LLC Located North Side of W. Pine Avenue, Midway Between N. Black Cat Road & N. Ten Mile Road**
  - 1. Request: Final Plat Approval Consisting of Thirty-Two (32) Residential Lots and Six (6) Common Lots on Approximately 6.92 Acres in the R-8 Zoning District**

De Weerd: The Consent Agenda is next. I'm sorry, I'm losing my place in the dark.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I would move that we approve the Consent Agenda as published and for the Mayor to sign and the Clerk to attest.

Bird: Second.

De Weerd: I have a motion and a second to approve the Consent Agenda. Madam Clerk, will you call roll.

Roll Call: Bird, yea; Borton, yea, Milam, yea; Cavener, yea; Palmer, yea; Little Roberts, yea.

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**Item 6: Items Moved From the Consent Agenda**

De Weerd: Item 6, we had no items moved from the Consent Agenda.

**Item 9: Continued Department Reports**

- A. Community Development: Memorandum of Agreement with Meridian Development Corporation for Idaho Avenue Placemaking Project regarding MDC's contribution of \$12,000.00**

**and City's Contribution of \$12,000.00 with Overall Project  
Expense Not-to-Exceed Amount of \$24,000.00**

De Weerd: So, we will move to 7-A --

Bird: No. No. 9-A. We moved --

De Weerd: Oh, you moved it -- okay. Item 9-A under the Community Development office. I will turn this over our director Bruce Chatterton.

Chatterton: Madam Mayor, Council Members, you have in front of you a memorandum of agreement with -- between the city and Meridian Development Corporation. The purpose of this MOA is to really help us handle money in a more efficient way. As you know, both the city and the MDC have allocated funds for the Idaho Avenue placemaking project. This MOA simply allows the -- and the budget amendment which follows it -- allows that cost sharing to take place more efficiently. So, effectively we would be receiving the 12,000 dollars from Meridian Development Corporation, continuing, of course, the close partnership that we always have with MDC on matters like this. As you're aware from the presentation a couple weeks ago, the placemaking project now has an overall budget of 24,000 dollars. So, that with 12,000 dollars from the city's coffers, allows us to put 24,000 dollars in one place to properly administer that -- that project. Happy to stand for any questions.

De Weerd: Thank you, Bruce. Council, any questions? If there is no questions, do I have a motion on the MOA?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: I move we accept the MOA with MDC for the Idaho Avenue placemaking project.

Milam: Second.

De Weerd: I have a motion and a second to approve Item 9-A. Any discussion by Council? Madam Clerk.

Roll Call: Bird, yea; Borton, yea, Milam, yea; Cavener, yea; Palmer, yea; Little Roberts, yea.

De Weerd: All ayes. Motion carried.

**MOTION CARRIED: ALL AYES.**

**B. Community Development: Approval of a Budget Amendment for Idaho Avenue Placemaking Project for the Not-to-Exceed Amount of \$12,000.00**

Item 9-B is also under Community Development in regards to the same topic that you just heard on. Council, do you need any further information?

Bird: No.

De Weerd: Okay.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: I move we approve the budget amendment for the Idaho Avenue placemaking project for a not to exceed amount of 12,000 dollars.

Milam: Second.

De Weerd: I have a motion and a second to approve Item 9-B. If there is no discussion, Madam Clerk.

Roll Call: Bird, yea; Borton, yea, Milam, yea; Cavener, yea; Palmer, yea; Little Roberts, yea.

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**C. Mayor's Office Report: Appointment of Interim CFO/Treasurer**

De Weerd: Item 9-C -- Council, I am pleased to introduce in front of you Todd Lavoie. He's not a stranger to any of you. He is a little bit strange sometimes, but I -- it gives me great pleasure to ask for your confirmation of his appointment as our interim chief financial officer slash treasurer and would ask if you have any questions?

Bird: I have none.

Cavener: Comment, if I may.

De Weerd: Mr. Cavener.

Cavener: No question. Big shoes to fill, but he's got great feet. So, we are happy to have you.

De Weerd: Okay. Anything else from Council? Before I ask Todd to say a few words, I will wait until after you make your motion.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I would move that we confirm the appointment of Todd Lavoie as the interim CFO/Treasurer for the City of Meridian.

Milam: Second.

Cavener: Second.

De Weerd: I have a motion and a bunch of seconds to confirm the appointment of Todd Lavoie as our CFO/Treasurer. Madam Clerk, will you, please, call roll.

Roll Call: Bird, yea; Borton, yea, Milam, yea; Cavener, yea; Palmer, yea; Little Roberts, yea.

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

De Weerd: Well, welcome, Todd. We appreciate your willingness to step right in and serve and continue the traditions our previous director had in this role and would invite you to say anything. I know the Finance staff is sprinkled throughout and here to witness this. Thank you for being here.

Lavoie: Madam Mayor, Members of the Council, again, I appreciate the opportunity here to serve as the interim CFO for the city. I will continue the same tradition that we have with our previous CFO. Again, the citizens are here, they voted you guys as Council to lead them in the right direction. My goal is to continue that direction, keep the city moving in a positive direction with the finances. Again, the department is here for Finance, the great support that we have. I think we have a staff that will continue to deliver the expectations that you as a Council and the Mayor have and also the citizens. Again, I appreciate the opportunity and, Luke, I appreciate the comments about the shoes. I will fill them. I will do the best that I can. Again, just want to say thank you again for entrusting me with this and will do the best we can for you. So, thank you.

De Weerd: Thank you, Todd.

Milam: Thank you, Todd.

**Item 6: Items Moved From the Consent Agenda**

## **Item 7: Department Reports**

### **A. Mayor's Office: Mayor's Youth Advisory Council (MYAC) Update**

De Weerd: Okay. Item 7-A is under the Mayor's office. We will hear an update from the Mayor's Youth Advisory Council. Brianna, thank you for joining us.

Siddoway: Madam Mayor, Members of the Council, for the record my name is Brianna Siddoway and I'm the vice-chair of the Mayor's Youth Advisory Council and I will be giving you the fifth update this year. Again, I'd like to talk about our Dutch Bros CPR day where we partnered with the American Heart Association to train hands-only CPR. We trained 1,028 people and this was our second year as the biggest contributors and we trained 24 more people than we did last year. I had such a great time doing this. I was there with my friends, with members of MYAC, and we were able to draw closer together, but we were also able to meet more people here in Meridian. It was a great opportunity. We learn so much every time that we do it. It was a great opportunity for us all. So, we had 20 MYAC volunteers help at the Mayor's State of the City and we assisted in the setup, registration, table vendors, and the Taste of Meridian reception. The members who attended this had such a great time and we were able to share more about MYAC and people were able to become more aware of us in the community. As for the youth lobby day, we assisted the American Heart Association to fund the safe pathways to and from school and they will be helping us to back our seatbelt legislation. We had 14 students who were able to have one-on-one sessions with our lawmakers and they were able to broaden their -- their knowledge of politics. So, we had our annual competition called Ignite Youth. With this competition each presenter has five minutes and 20 PowerPoint slides, with each has -- which they rotate every 15 seconds. This year we had two categories. The first category has ten finalists and this was the general category and our second category was an anti-distracted driving with the four finalists. The general champion was Sam Tapia. She goes to Meridian High School and her topic was the butterfly effect. With our anti-distracted driving champions, they were Cheyenne and Tanna. Their topic was things you should not do while driving. Though their ideas were a bit extreme, they were very entertaining to watch. Some of the examples were yoga, cooking, wrapping presents and there were many more. It was such a great opportunity and I know that everyone who joined had a wonderful time. So, all of MYAC students, parents, and the general public were allowed to come to this free college planning seminar and in this seminar there were a few topics covered. Some of them include cost and value of college, types of financial aid, especially FAFSA, expected family contributions, student loans, tuition negotiation, the 529 plans, the saving side of these, the value of planning and at the end they had a question and answer session. It was really a great opportunity for people to get more insight of what college life might be like and the requirements that they need to know before and some good things to know while they are there. We have four members of our government affairs subcommittee testify for our seatbelt legislation. We requested to make seatbelt enforcement a primary offense versus a secondary offense and we hope to have more information about this at a future date. So, the executive council will be attending the National League of Cities, which will be held in Washington D.C. We are leaving on Saturday, the 5th, and we will come back

on Wednesday, March 9th. We are holding a fundraiser, which -- sorry. We contacted businesses and if they accepted they would give us 500 dollars in exchange for a logo with their -- their logo will be on a shirt that we are traveling with to Washington D.C. and you can see that in the top right-hand corner. Also they will be premiered in a video with MYAC and Mayor Tammy. We will also volunteer our service and we will tag them in all the things that we post on social media, so that their businesses can have more outreach across the United States.

De Weerd: And they get to go to Ball at the Hall.

Siddoway: That's right. Yes. They get free tickets to Ball at the Hall. So, that should be really enjoyable, too. And I will now stand for questions.

De Weerd: Thank you, Brianna. Any questions from Council?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Comment and a question. First the comment. Brianna, kudos to you and the Mayor and all the youth council members. As someone who works down at the Idaho State Capital I assume I will be out of a job soon as the youth council members were all over the place and they are really being effective down there. So, congratulations.

Siddoway: Thank you.

Cavener: My question is every month you seem to give us an update as to where you are numbers wise. I'm really proud of all the council accomplishes and I want the public here to know how many of our active teens are involved. Can you give us a ballpark number as to how many active members you have?

Siddoway: Madam Mayor, Council Member Cavener, I would probably say we have 50 who are constant and who are coming to every meeting and to the events. Fifty give or take. And those who are staying with us are having such a big impact on us that they broaden our spectrum and we have all these new ideas and new events that are coming to mind and that we can carry out with and so it's -- it's really great for the people who have stayed with us and we invite all to -- you know, all to join, so --

Cavener: Great.

De Weerd: I would say they have 50 active, but they average around 70 to 80 at each meeting and they meet twice a month and, you know, they -- they rotate in and out, but the ones that are really active are really active and very engaged. As you can see by the presentation. Any other questions? Thank you, Brianna, for being here and giving the report.

Siddoway: Thanks.

De Weerd: We will see you Saturday morning early.

**B. Mayor's Office: Resolution No. 16-1122: A Resolution Re-appointing Leslie Mauldin to Seat 5 and Stephanie Barnes to Seat 6 of the Meridian Arts Commission**

De Weerd: Okay. Council, Item No. 7-B is Resolution 16-1122. This resolution will reappoint Leslie Mauldin to Seat 5 and Stephanie Barnes to Seat 6. They are returning Meridian Arts Commission members. They have each in their own right contributed significantly to the Meridian Arts Commission and we are excited that they are willing to continue to serve and make a difference in our community. I would stand for any questions you might have.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: Seeing no questions, I move that we approve Resolution No. 16-1122, reappointing Leslie Mauldin to Seat 5 and Stephanie Barnes to Seat 6 of the Meridian Arts Commission.

Cavener: Second.

De Weerd: I have a motion and a second to approve Item 7-B. Madam Clerk, will you call roll.

Roll Call: Bird, yea; Borton, yea, Milam, yea; Cavener, yea; Palmer, yea; Little Roberts, yea.

De Weerd: All ayes. Motion carried.

**MOTION CARRIED: ALL AYES.**

De Weerd: And I would remind Council and the many citizens we have in our audience, we do have an open seat on our Meridian Arts Commission, so if any of you have an interest in serving the city, I would ask you to go online on our [meridiancity.org](http://meridiancity.org) and I know a number of you have found that website. So, if you have an interest we would love to hear from you most certainly. Okay. Item 8 is under our Action Items. I imagine that this might be many of your first meeting here in City Hall chambers. It does have -- a little overview on the public hearing process and I will just say that our staff introduces each of our public hearing items with an overview and their staff report. The applicant, then, is asked to come forward. He has ten minutes -- he/she has ten minutes to present their application. Then we enter into the public process where we receive testimony and at the beginning, since there are a number of you here, I will ask the city clerk to read all of the

letters that we have -- not read each letter. I will have -- I will have her read the names and so you are assured that your letter, if you wrote one, is in the public record, so we will -- already know you're part of the public testimony. Those that wanted to testify, make sure your name is on the sign-up sheet in the back. If you're signed up there and you don't want to testify, I will read your name and I promise I will do my best to say your name correctly, but I will not make any guarantees. If when I read your name and you want to provide testimony, I would invite you forward at that time. I will also note if you are in support or in opposition to the application in front of us. At the end of the public testimony, which is a three minute time limit -- and since there is a number of you, we will keep it strictly to that three minutes for each person, unless you have a spokesperson who, then, has a longer period. Then the applicant will do a wrap up summary, hopefully asking -- or answering any questions that might have come up during the public testimony that we hadn't heard as part of their application summary in advance and, then, it will be a discussion by Council.

**Item 8: Action Items**

**A. Public Hearing for Browning Plaza (H-2016-0008) by SLN / Boise-Waltman, LLC Located 505, 521, 615 and 675 Waltman Lane**

**1. Request: Two (2) Year Time Extension on the Preliminary Plat to Obtain the City Engineer's Signature on a Final Plat**

De Weerd: So, with that said, I will go right into Item 8-A. This is a public hearing for H-2016-0008. This has been requested to continue to May 3rd and I will ask staff if there is any reason -- if there is a posting reason or anything in particular that this continuance has been requested for?

Parsons: Madam Mayor, Members of the Council, the applicant actually reached out to staff and has asked to -- they are entertaining possibly bringing forward a development agreement modification to coincide with their time extension, so they need time in order to pre-app with staff and put together an application so that both of these can be heard with -- in front of this -- in front of the Council on that date and that's the reason for the continuance at this time.

De Weerd: And they are still within the time for -- for their plat?

Parsons: Yes. Their application had been processed before their plat had expired, so they are still in good standing and they would remain so.

De Weerd: Okay. Thank you. Council, I would need a motion to continue this item.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we continue the public hearing on H-2016-0008 until May 3rd, 2016.

Milam: Second.

De Weerd: I have a motion and a second to continue Item 8-A to May 3rd, 2016. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**B. Public Hearing for Centrepoint Subdivision No. 2 (H-2016-0011)  
by Jonathan Seel Located West Side of N. Eagle Road,  
Approximately 1/4 Mile North of E. Ustick Road**

**1. Request: Approval for a Two (2) Year Time Extension to  
Obtain the City Engineer's Signature on the Final Plat**

De Weerd: Item 8-B is a public hearing for Centrepoint Subdivision, H-2016-0011. I will open this public hearing will staff comments.

Parsons: Thank you, Madam Mayor, Members of the Council. Next item on the agenda is the Centrepoint No. 2 time extension. This property consists of 18.7 acres of land. It's currently zoned C-G within the city limits. It's located on the west side of North Eagle Road, north of north -- or North of East Ustick Road. In 2007 the Council did approve the preliminary plat and final plat for this project for a commercial development. The applicant is here tonight to discuss with you their fifth time extension. With the previous time extension staff did require the applicant to comply with most of the changes to our ordinances. If Council would recall about a month or so ago we did approve an update to our design manual, so the applicant has been put on notice to comply with the new design standards and one other item, as part of our recommendation this evening staff is recommending approval of the time extension with a new condition of approval and so because this site does front on Eagle Road, we do require decorative pedestrian lighting along that corridor, so they will have to install that per the UDC. That is required along Eagle frontage and it's similar to the lighting that you see in front of the Scentsy campus or Life Church facility there on Eagle Road. I did receive a written testimony from the applicant in agreement with the new conditions, so they are in favor of adding those streetlights as part of their subdivision when they do that subdivision -- or when they do street improvements with the development of the site. With that, again, we are recommending approval and I will stand for any questions the Council may have.

De Weerd: Thank you. Council, any questions?

Bird: I have none.

De Weerd: Does the applicant want to make remarks? Good evening. If you will, please, state your name and address for the record.

Seel: Yes. Good evening, Madam Mayor, Council Members. Jonathan Seel. I'm here on behalf of the W.H. Moore Company, 1940 Bonito, Meridian. If I can go back when I was in front of you back in 2007 and you were approving a final plat, if someone had said to me at that time what could you comfortable project into the year 2016, I would have said, well, I will definitely be older, I will be grayer or gray and, hopefully, I will be a little smarter, but I will leave the third one up to other people. But I never imagined in my -- in my wildest dreams that I would be standing here tonight asking you for another two year extension. But here I am. But I think the interesting thing, again, if we go back to 2007, if we remember back then, this valley was very dynamic. The residential was booming. The retail was booming. The office was booming. At that point we anticipated within a very sort period of time after 2007 we would have this Centrepoint sub number two completely built out. In fact, we had great interest in it. But, then, as we all recall in 2008 and 2009 we had what's called the great recession and literally everything stopped. There was no interest, whether it was residential, retail or office. We saw no activity at all. When things finally started to pick up again and it became dynamic again -- or the valley got on its feet, the Village at Meridian came along and that was the only act in town. That's where every retail wanted to be. We talked to some of them, but we could never compete with them. That was a special place. That's where they wanted to be. So, now we come into 2016, The Village is basically mature. We are starting to see interest again, but what we don't want to do is lose that ability to react quickly when a tenant or tenants come along and, in fact, interestingly, I may be in front of you here in a couple months on a project up there. So, we want to have the ability to preserve the existing plat and to not have to go back through the preliminary and final plat and potentially lose a tenant or tenants in the process. Because as we all know, that process is fairly long. So, we are simply asking tonight for a two year extension for Centrepoint Sub No. 2 plat and I can tell you that if I predict two years from now I will be older or I will be probably grayer, but I sure don't plan to be here again, so -- so, with that I would ask if you would approve it and I stand for any questions you might have.

De Weerd: Thank you, Jonathan. Council, any questions?

Bird: I have none.

De Weerd: Okay. Thank you.

Seel: Thank you.

De Weerd: This is a public hearing on Item 8-B. Is there anyone who would like to provide testimony on this item? Okay. Council, seeing none --

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Move we close the public hearing on H-2016-0011.

Borton: Second.

De Weerd: I have a motion and a second to close the public hearing on Item 8-B. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve Centrepoint Subdivision No. 2, H-2016-0011, two year time extension to obtain the city engineer's signature on the final plat.

Borton: Second.

De Weerd: I have a motion and a second to approve Item 8-B, the request for extension. Madam Clerk.

Roll Call: Bird, yea; Borton, yea, Milam, yea; Cavener, yea; Palmer, yea; Little Roberts, yea.

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**C. Public Hearing Continued from February 2, 2016 for  
Westborough Square (H-2015-0036) by Northside Management  
Located 6340 N. Jericho Road**

- 1. Request: Rezone of 3.32 Acres of Land from the L-O to the R-15 Zoning District**
- 2. Request: Modification to the Conditional Use Permit (CUP-05-027) to Allow the Development of Multi-Family Instead of Offices on Phase 2 of the Site**

De Weerd: Item 8-C is a public hearing continued from February 2nd on H-2015-0036. I will ask for staff comments as this public hearing has already been opened.

Watters: Thank you, Madam Mayor, Members of the Council. The next applications before you are a request for a rezoning and a conditional use permit. This site consists of 3.32 acres of land, zoned L-O, limited office, located at 6340 North Jericho Road. In 2005 this property was annexed with an L-O zoning district and a conditional use permit was approved for a planned development consisting of professional, office and multi-family uses in the L-O and R-15 zoning districts. The planned development consisted of a

purpose piece here, which was the office, and the adjacent portion here that was for multi-family. The Comprehensive Plan future land use map designation for this property is mixed use community with a neighborhood center overlay. The applicant requests a modification to the previously approved conditional use permit planned development approved in 2005 to change the land use for the property from office to multiple family residential and to update the site plan accordingly for phase two of the development. This is an aerial view of the property. As you can see there has been some improvements on the site. Some pavement and some planter islands. A rezone is proposed to change the zoning on the 3.32 acres of land from the L-O to the R-15 zoning district to allow for multi-family residential uses to develop on this site. The conceptual site plan approved with the conditional use permit planned development shows how the site was previously approved to develop with six office buildings. Looks like I failed to put that site plan in there. The remainder of the site was approved to develop with multi-family residential uses, which are in the development process and that's -- those are these units over here. A new site plan is proposed which depicts seven four-plex and two three-plex multi-family structures with a total of 34 residential units and associated common area. Access is proposed at the intersection of East Everest Street and North Jericho Road. Right here, if you can see where my pointer is at. They are both local streets. No access is proposed or approved via East Chinden Boulevard, State Highway 20-26. A 35 foot wide street buffer with a ten foot wide multi-use pathway already exists along Chinden Boulevard, with a ten foot tall berm and wall as required by the development agreement and the unified development code for residential uses adjacent to a state highway. Parking lot landscaping is required to be provided in accord with UDC standards as proposed. Conceptual building elevations for five different types of multiple family structures were submitted with this application. All of the structures are two stories in height, except for the two end units and the two southern structures that abut the low density residential property, which are proposed to be a single story in height. Building materials consist of horizontal and vertical hard board lap and board and batten siding with asphalt shingles. The proposed elevations are consistent with those approved in the first phase of development. At the Commission hearing the Commission recommended denial of the proposed applications. Scott Noriyuki testified in favor. Several folks testified in opposition. John Marsh. Adrian Larsen. David Lieberman. Tyler Rountree. Paul Swidecki. And Gail Starkey. Written testimony was received from Scott Noriyuki, the applicant, in agreement with the staff report and a petition with 84 signatures from adjacent homeowners was submitted by John Marsh and testimony was also received from Tyler Rountree. The key issues of the public testimony were as follows: Opposition of a land use change from office to multi-family residential. Concern regarding reduction of property values in the area as apartments develop on the site, instead of offices. Concern regarding limited access to the site and traffic congestion created from the proposed use. Key issues of discussion by the Commission were the current conditions of the site. They felt that it really needed to be cleaned up. Concern regarding how the first phase will develop. Basically the quality of development before a second phase is approved. And the desire for the applicant to work with the neighbors to come up with a better solution for development of this site, other than multi-family. The Commission made changes to the staff recommendation. They recommended denial of the rezone to City Council as presented during the hearing. The Commission felt the proposed R-15 zone and multi-family

development was too much of a leap from the L-O zoning district and the office uses that were previously approved. Outstanding issue for the City Council. Council should consider the Commission's recommendation of denial and public testimony to determine if the subject rezone and conditional use permit request is in the best interest of the city. If determined that it is, the Council consider staff's recommended conditions in Exhibit B of the conditions of approval. There has been no written testimony since the Commission hearing.

That is all staff has. Stand for questions.

De Weerd: Thank you. Council, any questions at this point?

Bird: I have none at this point.

De Weerd: Okay. Is there anyone here who would like to testify on this item? Oh, I'm sorry. I was trying to rush this process, wasn't I? I'm sorry. I will admit I am on cold medicine right now and I'm trying to survive up here. I'm sorry, Scott. If you will, please, state your name and address for the record.

Noriyuki: Madam Mayor, Council, Scott Noriyuki. Northside Management. 6810 Fairhill Place, Boise, Idaho. Representing my client on Westborough Square phase two. With that -- first of all, I want to thank staff for taking care of the nuts and bolts. I'm going to try and go as quick as I can, because I have a deferment -- a portion of my timeline to somebody else. With that said, Westborough Square phase two, the portion that we are looking at right now that's on the overhead screen, this was originally approved as L-O zoning. At the time that it was approved and this application came forward, it had contemplated that there would be a connection to Chinden through Jericho. Jericho Street down here would actually connect to Chinden, which would make a typical viable light office or neighborhood commercial type project. Ultimately ITD denied that request for obvious reasons. With that said this existing L-O zoning is wholly surrounded by existing built out residential development. Trying to produce or develop a viable light office project wholly within an enclosed neighborhood -- it's just not viable. With that said, we have come up with what we believe is the highest and best use for the land, being very cognizant. How do I -- Sonya? Bear with me. How do I scroll? Okay. The vicinity map -- I will be very quick. I just want to organize everybody -- or orientate everybody. The Highway 26 or Chinden to the north of the project location -- this is phase two outlined in red. North Jericho Road and East Commander Street and North Locust Grove. These are key items for later discussion. How can I go to the -- thank you. A couple of items -- I'm not going to bore everybody with redundancy, because it's already in the staff report, but I do want to point out a couple of different items, specifically the open space that is significantly in excess of code requirement. I do want to point out the amenities that are very, very extensive. We are very proud of the project. I also want to point out that staff was able to find findings within the comp plan, as well as the code. Next slide, please. Or one back. Or no. You were there. With that we started down the path with this project, felt we designed it very eloquently and appropriately. We received positive staff report recommendation. Through the Planning and Zoning Commission hearing it became very evident that even though I had had a neighborhood meeting, there were several

outstanding concerns, maybe a lot of questions, a lot of disconnect. From that point forward that was the ultimate reason why I continued the hearing to today's date. I needed time to meet with the neighbors. Since, then, I have met with the neighbors four additional times. Meetings. That included an additional 300 foot radius mailer and, then, ultimately a 600 foot radius mailer above and beyond code, just for the purposes of outreach. Now, you can hear some folks tonight that I didn't get it. At what point do I -- I'm trying. With that said, there has been a core group of folks that have consistently met with me. Specifically four different individuals who physically border our property and we have worked with them as far as what they want to see, what we want to do. This particular slide you're looking at -- these agreement points are what we have come together as a group that gives them a comfort level and gives me a conform level. With that said I think that's really important and we can touch on those later. But I'm going to let somebody else talk about those. If we could real quickly -- major changes. Everything along our western and southwestern border we are going to convert to a hundred percent single story, so that we are not blocking view of the Boise foothills and also just to lower our impact or footprint. Next slide, please. There was some prominent concerns that our colors of the two existing buildings were not acceptable or maybe tacky on some level. I have worked with this core group of neighbors. They actually went out and toured some projects, brought these photos and color schemes back to me. This is generally the color that we are going to work within. They are more earth tone, more consistent with the neighborhood. The other item I want to touch on is the way the site looked. When I first was put in charge of this project there is no question it had sat dormant from the 2006, 2008 era and drop and it was in disarray. Since then I have cleaned up the entire project. We have moved forward with permits. We are actively constructing. We have cleaned up weeds, debris, trash, concrete, asphalt. Mind you there are some piles of aggregate right now, but it's an active construction site at this point. The other thing I want to point out is that I have mounted a large sign indicating to contractors and individuals the rules of the project, which we are going to enforce to keep things clean. The other thing we did was we repaired and/or replaced portions of the perimeter fencing that had actually fallen in disarray as well. This slide we will probably come back to a little bit later. However, I do anticipate there is going to be some question, concern, or statement regarding traffic. I spent some time with ACHD today just to get current traffic counts and that's very important. North Everest -- or Everest, if you will, that ultimately goes out Saguaro Canyon to Highway 20-26, they have -- or Chinden. I'm sorry. Not 20-26. I got my road off. They haven't done a current count and the reason why is the bulk of the traffic doesn't go that way. A lot of folks are anticipating that traffic is going to ultimately go down to Commander and from Commander to Locust and the reason why is there is a stop light at Locust and Chinden. I wanted to point out that ACHD in 2015 completed a traffic study that showed these local roads -- that local road is currently at 25 percent of design capacity. So, with that said, my point is that the influence of this project will not exceed project capacity. With that said I would like to briefly defer the remainder of my timeline to Ed Caron, the president of the Hightower HOA, and I will happily stand for questions following. Thank you.

De Weerd: Thank you, Scott.

Caron: Good evening, Mayor and Members of the City Council.

De Weerd: Good evening.

Caron: We have had an opportunity --

De Weerd: Sir? Could I ask you to, please, state your name and address for the record.

Caron: Yes. This is Ed Caron. I am currently the president of the Hightower community association -- homeowners association.

De Weerd: Thank you.

Caron: I represent 109 residents living in that community and I'm here to address the concerns we had with the apartment development by Northwest Development. Actually, we have had an opportunity to have meetings with the Northwest Development and they have willingly met our concerns in reference to that particular project. After some due deliberation and determination we have decided it is the best use for that property. So, therefore, we are in support of them going forward and finishing that development in that particular area. If there are any questions for our particular positions I'm here to answer them. But I do represent 109 residents that adjoin that particular project.

De Weerd: Thank you, sir. Council, any questions?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Ed, just a brief question. I'm going to make the assumption, because I'm not super familiar with the Hightower Homeowners Association. Are you immediately west to this proposed development?

Caron: We actually adjoin the development on the western boundary.

Cavener: Thank you. I appreciate it. Thanks for your testimony.

De Weerd: Thank you, sir.

Caron: You bet.

Noriyuki: I will stand for any questions.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: Scott, I had a question. In the staff report it says they are all two story buildings, except for the two end units and according to one of the slides, it looks like five -- six buildings are single story; is that correct?

Noriyuki: That is correct. My original application represented what you are seeing in the staff report. Through discussions and negotiations with the adjacent owners, their concern was that they really wanted to see more single story and that in this particular slide in my commitment, I agree.

Milam: So, how many units is that? Do you know the --

Noriyuki: Twenty-two --

Milam: Twenty-two single. So, 34 to 22?

Noriyuki: -- units will be single -- yeah. Twenty-two of the 34 will be single story.

Milam: But still 34. So, you don't lose any units by going single story?

Noriyuki: We have not, no.

Milam: Thank you.

De Weerd: Okay. Mr. Cavener.

Cavener: Madam Mayor, thank you. Scott, you touched briefly -- first off, thanks for getting that site cleaned up. But my question --

Noriyuki: You're welcome.

Cavener: -- is about -- you spoke about enforcement controls.

Noriyuki: Yes.

Cavener: I'm just hoping you might expand on that just a little bit and let me know what -- what your enforcement controls are.

Noriyuki: Okay. So, first and foremost it was just simply coming in and cleaning up the project. First of all, getting the junk out, repairing the fence. Also by virtue of it being an active project we have got an on-site superintendent who is actively there all day long, at least five days a week. And we are watching it, yes.

Cavener: Great. Thank you.

De Weerd: Any other questions for the applicant at this time? Okay. Thank you.

Noriyuki: Thank you.

De Weerd: I have a number of people signed up and when I call your name I will indicate how you signed up and if you said you would like to testify I would invite you forward at that time. John Marsh, signed up against, would like to testify. Good evening. If you will, please, state your name and address for the record.

Marsh: John Marsh. I live at 1264 East Commander Street.

De Weerd: Thank you.

Marsh: Mayor and City Council, I would like to submit for the record another 17 signatures in opposition to this project if I could.

De Weerd: If you -- yes. Thank you, sir.

Marsh: That brings the total in opposition -- the signatures to well over a hundred signatures. Now, my wife and I gathered these signatures from the neighboring areas. We went out about three-quarters of a mile from the affected area, which would be Commander Street, Jericho, the Hightower area, and the Hubble Home area and, then, Arcadia. Everybody was adamantly opposed to this. We -- we talked to 105 people. Two people were not willing to sign our petition. Three individuals said they weren't sure. The other hundred readily signed it for obvious reasons. So, I would like to talk about a few things that the developer mentioned. He talked about some things that, frankly, I was really flabbergasted to hear. He said he tried to work with the community. The first time we heard about this project was back in August where he sent out a notice, the customary 300 feet notice, and that was sent -- primarily people on Jericho Avenue and I believe some people in the Hubble Home area got that. I was actually notified of that by a resident of Jericho. And so we met with Scott down there in August and we weren't really sure what his relationship was to the project. He really never made that clear, but he basically said that he was the kind of developer that before he went into an area that he was going to work with the community, get a consensus among everybody about what the best thing that we could do for this particular property. It's kind of an odd property he said. So, I'm here to work with you guys and he said before I do anything -- before I make any formal proposals to the city or the Planning and Zoning Commission, I will come back to you with my plan. He never did that. Two weeks after Christmas vacation a sign was put up on that property that said, by the way, there is a zoning and planning commission meeting requesting a rezone of that area. So, he never came back to us, never discussed anything, and, then, he tried to push this through in the dead of winter hoping that nobody would notice what was going on. So, this site plan that you see really shows what the intent of this property was at the very beginning and the back half of it is R-15. You can see the existing structures that he's put back there and the front half of this is really the light commercial area. Well, I believe that was designated that way as a buffer area. To the west of this are one and a half acre homes. These homes sell for upwards of five or six hundred thousand dollars and, then, directly west of this is the Hubble area, but, then, farther west -- less than 300 feet -- if you could go to my next slide, please. Less than 300

feet from where we are talking about is a commercial development. Very successful commercial development. This is a coffee studio and a yoga studio. If you could go to the next slide, please. This is a brand new vet office built less than 350 feet from this proposed site. So, for him to say this is not viable for commercial it's just not true. If you could go to the next slide, please. This is the Chinden access down Saguario Hill and if you make a left on Everest you drive right down there, bingo, you're going to be right in that -- in that same commercial area and you can see the signage here -- go ahead and go -- literally down this road is the intersection that we are talking about. So, there is already commercial property at the end of this. There is Citadel Storage down there at the end of this block. So, you have already got light commercial in this area. It's not like it's tucked in the middle of a residential area. That's not true. So, if you go to the next slide. This is the area that we are talking about and you can see from the first slide that it's already built out and it's commercial. The pads are there. The parking is there. The infrastructure is all built for light commercial. Next slide, please. And this is another view of that area. The majority of that front area is mainly parking for light commercial. He talked about cleaning up the area. Yeah. You have got some construction in there and I realize that. These pictures were taken in December, so a lot has changed and they have actually started building and these four pads that you see there is actually constructing what he calls garages. I don't think they are garages. The current residents there are not using them as garages, they are using them as storage, because they are not wide enough. It's about 84 inches in between those foundations. So, even if you could get a vehicle in there it would be very difficult to even open up the doors for that vehicle. If you -- now, he claims he's cleaning everything up, but he missed this very obvious thing. There is about 60 feet of this fence that's going along Chinden that's leaning over about 15 degrees. If it remains that way, in fact, it's actually going to fall over. So, I mean he talked about amenities, but real apartments have amenities like swimming pools and they got clubhouses, they got on-site maintenance, they have got those type of facilities. This has got none of those things. Our fear is what's going to happen eventually when the apartments start catching up in the City of Meridian -- you can see all the building of apartments in the City of Meridian. That is not going to be able to compete. So, he's going to drop the rentals down and it's going to eventually turn into low income housing. By the way, this started out -- there was a sign on Chinden for a number of years that said luxury condos coming. Well, they are neither luxury nor are they condos. So, we found out that these were not going to be condominiums -- hey, he's flipped this around to make a quick buck, so let's make these rental properties. The existing units there -- he's building 40 units in that R-15 area. It's going to add about 60 cars to the area. What he failed to mention is the Jericho Subdivision that's being built less than 300 feet from this, 54 patio homes are going into that area with eight more onto Jericho. So, it's not only the traffic from what he's already built and what he would like to build, it's the additional 64 that are going to be in that same area. A high density area and there is no access onto Chinden for that area. So, all of these people are going to be going out through residential areas. Nobody builds high density residential rental properties in the middle of an area where the only access in and out is going to be through streets where people live. They are built on main roads. Meridian and Linder where you have got direct access. This doesn't have any direct access and I could argue that it should never have been R-15 in the back side, but we are having to deal with that and that's just the way it is. But this

individual knew what he was buying when he bought the property. He knew it was light commercial. He knew it was R-15. So, basically, what he's trying to do is make a buck and he's talking about highest and best use. Yeah. Highest and best use for him. He's going to be gone. Everybody else is going to have to deal with the impact of this, which is not fair to the homeowners and so that's why everybody is adamantly opposed to this. Now, he got somebody from Hightower to say, yes, they were, but I have got the majority of signatures from Hightower residents that were adamantly opposed to this. And the meetings that he said that he had -- the last meeting he had was four individuals. Literally four individuals and I'm sure a few of those will testify here. So, what I'm requesting is that the City Council represent homeowners in the area, the hundred plus homeowners, the people that are sitting in the audience opposed to this, rather than one developer who is going to go in there, try to make a quick buck and get out of town. So, I'm asking you to oppose the rezoning. Thank you.

De Weerd: Thank you, John. Council, any questions? Thank you.

Marsh: Thank you.

De Weerd: Okay. So, we really appreciate it when you clap for our finance director and the Mayor's Youth Advisory Council, but during this testimony part if you could curb your -- your enthusiasm I would appreciate it. So, also signed up Pam Marsh signed up against. Tyler Rountree is also a representative for an HOA. Signed up against. And please come forward. Good evening. If you will, please, state your name and address for the record.

Rountree: Madam Mayor, Members of the City Council, my name is Tyler Rountree. I live at 1098 East Pasacana. In my estimation I was about 301 feet away from this development, but apparently I'm in excess of 600 as we have still in all 33 home sites yet to receive to any notification on what's going on. I have got some stuff that I'd like to hand to you just to kind of follow through. A little piece of history that we are going to cover tonight, so I have seven copies for everybody, if that would be okay.

De Weerd: You can give those to Jaycee.

Rountree: So, again, thank you for the opportunity to come speak in front of you tonight. Before I get started I do want to tell Mr. Noriyuki I appreciate the impact that he's already had. There has been some effort to move the project along. Bringing people in has curbed some of the stuff that we have had go on. So, I think he left the last meeting at P&Z feeling fairly beat up and to you, Scott, I don't want you to leave feeling that way, because there has been some improvements made to the property. We did submit a letter on the HOA. I'm not going to go back through that again. You guys can read that at your leisure. I know it's in your packets. So, I'm going to cover some more material tonight. Really for us as homeowners of Arcadia it really comes down to two things and I'm going to quote Commissioner Oliver's quote from the P&Z meet from his denial and he says -- and, again, this is a quote: I wouldn't want that in my backyard together, but I would want something that compliments where I live and I just don't think this particular project would work. The other piece for us is due diligence. Mr. Noriyuki testified to P&Z

and he testified in front of you today that he makes you feel that this is a relatively new acquisition for his client that he's working for. He's added this property fairly recently to his portfolio. That's the way he represented it in front of P&Z. So, the history lesson. I think it's pretty important. Fortunately for us there are a few members of this Council that are part of the history. So, this project is old and that is true. Mr. Noriyuki testified in front of P&Z that it is old. Started in 2005. It was brought in front of you by Mr. Jim Jewett with a piece of property to be annexed into the city. Tons of discussion. Two P&Z meetings about this piece of property. Councilman Bird remembers them. Going through the testimony, 85 pages of testimony about this project. Then P&Z Commissioner Zaremba throws the sideways question at the project. Okay? And he's the one that ended up getting the L-O and the R-15 brought to this. Now, the important piece in the history lesson to the part that I have given to you tonight is when Mr. Jewett brought it in front of you, he listed who he was working for and at that time he was working for Stetson Properties. Stetson Properties originally got the first CUP that we are here tonight for. Stetson Properties in October of that year in your packet -- a warranty deed transfer to a company by the name Diver Development. Diver Development was the one who got the final plat on the project. So, Diver Development was the one who had the vision; right? He agreed that this was what he wanted to build. Everything was going good until 2007 hit and the market crashed. So, then, a couple interesting things happened. Mr. Noriyuki talked about a piece of property that was access to his property that was Jericho Road that went all the way through to Chinden and he testified in front of you today that ITD made them remove that. So, I think that the accurate statement to that would be is is it was a request by Meridian City Council to remove that access to Chinden in trade for approval of a parcel directly behind Arcadia that's about ten acres. Now, that parcel on its improvements was brought in front of you by developer Kevin Amar. That's who started that ten acre parcel. So, Kevin Amar was able to go to Diver Development and say, hey, Diver, we need to close this access down. Is that possible. And Diver agreed. He said absolutely. So, in your packet you can see there is a quitclaim from Ada County to Diver Development, but that's only one half of the street; right? So, Hightower got the other half and, then, you can see Hightower quitclaimed the property to Diver Development. So, again, documents Mr. Noriyuki's testimony in front of P&Z. His client currently did not have this vision. This is not his client's doing. He merely obtained this in his portfolio of properties to build this property out. The access to Jericho is now gone. Diver knew that. The ironic piece to this is that ten acre piece is going to come to play here in a minute. The land swap happens. The economy changed. Diver Development -- in your packet you have in front of you is a warranty deed where it transferred to a company called Heartland Townhomes. You can see who signed for Diver Development. It's Mr. Corey Barton, who is currently the client that Mr. Noriyuki is representing. Diver Development sold that to Heartland. Heartland started the project based off of what the final plat was and, then, something happened and, crazy enough, Heartland then sells the property back to Corey Barton. So, my question in this was, really, was Diver Development just Corey Barton. So, on the Secretary of State's website sure enough Corey Barton is the only member listed in 2000, in '05, in '06, in '09 and it's dissolution in 2010. Mr. Barton had the vision. Mr. Barton has owned this property before. He was part of the plan. He negotiated away his access. Councilman Bird, when the property was approved in the final plat, was the one that requested they put the fence up. The street access that they

have along Chinden Boulevard is the same today they would have had had they had access off Chinden Boulevard. That berm and fence had to go up for noise control for the R-15 that was going in back in the corner. This is a -- in our opinion a bait and switch. Mr. Barton entered into this agreement again knowing full good and well what he was getting into. Our take on it is due diligence. We have been in front of you before and we have been explained due diligence and we did it. We understood this was L-O with R-15 and we agreed to that. Our request is very simple. Make the developer agree to what his vision was and what he bought. And with that I will stand for any questions.

De Weerd: Thank you, Tyler. Council, any questions?

Bird: I have none.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Just one question, Tyler. The applicant talked about multiple meetings that he's had with the parties. Have you been privy to them? Have you attended them? Have you been --

Rountree: So, here -- I have been privy to them through other people. So, I can tell you that what I have heard originally on the very first thing was the testimony that Mr. Noriyuki was telling the residents that showed up at the initial meeting, that the right plan for moving it from L-O to R-15 was his ability to build a six story office building in their backyard. Unfortunately, for most people they hear that, but don't understand that with this final plat and conditional use permit there is things called elevations and with those elevations on this final plat and conditional use permit, there were supplied in '05 -- they are current right now today -- are all single level offices, exactly like what's built on Everest on the other end of this project. So, I can't testify whether that's the truth. I'm sure Mr. Noriyuki probably has a different opinion. I was not there, but that's what I was told. My guess is is that's probably the conversation that's happened with the homeowners in Hightower and moving those to single level have probably made them be okay. But I'm grabbing at straws. Again, how we managed not to get notification at the 600 feet level I don't have, but bottom line is is I didn't, I'm the closest resident to the project and the 33 homes in our subdivision did not get one either.

Cavener: Thank you.

Rountree: I mean I appreciated the attempt, but for some reason I didn't get one.

De Weerd: Council, any other questions? Thank you, Mr. Rountree.

Rountree: Thank you.

De Weerd: David Lieberman signed up against.

Lieberman: I live at 6208 North Jericho, which my property has 200 feet of this -- the entire south side of this project is against my property. I'm very familiar with what's going on. I was -- we were apologized from the city back when the apartments were first approved -- I mean I have been there since 2005. This was a compromise from the beginning. The day after that was approved the manager at the time told us, yeah, well, we designed it for apartments anyway. That's what the plat was. And he just laughed at us. He says we will out wait you. I was at the meeting. We had all five people in the subdivision that lived there, because none of the other houses were built. Even Arcadia wasn't built out at that time and he just thought it was the funniest thing ever. He said we will out wait you. We deal with the city every day, so we don't have to worry. And, then, he talked about the meeting -- I was at the last meeting. It was here. It was in the room right over there and there were -- I think there was four of us, plus Summer, and after a while I gave up. He -- he was willing to change the paint colors and tell us how wonderful it was going to be and they were going to put the signs up for no noise. Well, I haven't been to a construction site in Meridian in a residential area that doesn't say, please, do not play your music loud. Please clean up after yourself. He made it sound like he was doing us a favor for that and that's standard. I don't know of a builder or developer that does that. Like I said, back in the 2005 time frame -- and they apologized that we had to compromise to give those 32 in the back, but they assured the city that they were going -- they had other plans for the rest. But right when that meeting was done it was done. You know, I don't know what else to say. Right now the property values will go down. No matter what he says, we know -- I can't afford to get the same house somewhere else anymore, you know, so it's -- I'm going to be living there a long time and it's up to you guys to let us know that we are going to be either living next to 78 apartments or whatever the number is. I haven't even -- I have given up. I just want to come to you and let you know that we are not very happy with the whole situation. There were other options for the property and they weren't interested at all. At the meeting he said, no, we are putting apartments in and we are going to -- we will change the site line. We will put different trees in is what we were told. And they are going to put a horseshoe pit or some -- something else next to my fence to make it nice, you know, but they don't have any -- you know, like he said, no pool, no nothing. They put a little swing set that they are going to put in there, which is nice, appreciate it, but I mean you can go down to Home Depot and buy one yourself. It's not quite as nice, but it's the same thing. So, I just don't know how this is a good use for this property. I appreciate your time.

De Weerd: She was right on cue.

Lieberman: It's their last home that they are ever going to build and now they are going to be living next a lot of apartments if it goes through.

De Weerd: Thank you.

Lieberman: Thanks.

De Weerd: We appreciate you being here. Okay. Lori -- and, Lori, I'm sorry, Haynes? Lori Haynes signed up against. Okay. Craig Telford signed up against. Steve Rutherford signed up against. I don't need to tell you the -- the process; right?

Rutherford: No. No. Mayor, Members of the Council, Steve Rutherford. 1539 East Commander in Meridian. Happy to be here to testify as a resident on Meridian business. I -- a couple things. I don't want to waste your time. You have heard a lot already. But -- so, the attractive part of what was approved originally is that kind of neighborhood -- that neighborhood center, something to walk to. The amenities. It's unique in that we have a coffee studio we can walk to and get something to drink. We now have a vet close, which is fantastic. It really adds to the neighborhood and having an office to compliment the residents that are -- you know, there is significant residents in the area that those would really compliment that -- that area and it's, quite frankly, what -- what we thought we were going to get. The other -- and you have heard it. You have heard me here before talking about it when phase two of our subdivision came in. We are worried about traffic. I'm kind of on the tip of the spear there at the end of Commander Street where it meets Locust Grove and we get a heck of a lot of traffic. Mr. Noriyuki said 25 percent. He got that number from ACHD and I did work with ACHD sometime ago to have a traffic study done, because we were going to try to get some speed bumps in. The roundabout just isn't sufficient traffic calming and we have had a huge uptick in traffic and I was at the State of the City, Mayor, and heard you ask ITD to fix Chinden, because, quite frankly, from -- from our subdivision and from the subdivision that Mr. Whitehead just talked about, you can't turn left and you can't get out to go west. So, those people come down our street and turn on Locust Grove and go to the light. So, folks that want to get from this area or Arcadia or the back part of Saguaro Canyon to -- to points south and points west, they come down our street and it's may be 25 percent as ACHD kind of measured it, but it's -- it's significant and it has definitely affected the livability of that street. So, that's all I have for you. Thank you for the time and I'm happy to answer any questions.

De Weerd: Thank you. Council, any questions?

Bird: I have none.

De Weerd: Thank you. And I will just say -- because he mentioned my State of the City and my plea to Idaho Transportation Department about Chinden, there are little fliers in the back. This is a call to action on how you can join the city in trying to get Chinden funded and improved -- widened. So, we already have experienced what great letter writers you are and we are probably going to be calling on you to help us, because I would agree that transportation and traffic in that area is -- is a challenge. We accommodate everyone's cars in Meridian, so thank you, Steve, for bringing that up. I will pay you later. Sidlow? Sidlow? Signed up against. I didn't want to totally mutilate your first name. I couldn't read it, so -- Charlene. Thank you for being here. Juda Calley signed up against. Lenny Hefvest signed up against. Or, actually, for. Okay. Dallen Gong? Someone with the last name that starts with a G. That is in favor. Okay. I apologize, I can't read the writing. And, then, Ed, we have already heard form you. And James Luteeny signed up

against. Is there anyone else who would like to provide public testimony on this item? Please. Good evening. If you will, please, state your name and address for the record.

Hostvedt: I'm Ganeille Hostvedt. I live at 6354 North Maximus Way. My legs are shaking, but Eleanor Roosevelt said do the thing you fear. So, here I am.

De Weerd: Well, thank you for joining us.

Hostvedt: Thank you. First I would like to thank the City Council for your part in community that places Meridian number one best place to live in the nation. Thank you. We are very proud of that honor. Change can be unsettling to many of us, even positive change. Most of us like to have a part in decisions that impact us, such as Westborough Square property. I look right out the window and see this barren wasteland, basically. It's looked a mess for a long time and so when Scott came in to develop it, at first I was against it, but he was willing to meet with whoever would like to meet with him and he stressed that at the Planning and Zoning meeting and yet -- I mean he even offered to come into our homes and talk to us and so I went around the neighborhood directly involved, which was North Maximus Place and invited them to come to the meeting, those that I could find at home, and I went twice around the neighborhood. Didn't have much luck. People are gone a lot when you get to be seniors. But I'd like to thank our savvy counselors, Hightower HOA president Ed Caron who worked with Scott and he worked with homeowners residents toward a mutually accepted agreement for many of us concerning the Westborough Square development that should benefit us, to clean up what's out there and there have been a lot of amenities added. Scott is changing to the Craftsman style, which my husband was a fine woodworker and he was very touchy about styles and woodworking and buildings and that was his favorite and it is beautiful. It has a lot of beauty to it, a lot of detail. So, we were very happy about that. And, then, when we went to one level that really helped, because we had that fantastic view of the mountains and we can all enjoy that. And we appreciate Scott agreeing to many of these things that we had hoped for and his working with us on that and he's willing to put that into a contract and he has addressed many of our concerns and I know it's hard, you know, to make this decision, but from what I understand no one wants to build commercial in this area, because of the lack of access.

De Weerd: Geneille, I'm sorry, your time is up.

Hostvedt: That's what that was. Thank you.

De Weerd: Thank you. I appreciate you being here. Anyone else would like to testify? Yes, ma'am. And, then, I will get to you in the back. Good evening.

Gough: Hello. My name is Katherine Gough. I'm actually one of Geneille's neighbors and thank you for giving the three minutes. I hope I will beat the buzzer. I would like to thank Ed for backing us on this. To the best of my knowledge Scott has given me his business card, his -- with his mobile number on it. Call me anytime if you have any questions. He has met with us. I have never seen anyone from the other subdivisions

come to the meeting. Everyone is welcome to come. We have met several times. I was the one that said, you know, I don't want to lose the view of the mountains. I grew up in Texas. We don't have mountains there. I love looking at those mountains every day. I don't want to pull up my blind and see a neighbor. I still want that. Can we get a single level? He said sure. Great. So, I am -- I don't think that there is going to be any way to properly build a business and have good access to get to that business for that business to thrive the way that it's set up back in that one area. Building the apartments seems like the only other way, unless they want to put in some homes. I suggested if I had the money I would just buy it and build a nice park. I don't have the money. Can't put up a park. So, I did agree for this process to continue and I hope that it goes as well as can be expected. Construction and change is hard. I don't want for my price on my townhome to go down anymore than these people want the prices on their homes -- the value from their homes to go down. It's a compromise situation. You have to give and take. Thank you.

De Weerd: Thank you for being here. Sir. Thank you for being here. If you will, please, state your name and address.

Larsen: Adrian Larsen. 6040 North Jericho Road.

De Weerd: Thank you.

Larsen: Excuse me. Mayor and Members of the Council, I'm here as president of the Westborough Subdivision Homeowners Association and wanted to just register our opposition to the idea of rezoning to high density residential. This project -- as has probably already been stated, the project and the expectation was there when we all brought our properties and it was also there when this developer, taking a gamble that the zoning could be changed so the developer could make a profit at the expense of the property values of the surrounding homes. I just as soon somebody not gamble with my home and my property value when I came in with good faith expectations. So, thank you very much.

De Weerd: Thank you.

Cavener: Madam Mayor? Just a quick question.

De Weerd: Mr. Cavener. Sir.

Cavener: Sir, just a quick question.

Larsen: Yes.

Cavener: Westborough Subdivision is south of the proposed development?

Larsen: It is the five one acre homes on Jericho Road.

Cavener: Five home HOA; is that accurate?

Larsen: It's a five home HOA. Correct.

Cavener: Thank you.

Larsen: And it directly abuts the property in question. So, we are talking about high density apartments abutting one acre homes, yes.

Cavener: Thank you.

Larsen: Thank you.

De Weerd: Thank you. Any further testimony? Sir -- well, you were part of Mr. -- with Scott, so we will invite you up.

Caron: Maybe I can -- maybe I can --

De Weerd: Ed, you will have to restate your name and address.

Caron: Ed Caron. President of the Hightower Homeowners Association.

De Weerd: Thank you.

Caron: Maybe I can add a little to the foregoing testimony. I was involved directly as president of the homeowners association in negotiating the existing commercial property there. The citadel storage and the vet clinic and there is an open space between the vet clinic and our Hubble development of townhomes. That particular property eventually will also be another commercial residence -- I mean commercial business. But beyond that we had no knowledge being the homeowners of -- Hightower had no knowledge of what was going on. At the time the petition was circulated through the Hightower community they had no idea as to what the apartment complex was going to be. So, the board at Hightower started due diligence period and appointed me to represent them and negotiate directly with Scott as to what would happen and our concerns were the water, construction style, amenities, and it being reduced to a formal agreement so that that will occur. We have also had a 50 foot wide strip of common area between the residents and the apartment complex. So, if there are any questions regarding any of that development I will certainly be happy to answer them.

De Weerd: Thank you, Ed. Any questions for Ed? Thank you, sir.

Caron: You bet.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I do have a question.

De Weerd: Ed.

Borton: Sorry.

Caron: Yes.

De Weerd: Could we ask you a question, please? Mr. Borton has a question for you.

Borton: Thank you, Madam Mayor. You made a reference -- I'm curious about the HOA authority that -- that you're granted. You made reference when you spoke earlier on of 109 residents that you're speaking on behalf of. What's the process that your HOA board uses to give you that? Meaning is it -- and here is the -- is it you're empowered to negotiate like that you just described or does the application and all these details come back to the board, get circulated to the residents, there is an official vote, which --

Caron: They are not circulated directly to the residents. The board is appointed by the residents to represent their interest and we give them all an opportunity to meet at our board meeting if they have a grievance or any concerns and none of them did show up once we were able to get into a negotiating period with Northwest Development and make some changes we felt were vital. Phase one of that development was already in place. We weren't going to sit there and look at bare land, so -- and the apartment complex was already underway. All we did is make sure that the structures -- the architectural design in line with the neighbor in Hightower and they agreed to do that, they agreed to address our water concerns and those kinds of issues. So, based on that we had the ability to go forward -- you know, negotiate with them and give our approval, because it was best use available, retail at this point in time since phase one has already been started.

Borton: Okay.

De Weerd: How did you communicate back the changes that you negotiated with the applicant?

Caron: Now what?

De Weerd: How did you bring back the changes that --

Caron: By reaching back to the board of Hightower. It's a five member board. And they, in turn, evaluated that information and agreed that it was the best use.

De Weerd: Okay. I think that answers your question.

Borton: It does. Thank you.

De Weerd: Thank you.

Caron: You bet.

De Weerd: Any further testimony? Okay. Would the applicant like to respond to testimony that was provided?

Noriyuki: Thank you, Madam Mayor. Scott Noriyuki. Northside Management. 6810 Fairhill place, Boise, Idaho.

De Weerd: Thank you.

Noriyuki: First of all, I want to thank everybody who is here neighborwise. It takes a lot of effort. There have been a lot of meetings or just personal time for them and I do appreciate whether they are for or against the project. Diligence and this process is healthy. With that I'm going to quickly try to address some of the key items that I heard that were concerns through testimony and, then, I will stand for any kind of questions. number one item that I hear -- I have heard quite a bit is notification or willingness to meet with neighbors. First of all, I do want to state that within your code, as you're aware, I am required by law to post the project and put out a 300 foot mailing radius. I have done that. Not once, twice. From there I did hear through the Planning and Zoning Commission hearings that there were several folks that were frustrated. They had indicated that they had heard it through the grapevine or from a neighbor. So, I opted to send out a 600 foot mailer. I understand that that didn't still reach some individuals. However, individuals who did show up at the Planning and Zoning hearing or have showed up at any of the neighborhood meetings I have handed out my card. I have offered my time to work with their schedules. Unfortunately, they never showed up. They never called me. I tried. I'm doing the best I can. And I think this is a very important point. From there I do want to address the concept of light office and/or commercial. I do want to point out at the intersection of Saguaro and Chinden, yes, there is a coffee shop and, yes, there is a vet. There is also incredibly high vacancy and currently vacant lots. There is not a tremendous amount of demand. Of course that -- with more housetops there becomes more growth. If that is not currently built out in its entirety already in, frankly, the best market we have had in quite a while, how is a light office completely internal of a hundred percent residential without any appropriate access to Chinden going to survive? I just -- talking point or thinking point. Then the next item that I want to talk about is traffic. Traffic is very important to me and I'm very sensitive to that. That's why I did speak with ACHD and I did want to confirm the traffic count specifically on Commander Street, because people will naturally go that direction, so that they can get out to a stoplight. At 25 percent capacity that's pretty good I think at this point. I also with the neighborhood meetings -- and I will make testimony here right now -- I am very willing to contribute financially towards any traffic mitigation type item we can. However, you know I don't have the power to do that, nor do you. But in the event neighbors got together and petitioned ACHD and they were willing to allow some sort of calming devices, whether it be some slow signs or the speed bumps, I would be willing to fund those items. However, I can't promise. That comes down to ACHD. And with that said I would stand for any questions.

De Weerd: Thank you.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Scott, I think hearing public testimony -- the majority of it, it's -- the L-O isn't a dye in the wool thing. We have already allowed apartments on other -- what if we -- what if we change the zoning to R-4, instead of the R-15 where you would have single family housing, which a lot of existing apartment complexes we have done here recently have had the nice apartment complex come in and we have had R-4 residential right beside it. I think it's not -- they are stuck on having L-O, they would just like to see less density and would you -- would you entertain an R-4 designation in that area?

Noriyuki: I have to be honest with you, R-4 -- I don't know that that would be financially viable or attractive for end users. That's really hard for me to answer that financial question right now, but if you look at the overhead or your computers, I want to point out that to the west of us, the Hightower townhouses, that's an R-15 designation. To the east of us, which is our phase one, is an R-15. Kitty corner to us is a continuation of R-15 and ultimately R-8 designation. Now, there is the one anomaly of the handful of one acre lots that were ironically platted along with this parcel and always contemplated that this parcel was going to be developed at a higher, more intense use at the same time as this. To be honest with you, I can't answer that question today right now. I -- I don't know that there would be a lot of desire for people to -- I don't know. That's -- I struggle with that.

De Weerd: Council, any other questions for the applicant?

Noriyuki: Thank you for --

Milam: Madam Mayor. Sorry.

De Weerd: Mrs. Milam.

Milam: I don't know if I missed it or -- did you respond to Mr. Rountree's information regarding the history of the property? Do you have any response to --

Noriyuki: You know, I would be -- I would be happy to respond to that. I have been recently engaged to represent this project and I have represented it within my knowledge base as Scott Noriyuki with Northside Management. What happened in 2000, 2004, 2006, 2008, frankly, I don't know.

Milam: Madam Mayor, follow up. So, how long have you been representing this property?

Noriyuki: Approximately six, seven months.

Milam: Okay. Thank you. So, you don't know anything really about the --

Noriyuki: You know, I do know some. However, I'm not going to refute history of warranty deeds and history between Jim Jewett -- I know he's not involved. I know Jim. I know he's not involved. Heartland Townhomes, I know that's a different entity. Were there changes? Were there sales back and forth? Absolutely. I'm sure at some point -- 2006 when the market dropped, 2008 when it was flat, 2010 when everybody was thinking about doing something and, then, currently today looking at what the -- the pudding mix of all of those years and all the changes the city's gone through and the neighborhood, I don't doubt that there has justifiably been changes.

Milam: Thank you.

De Weerd: So, since you have a little of the historic background, the light office, were the buildings that were on the west side, were those single story?

Noriyuki: I believe they were indicated as light office, with a zoning designation and within the zoning designation I believe they could go up 34 feet within the square footage, which would be a two story structure, and I had never represented a six story structure. I have represented that it could be a two story structure within the zoning code. Go to L-O as long as it had appropriate parking and provided it didn't exceed the height limitations.

De Weerd: Did we have elevations?

Noriyuki: I have never seen an elevation, but I have seen footprints of the original approvals.

Watters: I don't believe so, Madam Mayor.

De Weerd: It looks like someone in the back can answer that question. You can't provide testimony from the back. Yes, I am curious.

Noriyuki: Here is the footprint. Or footprints. Excuse me.

Rountree: Madam Mayor, Members of the Council, Tyler Rountree. 1098 East Pasacana. I believe that the original rendering for this project -- or in the project from 2005. In one of these two project files there are renderings of the single story commercial offices.

De Weerd: Thank you.

Noriyuki: Thank you.

De Weerd: Okay. Any further questions for the applicant from Council?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I do have a question. It might be for Justin, but there is an end of 2015 ACHD report on your application and it makes reference to additional traffic counts and it cites no improvements needed, but it references 211 additional traffic -- traffic counts per day. Do you know if that's from the difference between the -- the L-O zoning and your proposal or bare ground and your proposal?

Noriyuki: I'm not a traffic engineer. It's pretty close. I don't want to misrepresent, however, I did speak with ACHD regarding this application and the design and what the relative differences were between L-O, a transient commercial versus high density residential localized traffic and not a concern and that was the key reason why I wanted to talk to them about the current capacity of the road and how that would be affected or not affected and currently -- I don't believe I knew the rating for sure. I can't say if it's an A or a B rating on the road system, but it is at 25 percent. Capacity is 2,000 trips. Currently it's about two hundred and like 68 per ACHD and I realize that doesn't completely jive with the 25 percent, but ultimately that's what they told me.

Borton: Okay.

De Weerd: I think probably -- I can't see Justin. Justin, are you here? Perhaps you have more details.

Borton: Just trying to get a sense of what that figure represents.

Lucas: Thank you, Madam Mayor, Members of the Council. Justin Lucas for the record. Representing the Ada County Highway District. Business address is 3775 Adams Street in Garden City, Idaho.

De Weerd: Thank you.

Lucas: The documentation in your -- in your report was a letter from October of 2015 referencing the 211 trips. That is referencing what the anticipated trips are from the proposed development. So, we don't do an analysis of what it was versus what it is and based on the -- you know, the data that we have before us today the 211 trips is about the -- the counts out there -- and I think Scott accurately represented the counts and everything else and the volumes and so I can certainly add to that, but I think the -- I think the traffic information provided tonight was accurately represented by the applicant.

De Weerd: So, the traffic counts from multi-family that's being proposed in this -- this one section versus the light office is -- is about the same?

Lucas: Madam Mayor, Members of the Council, it's very difficult to answer specifically on that, because traffic counts are dependent on the use, not the zoning. So, light office there could be quite a range depending on the type of office that goes in. Whether it's a

doctor's office, a dentist's office versus let's say a lawyer's office or someone who doesn't have a lot of clients coming to them. So, I really can't speak directly to what the difference would be between the multi-family development and light office. If you get a group of dentists or doctors that go into a location, that is some of the highest turnover that we have, because the appointments are 15 minutes, people are coming and going all day long, so I can't say that -- that this would be less. It just really depends on the type of development that's out there.

De Weerd: I don't know what dentist you go to. I don't think I go to that one. But, in general, you have single story elevations here, you have -- you knew the number of buildings. You never know what the end user is going to be, so you generally give an estimate or an average count. Is it similar or is light office typically higher -- I know commercial is a higher traffic use, but I am not familiar with the light office.

Lucas: Once again, Madam Mayor, it's hard to speak in generalities in this situation. What I can say is residential traffic, the goings and comings occur primarily in the peak hours in the mornings and the evenings where people are leaving for work or coming home from work and so the traffic is oftentimes focused in very specific times of the day. Now, an office development or a commercial development the traffic oftentimes is much more spread out throughout the day, along with the goings and comings that happen in the mornings and the evenings. So, it's -- it's difficult to say what exactly would occur. I think in this situation ACHD has not -- has no documented concern in our comments to you about this requested change based on traffic volumes.

De Weerd: Thank you. Okay. Anything for Scott?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: One last question, Scott, for you to comment on was the representations with regards to voluntary relinquishment of access or not.

Noriyuki: I -- I have no idea. That predates me significantly. My understanding is -- and how that came about, these relinquishments or these negotiations, I can't speak to those. My understanding is that ITD said no to the entrance and that -- and I could understand that there would be relinquishment after the fact, but as a developer when you conceptually design a plan, something to come before a body like yourselves, you have got a great vision. But, then, after you get the project approved you got to go to ITD and get that entrance. ITD said no. That dynamically changes everything historically in or around or about this project from a successful L-O zoning standpoint.

De Weerd: Anything further from Council? Thank you.

Noriyuki: Thank you.

De Weerd: Okay. Council, any further information from the applicant or the staff or any of those that testified? If not I would entertain a motion to close.

Bird: Madam Mayor?

De Weerd: Typically that is not normal, unless you would like to --

Milam: Is it new information?

Bird: Is it new information?

De Weerd: Is it new information? Well, if you will hold on. Council, would you like to hear additional information?

Marsh: I will be very brief. A lot of discussion about the traffic --

De Weerd: Sir, if you will, please, state your name first.

Marsh: I'm sorry. It's John Marsh. 1264 East Commander in Meridian. Now, there has been a lot of discussion about the traffic. Traffic counts and everything else. But one point has been missed in this. If that is commercial property people will go down Chinden, down Everest to get to that commercial property, because that's where the signage is going to be. That's where the current signage is now. So, commercial property would not impact residential neighborhoods with additional traffic. They are not going to get to business that way. But the big difference is residential rental people, who are trying to get to work, are not going to go out Chinden, they are going to go through the residential streets and I think that's a very, very key point. So, the commercial traffic will use the Chinden access, because that's where the signage will be, being 300 feet down the road there you are. Chances of driving through residential areas to get to that commercial property are very low in my opinion. So, I just wanted to add that.

De Weerd: Thank you.

Noriyuki: Scott Noriyuki. Northside Management.

De Weerd: I will just say the applicant always has the last word. That's why we don't do this two way thing.

Noriyuki: I will be brief. First of all, we do not have signage opportunity. The landscape berm is completely built out at ten feet with the six foot solid fencing and the landscaping in place and everything up against Chinden is ITD right of way for future widening and expansion. There is not signage opportunity. Number two, with respect to traffic patterns versus whether it's multi-family or whether it's light office, your guess is as good as mine. My two cents would be it's going to be spread out regardless of use. I'll stand for any questions.

De Weerd: Thank you.

Noriyuki: You're welcome.

De Weerd: Any further information needed? Okay.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearing on H-2015-0036.

Milam: Second.

De Weerd: I have a motion and a second to close the public hearing on this item. All those in favor say aye. Thank you. All ayes.

MOTION CARRIED: ALL AYES.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, I was wondering if Mr. Nary could give us a brief rundown of what exactly our legal options are in making this decision now.

De Weerd: Okay. Mr. Nary.

Nary: Thank you, Madam Mayor, Members of the Council. So, in rezone it's not a right that the applicant has, which is why there is public hearings being requested. You either -- the staff report has indicated that there are -- it does line up with the comp plan. It is allowed to convert from a light office to the requested zone, so there is information already contained in the packet and from the staff report that would support that decision, if that's the direction you wish to go. You have also had testimony in regards to both what the findings were at the Planning and Zoning Commission, as well as the testimony in front of you tonight in regards to density, incompatibility to the neighborhood, the intensity of use, the change. One part of the testimony was that the original -- there wasn't any evidence or enough evidence to show that the original intent wasn't satisfiable and that some of it was actually a choice that was made originally five, ten, six, eight years ago. All of those are valid reasons as well if you wish to deny the rezone application. It is ultimately your decision based on the compatibility of this project and the compatibility of the zone that's being requested with the surrounding area and if that's in the best interest of both this property as well as the surrounding properties, so -- some of the other issues regarding traffic and how the traffic flows go again, I think there is a lot of evidence that gives you either/or on that particular issue, but it really is predominately on best interest of this zone, what was previously required. This Council and other councils before you have denied

rezone applications because they didn't feel that the original zone shouldn't be met. It was what was -- that was what was intended. They have also granted it when there has been enough evidence in the Council's mind that the original application was no longer a viable, buildable type of situation. So, those are the primary decision points for you to make for a finding to either grant it or to not grant it. So, I hope that answers your question.

De Weerd: Thank you, Mr. Nary.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I will make a motion. It might not go anywhere. I move that we deny the request for rezone from L-O to R-15 at that location, because I think it's too high of density and when it originally come through we made it as L-O to offset the apartments that we had already approved on phase one.

Cavener: Second.

De Weerd: I have a motion and a second to deny this item. Any discussion?

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: While it may not be the popular opinion in the room, I mean it's bordered on both sides by the same zone. I'd hate to see this property condemned to sit as it is. I think it would be much prettier with the proposed development. It looks like the developer has gone above and beyond to cater to the request of -- of his neighbors, especially with the single level on the adjoining property there. So, I will be voting against the motion.

De Weerd: Okay. Any other discussion?

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: This is -- this has been a really difficult one. I see both sides. I hear the neighbors. I hear the developer as far as going to be hard to find businesses that could be viable in there. However, it was zoned L-O for a reason and neighborhood -- having neighborhood businesses is part of our plan, it's what the neighbors signed up for. I think that that's a better plan and I do think that there are some businesses that -- that can survive in that -- even in an enclosed environment that don't necessarily require frontage or easy access and they are not most businesses, but there are some and so maybe put some thought into what those might be.

De Weerd: And I would just add that, you know, I appreciate the efforts from the applicant to reach out to the neighborhood, but these have a larger impact and we offer a minimum noticing requirement. It doesn't mean you have to stop at 300 feet. When you went back you went to 600, indeed, but when you look at how far 600 goes in that area it doesn't reach very many people either. So, it's nice to say that, but if you really wanted to have a broad reach you could have done better. I think it was written by one of the -- or testified that the neighbors are willing to brainstorm with the applicant on some potential uses. I know that when that access to Chinden closed it did change this, but I get concerned that every time something can't move we get apartments and I think that lacks imagination and so I would love it if the applicant would work with the neighbors and look at a greater radius and really try and see what is the best next thing to come back to the city with. It might be that you could find some -- some light office users, as Mrs. Milam mentioned, that do like to reside in neighborhoods and child care and those kind of services -- or fitness. But I think that you have some willing people who have spent a lot of time doing some research. Put them to work on your behalf and see what maybe they come back with in terms of ideas. That's all I have to say. It is a real intense use and it's vastly different and I would understand those that moved in and around it that thought what they bought by, this changes it dramatically. Any further conversation? Discussion? Madam Clerk, will you call roll.

Roll Call: Bird, yea; Borton, yea, Milam, yea; Cavener, yea; Palmer, nay; Little Roberts, yea.

De Weerd: The motion passes with a majority.

MOTION CARRIED: FIVE AYES. ONE NAY.

De Weerd: Thank you all for being here.

**D. Continued Public Hearing from February 16, 2016 for Knighthill Center Apartments (H-2016-0002) by James Wylie Located Southwest Corner of Chinden Boulevard and N. Linder Road**

- 1. Request: Amend the Recorded Development Agreement (DA) (Instrument #114014784) for the Purpose of Incorporating a New Concept Plan, Building Elevations and Certain Provision of the Development Agreement**

De Weerd: Item 8-C is a public hearing continued from -- I'm sorry. Item D is also continued from February 16th on Knighthill Center Apartments. Item H-2016-0002. I will open this public hearing with staff comments. Josh.

Beach: Thank you, Madam Mayor, Members of the Council. This is an application for a development agreement modification. Get to my slides here. You can see this is the --

the property that the applicant is requesting to build the apartments as indicated here, but the development agreement actually impacts the entire subdivision, which is this entire C-G zoning here on the corner, just so we are clear. The applicant's, as I said, request to amend the recorded development agreement for the purpose of incorporating a second concept plan. As you can see here on the left is the approved concept plan for the subdivision and on the right is the proposed plan by the applicant for the -- the multi-family development. A little history on this. In 2013 the City Council approved a preliminary plat, consisting of five commercial lots and one common lot on approximately 9.12 acres of land and a development agreement modification to incorporate a new concept plan and update certain provisions relevant to the proposed preliminary plat and in 2013 -- or 2014, excuse me, the property received final plat approval for five commercial lots and one common lot. The comp plan does support the -- this type of use. It's mixed use commercial is the comp plan designation, from densities from six to 15 dwelling units per acre. As I said, there is an existing concept plan, as it indicates a 30,000 square foot building on the property here, a commercial building I should indicate, and concept elevations and the elevations that were approved with the development agreement modifications are on the left and the proposed elevations for the multi-family are on the right. So, we are not indicating that -- the applicant is not indicating that they would remove this approved -- previously approved concept plan or the approved elevations, but they would add to that so that they would have the option of doing either. Currently the development agreement restricts the uses of this development specifically to commercial and as you can maybe read here it's kind of small. These are the -- the underlined are things that the applicant has requested to change, which basically incorporating the new concept plan, the new elevations and allowing for residential, which in the C-G zoning district the only type of residential dwelling that's allowed, as we heard from the previous application, is multi-family and that is required to obtain a conditional use permit prior to receiving approval to get a building permit for that. We received a number of written comments. instead of reading all their names -- about 65 e-mails I received in the last couple weeks on the project. So, there has been a lot of interest. And I will stand for any questions you may have on the application.

De Weerd: Okay. Josh, thank you. Council, any questions for staff?

Bird: Not at this time.

De Weerd: Okay. Is the applicant here? And we will read the names of the letters that we received prior to the public testimony. So, thank you joining us. If you would, please, state your name and address for the record.

Wallgren: Good evening, Madam Mayor, Council. My name is Jarrod Wallgren. I'm with JGT Architecture. My address is 2920 East Wooden Creek Street here in Meridian. Representing the applicant James Wylie on this proposed modification to the development agreement. And I brought my laser pointer and didn't think I was going to get to use it, but maybe it might work. I don't know if this -- if I can control --

Beach: If you select a color at the top there. Push one of the buttons at the top there, then, you can write on there.

Wallgren: Very good. This is the existing proposed concept plan. Josh did a good job of going over that. To provide a little context here, this is the property at the opposite corner of the Fred Meyer development at Chinden and Linder. Lot 2 is the lot in question for this proposal and you can see the site plan on the right there. We have got two existing retail buildings that were just constructed. They are the two you see on the southeast corner and you can see how it relates to the new proposed multi-family housing complex. This is a closer view of the site. The intent for the project is to provide a mix of five units, one, two and three bedroom, different types -- some will be two story townhome types on the end of one of these units. The intent is to have a clubhouse structure with some amenities, exercise room perhaps, a patio, play structure, and the project has had a neighborhood meeting. I believe a couple of them. And as a result of that you're seeing this concept, which was changed from the original. We, like the previous application that we heard, we shifted all the single story units to the south, which immediately border the residential neighborhood of Lochsa Falls. The proposal of the buildings themselves, the intent is to match the flavor of the rest of the commercial buildings that have already been constructed. We intend to use high quality materials and stone, variations of textures, of siding, different colors. It's going to be a really nice looking apartment complex and here is the -- the rendering of the buildings that were just completed. The one thing I really want to touch on is this is an approved use in the zone. It is a conditional use as Josh stated, but it is an approved use and what currently is approved in the development agreement is a 30,000 square foot mid box size or office type building and what I have done here is drawn two different sections. The top one being our current proposal where you can see the existing -- approximate location of the residences on the left-hand side. Their backyard, a fence, a landscape buffer and, then, the single story apartments and clubhouse and we shifted those three story to the middle so you can really see the sight lines prevent a lot of visibility into those backyards. It will salvage some of their views and be a lot less impactful visually as the commercial use that you see in the middle drawing there. That's an approved use that we do not need any sort of public hearing process. There is design review, but we can construct that with an application that we could submit immediately. And I have searched for a couple examples. This is the Lowe's built on Overland Road. You can see how that relates to the neighboring residents. You will get things like transformers and trash and loading docks immediately adjacent to that development. And, again, we are entitled to build that as the development agreement sits. This is the apartment complex that are actually on the southern side of Lochsa Falls. I believe it's called the Sellway Apartments. You can see how that's more -- much more homogenous with the -- the type of development visually. There is a buffer there from the commercial along McMillan to the single family residents and the apartments act as a great buffer for that. The applicant had a traffic engineer conduct a brief estimate of traffic volumes. I know it's been a concern with some of the opposition and this first summary is a hypothetical situation of the 30,000 square foot building that could potentially have a grocery store or a market type use, maybe divided into a specialty retail, such as a dollar store or some other clothing store. Those are examples of commercial uses. They generally have 2,105 traffic trips a day versus the 50 unit apartment complex, which

develops 330. So, it's -- I have included the letter from the engineer, stamped and signed, and he reaches the conclusion the apartments will generate significant less traffic than the retail development. And the biggest thing in my opinion here is I think we are proposing something that is better. It's going to be a good visual buffer from the commercial uses that are right there. It fits well with I think Meridian's intent to -- you know, if you read the design standards and the ordinance, it's about creating a new urbanist concept of pedestrian friendly and walkable and this is a great commercial node that we have right here and to provide a little bit more density that supports that is going to be great for those businesses. The folks in this apartment complex could walk out their front door and walk across the street to grocery stores, visit restaurants and retail in this commercial development and it also acts as a great buffer to that single family residential. I'd like to let the applicant, if I may, say a few words and after that we can take any questions.

De Weerd: Okay. Thank you. Good evening.

Wylie: Good evening, Madam Mayor, Members of the Council. James Wylie. 1676 North Clarendon Way, Eagle, Idaho.

De Weerd: Thank you.

Wylie: First off, I'd like to make some comments regarding this application. We do agree with staff's recommendation and their findings. Unfortunately, when we did the last development agreement modification we did not put a multi-family in that development agreement. At that time I did not foresee it to be a viable option. As it turns out it seems to be -- it's more of an option economically than -- than it was in the past. We have owned this property for a long time. We have tried to develop it for a long time. At this point we have yet to find a user who wants to go into that particular location. It doesn't mean it can't happen in the future, but at this point we haven't been able to find anybody and we have been trying for a number of years. We had two neighborhood meetings with the -- with the neighbors to try to address some of their concerns, which is why we ended up with pulling a lot of the buildings back away from the -- from the property line or the adjoining property line with the neighbors and putting some of our more open space type amenities there. We did put in some single level units there adjacent to their property line, but were trying to create more of an open space buffer for them and to allow for more visual sight lines, less noise, less possible traffic, less smells or whatever else we might be able to have. Economically this will provide a better base -- tax base than a commercial building and I think that that can benefit -- can help some education, schools, and public improvements. I can see we have a little --

De Weerd: Okay. Please.

Wylie: We feel that this is going to decrease traffic, provide a better buffer to the single family houses -- housing. We are going to -- should have a much smaller impact on the neighbors we feel than a commercial building -- potential commercial building that would be -- could conceivable be built closer to their property line than we would be building the

apartments. I thank you again for your consideration. I ask for your affirmative vote. Be happy to stand for any questions.

De Weerd: Thank you, Mr. Wylie. Any questions from Council at this time? Okay. Thank you.

Wylie: Thank you. Any questions for Jerrod?

De Weerd: Not at this time. So, Madam Clerk, I would ask if you would read the list of those that we received written testimony from.

Holman: Thank you, Madam Mayor. I will started at the top. I count how many we have got. It looks almost -- close to 70, so -- Angie Arend. Nancy Avila. Anthony Avila. Robert Beaman. Jo Beaman. David Bell. Mr. Beltucci left a voicemail. Aaron Bolton. Amy Brown. Roy Corkill. Norbert and Celeste Costa. Andrew and Kasey Crawford. Heather and Chris Crosby. Yori Dela Rosa. Ray Dodd. Wenona Ellis. Blythe Forman. Jim and LaValle Frisk. Sara Godrey. Alina Good. Kurtis Hall. Jennifer Hall. Cristina Hall. Tina Hanna. Lori Hansen. Toni Haws. Ronald Henneman. Charles Hoepner. Michael Holmes. Marshall Italiano. Samuel Jenkins. Grant Keely. Cathy and Allen Kelly. Brian Kraus. Tami Kruger. Maria Kuhel. Cody and Lisa Lindley. Terri Lloyd. Cheryl Marion. Jayson Mayfield. Dallas Millington. Laura Minter. William Mock. James and Nancy Montgomery. Fran Olsey. Dorothy Pefferle. Chris Phillips. Ken Pierson. Emily Piscione. Shane Raine. Mike and Jill Reinhardt. Natalie Sanderson. Warren Schiffer. Chris and Diane Schmidt. Alena Smith. And Larry Smith left a voicemail. Tyler Standford. Angie Stiles. Roland Stroll left a voicemail. Don Stickler. Kellie and John Stroozas. Jennifer Tassi. Doug and JoAnne Thurston. Carma Wallace. Williams and Dorothy White. Toni Williams. And Michael Windle.

De Weerd: Thank you. Okay. I will go to the sign-up sheet. Again, if I mention your name and your signed up to testify, if you don't wish to testify you can just motion that. Patrick Hewitt signed up against. Good evening. If you will, please, state your name and address for the record.

Hewitt: Patrick Hewitt. 5862 North Teekem Falls, Meridian, Idaho.

De Weerd: Thank you.

Hewitt: Madam Mayor, City Council Members, thanks for the opportunity to speak to you. I'm going to be testifying for not only myself, but for my wife who is currently deployed to the Middle East with the U.S. Air Force. As a newer resident to the City of Meridian I find it troubling that the developer would choose to consider betraying the trust of the contract that was established ten plus years ago between itself and the citizens of Lochsa Falls to develop the property north of Lochsa Falls as commercial -- or anything but commercial. When my wife and I shopped to purchase the home here in Meridian in August of 2014, we specifically chose Lochsa Falls for the lack of a lot of high density rental residences. We did not want to be near apartments due to the documented fact that crime and

vandalism are higher in apartments. Additionally, we will be economically damaged due to the fact that -- of the property values dropping from the construction of the -- of apartments behind a nice shopping center. Furthermore, we as residents of Lochsa Falls and Kelly Creek we will get to foot the bill for the additional wear and tear, as well as any vandalism resulting from the new residents of the Knighthill Center Apartments, utilizing our common areas in our development that we pay for through our HOA. We receive no funds from the city to maintain these areas. The real estate market in this area does not necessarily sustain building more apartments. Sellway Apartments are not filled and have -- they have room to expand to double their capacity. The property due south of Sellway Apartments is already zoned for that construction. There are also apartments under development at Paramount and the rental properties at The Springs on Linder behind Sonic have just been completed. We have more rental properties on the corner of McMillan and Linder. There are plenty of rental properties for this area of town and that market has been met. Rezoning the property to residential should not be granted. This violates the city's own Comprehensive Plan as posted on the City of Meridian's website. This is not meant as a high quality development. It does not enhance the quality of life for current residents. It does not prevent overcrowding of educational services. It does not improve transportation and it undercuts Meridian's self identity as a high quality community. Had I known that the City Council -- well, and the -- the City Council would approve irresponsible growth that this developer is asking for, we would not have bought our home in Lochsa Falls. We would not have bought our home in the City of Meridian. I ask you, Ms. Mayor, and each Council Member, if more apartments are so great for the residents of Lochsa Falls and Kelly Creek why aren't you fighting to have them closer to your own homes.

De Weerd: Okay. I will ask you to be respectful.

Hewitt: I would also like to address the neighborhood meeting. I have lived in that house since August of 2014. I have never heard of a neighborhood meeting being requested by the developer for anybody in Lochsa Falls. There is a Lochsa Falls residence or community -- or community Facebook page where if anybody has anything to say -- and, believe me, people say stuff on that Facebook page -- there has been zero posted about any meeting with the developer. His forthcoming with the residents has been minimal in my opinion. I stand for any questions.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Mr. Hewitt, have you ever lived in an apartment?

Hewitt: Yes. When I was 20 years old.

Palmer: Thank you.

De Weerd: Okay. Thank you for your testimony.

Hewitt: Thank you.

De Weerd: Maggie Shelley signed up against. Good evening. If you will state your name and address for the record.

Shelley: Good evening, Mayor and Council. My name is Maggie Shelley. I live at 1875 West Boulder Bar.

De Weerd: Thank you.

Shelley: Meridian. I'm a new resident of Lochsa Falls. We purchased the house -- we made a search engine from October until December. We purchased the house December 5th. We knew that there was commercial property, because the bar was already in place and the whole thing was zoned commercial. We put our faith in the document from 2006 that the buffer between Chinden and Linder, which is extreme traffic, was not going to be compromised by additional traffic from apartments, albeit on private roads, which I have yet to see a plan delineating how these private roads are going to accommodate these 50 apartments that can, in theory, have 120 occupants, perhaps with two cars. So, there is two ways to get into that site. There is an illegal left turn going off of Linder into the bar area or there is a legal right-hand turn going out to Linder. There is a right-hand decel lane going from Chinden into the property, but there is no left-hand turn unless you go out Everest, back left or right, Long Lake and right to Chinden or you go to the south. Well, the closest distance between two points is a straight line. They are not going to make right after right after right after right turn and it is going to compromise specifically my street, because I can see the property from our bonus room. I am very -- I feel very compromised in the decision to change this from the commercial use, albeit they say they can put a 30,000 square foot building in there. I look at the site and say really? How? It doesn't make any sense on private roads for a commercial building of that volume either. So, what I would ask the developer is to show us how we are not going to be compromised by this project. I appreciate your time and I hope I didn't exceed the time allocation.

De Weerd: No, you didn't. Thank you very much.

Shelley: Thank you. I can't imagine there is any questions, because it's all fact.

De Weerd: Thank you. Mr. Nary, I think maybe I would ask you to maybe explain the process -- what has been already approved and why we are here tonight.

Nary: Thank you, Madam Mayor, Members of the Council. So, this one is a little different, because most of these folks sat through the last application. This one is a little different. So, there is an existing development agreement on the property, so this is not a rezone. It's already zoned commercial, so it is an allowed use as I think Mr. Wylie said, but there is a contract and that's what a development agreement is, it's a contract between the applicant or the developer and the city, and on this property, since the original application

and development agreement was granted back in 2006, it's always been commercial buildings on the lot. So, that's what's existing. It is allowed to request, as it is tonight, to change that to allow a different user or a different type of building and so the Council can consider that. In making that decision, either if you want to support that, there is adequate information in the staff report to provide support for that. It is a little different than what you -- than the last one, because you didn't have a Planning and Zoning hearing, you only have this development agreement modification in front of you, because only you the Council can agree to modify that agreement and it's only heard here, it doesn't get heard at Planning and Zoning. So, unlike the one where there was two hearings, this one only has this. It would have a second hearing if you grant it, because it is a conditional use, so if you were to grant this application it doesn't necessarily mean that you build an apartment facility tomorrow, they are still going to have to go now back through the Planning and Zoning Commission process with an actual design and that will look at things that are compatible with the neighborhoods and the buffering and the orientation of buildings -- where the buildings are in relation to the roadways and how to alleviate some of the concerns that are being expressed about traffic and noise and those kinds of things. So, this is just a hearing to determine whether this is a concept that could be considered for that property and, if so, then it would be done through a conditional use, which is another public hearing. The -- if the Council doesn't wish to grant the amendment, you're not obligated to do that, it isn't a right that the party has to have this amended, you would have to make findings and those findings could be based on some of the information that's in your material, which is based on the compatibility with the neighborhood, the preexisting condition of the contractual commitment to commercial buildings, the lack of capability to absorb this additional -- a number of road trips through the current system -- road system that exists there, because it was designed for commercial. So, depending on what your findings are, you have -- you need to listen to the testimony and see if that provides you enough information for either direction that you want to go. I don't know -- that's kind of a broad answer, but, hopefully, that answers your question.

De Weerd: Thank you. Frances Olsey. Signed up against. Welcome and please state your name for the address -- and your address for the public record.

Olsey: My name is Fran Olsey. I reside at 2538 West Ladle Rapids Street in Meridian. Lochsa Falls.

De Weerd: Thank you.

Olsey: And I have been a resident of that area -- one of the original residents there for the past ten years. I am opposed to this change for the construction of multi-family homes, because I believe it will lower the value of my subdivision homes and lower the properties within that subdivision of 700 people. By placing multi-family apartments next to a long established single family community the Lochsa Falls -- like Lochsa Falls the city is imposing a burden of city support services on taxpaying homeowners while presenting them with a substantial risk of devaluing the investment in their homes. Single family homeowners have selected and invested in this type of living because of preferences for privacy, attractive views, and safety. They have worked hard and sacrificed to pay the

price for the benefits of single family home ownership, often investing all of their savings and this becomes for them a retirement property of great value. Single family homeowners have to pay HOA fees to cover all costs for maintaining common areas, such as streets, landscaping, lighting and parks inside their subdivision, while nonresidents, such as a multi-family complex right next door, can avail themselves of these facilities at no cost. Single family homeowners are also subject to stringent maintenance of their homes and property enforced by the HOA rules. The property taxes that they pay vest them in every aspect of supporting their city, the City of Meridian, and county government, its services and its employees. Community realtors who we have spoken to extensively about this issue, who are experts in marketing our properties, say that the location of multi-family apartments abutting next to single family homes, such as ours, reduce home resale prices and lower presentation rates. We have only to look across our city's border to Boise on the east to see many such examples of depreciated single value -- home values in such mixed developments. Our home right now -- our property value in Lochsa Falls are still lagging and recovering from the recession of 2006. Nine years, ten years later many of us are looking at over a 20 percent decrease in property valuation from when we moved in, while the percent of that value that we pay in property taxes has increased by a third. Contacts with local realtors who market our properties are now telling us that we should brace for a drop in listing prices and stagnation in valuation and appreciation if this amendment -- I believe it's an amendment passes. What was once sold to us and the most desirable and valued subdivision in northwest Meridian --

De Weerd: Ma'am. I'm sorry, your time is up.

Olsey: -- will be less desirable by the potential buyers. Thank you so much for your time.

De Weerd: Thank you. Dale Cheney signed up against. Good evening.

Chaney: Good evening. Dale Chaney. 2566 West Ladle Rapids Street. I live right next door to the last speaker, so --

De Weerd: Thank you.

Chaney: In Lochsa Falls. Also we have a petition here with 327 signatures against the proposed modification. And, by the way, those were gathered in ten days. Okay? I'd like to thank the Mayor and City Council for this opportunity to address you this evening. I am here tonight wearing two hats. The first as a homeowner in Lochsa Falls and also as the vice-president of the homeowners association for Lochsa Falls.

De Weerd: Sir, can you tell me are you representing the HOA this evening?

Chaney: Yes. Well, there will be -- the president will also speak, but we are both representing the HOA this evening.

De Weerd: Okay. Well, I will give him the ten minutes and you have three.

Chaney: All right.

De Weerd: Okay?

Chaney: Then I better speak quickly then, so --

De Weerd: Please.

Chaney: As a member of the three person Lochsa Falls HOA we voted unanimously to strongly oppose changing the zoning and I think it's interesting that he talks about reaching out. It would seem to me like the other group that was here -- he reached out to the HOA. I have been to every meeting -- been on the board for three years. We have yet to hear from the developer. Okay? He did not reach out to the HOA. In talking with many of our Lochsa Falls homeowners over the past week I have been impressed with the solid support in opposition to the rezoning. Many have expressed to me concerns about overcrowding in the schools, increased traffic within the area. Plus a variety of other concerns. But the one issue that is mentioned the most is how this change in zoning would affect the development, especially those homeowners directly behind this development. One couple who met with us on Saturday stated to us that they had just bought their house one month ago and they had specifically checked into the zoning in the open field behind their home and were told that it was zoned for commercial and that did not include multi-family housing. I would ask each of you how would you feel if after purchasing this home within that period of time later on you would have to be at this meeting to fight for this rezoning -- or this change in zoning? They and all of us have invested in good faith in Lochsa Falls, based upon the planning which went into our area and the surrounding area. It is totally unfair to all of us to approve this change. A developer should not be allowed to change the rules that have all been agreed upon by all of us. I believe that the key part of city government is looking for what would be in the best interest of those people who will be directly affected by your decision. Changing the zoning to me is morally and ethically wrong. It is overwhelming opposed by those who would be the most affected by it, the residents of Lochsa Falls. As a homeowner and member of the Lochsa Falls HOA I hope you agree with us and urge you to vote no on approving this. Thank you. Any questions?

De Weerd: I don't have any questions, but I will just say they have a right to ask. You know, it is certainly up to the City Council to -- to consider that and, then, to weigh in on their decision. But I just want to say they do have a right to ask.

Chaney: I would agree with that. I would also say would not you think that it would be viable for them to contact the HOA and let us know what they are doing?

De Weerd: I would think that anyone that wants to do anything next to an existing subdivision should reach out to the neighborhood via HOA, via next door, via Facebook. Anymore there are a lot of ways to reach out. But they did -- they did adhere to the minimum requirement of the notice of the 300 feet.

Chaney: I understand that. The letter of the law. I'm talking about the spirit of the law.

De Weerd: I would agree with you.

Chaney: Thank you.

Palmer: Madam Mayor?

De Weerd: Mr. Chaney?

Chaney: Yes.

De Weerd: We do have a question.

Palmer: Well, I just wanted to point out this is not a zone change; correct?

De Weerd: It's not a zone change, it's a change to the development agreement.

Palmer: Right. Mr. Chaney pointed out many times that it was zone change, but it's, in fact, just changing the development agreement.

Chaney: I understand that, but it affects us the same way, so --

De Weerd: I agree.

Chaney: Okay. Thank you.

De Weerd: Thank you. Karen Chaney signed up against. Joanne Mock signed up against. William Mock signed up against. Stephanie Downing signed up against. Thank you for joining us. If you will, please, state your name and address for the record.

Downing: Stephanie Downing. 1802 West Rattlesnake Drive. I have been involved in this since the beginning. I have lived in Lochsa Falls for ten years. We chose to build our house there. I designed it. We built it. This backs right up to my backyard. I only have a couple more years to live and I really don't want to see apartments back there. I really don't want to have our property value go down. It frightens me that it's going to have people climbing into my backyard literally and that's my biggest fear, because when there is apartments and once it's built and all is said and done and the developer is gone and, then, eventually the apartments are going to maybe go down in value, so, then, the rents will go down and, then, it's going to impact my property directly having people coming into my space and that's what really frightens me. I understand about the traffic. I understand about the impact on the schools, but all of that said and done, what frightens me even more is the safety factor. So, I hope that you will all consider that when you're taking it to your vote.

De Weerd: Thank you.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Mrs. Downing?

De Weerd: Mrs. Downing?

Borton: If I could ask a quick question. You were at the November 18th neighborhood meeting.

Downing: I have been at every one.

Borton: How did --

Downing: Except one.

Borton: How were you notified of that?

Downing: I would get a letter in the mail, but like I said --

Borton: From the applicant?

Downing: -- it's in my backyard.

Borton: Okay.

Downing: So, I'm not even -- probably am not even 300 feet.

Borton: Okay.

Downing: It's my yard -- my fence touches the same ground as that property.

Borton: All right. Thank you.

Downing: So, yes, he did send letters to each of us and he always has. He has been good that way. But, again, it's -- and this is just me. I can only speak for me. But there is the fear factor of unsavory people eventually living there. I'm not saying at first. It will probably be beautiful and wonderful, but it eventually -- I have been around apartment structures before, I have been around apartment complexes before, and I understand that there needs to be a lot -- but there is brand new ones all around our whole subdivision right now. I really don't see where we need to have another one. So, I hope you will take that into consideration.

De Weerd: Thank you.

Cavener: Madam Mayor, if I may? Sorry. One more question. I appreciate your testimony tonight. Can you provide us maybe with a little bit of perspective of the meeting that you attended and how many of your neighbors were there and if there was any representative of the homeowners association or any communication you had with them?

Downing: Well, I have never had any communication with the HOA. Okay? So, they have gone to other areas on our subdivision, I guess, but I have always tried to go to the meeting. I had to miss one because I was too sick to go. But I do believe he's always been fair with us. He -- there were three homes when we had our very first meeting and ours was one of them and he stated -- and we knew when we bought the lot it was going to be commercial and we were okay with that and he always told me behind us would only be one story commercial, which I thought that was really doable and he did make changes to his drawings, in all fairness. He changed it so that behind my house it's a one story and I know he basically did that for me. But there is other houses on this -- we are at the very corner. Just literally there at the corner. Here we are at the corner house and this other row of houses, this cul-de-sac, they are going to have two and three story buildings by them. People looking right into their yards. One of our neighbors just built a pool last year. Now they are going to have people watching them in their pool and, who knows, they could climb over their fence and go in. Those are my concerns. It has nothing to do with the economy, it has nothing to do with the traffic. It has to do with the neighborhood itself. It's a beautiful neighborhood and it's kept up really nice. So, I hope that helps you.

Cavener: Thank you. Appreciate your testimony.

Downing: Thank you.

De Weerd: John Downing signed up against. Carolyn Pearson, signed up against. Ken Pearson signed up against. Doug -- Fred Davis. Doug -- well, he didn't mark if he wanted to testify or not, so we will just say Doug signed up against. Rich Davila? Please. Signed up against. Welcome and, please, state your name and address for the record.

Davila: Madam Mayor, Rich Davila.

De Weerd: Davila. Sorry.

Davila: And I live at 6168 North Gertie.

De Weerd: Thank you.

Davila: And so if you look -- and I don't know -- if you show -- just move up just a little bit right here. That's our house right there. We bought this -- we closed shortly after Christmas of 2015 and -- I got to apologize, I'm probably not as well spoken as some of the folks that have been up here. But me and my wife went through some really hard times and it's taken us a long time to get back on our feet and worked like a dirty pig and

-- and when we moved in here less than a month ago, you know, it -- it was -- we did what we thought was due diligence and -- and it was slated for commercial and I can tell you right now I would have never bought the place if I would have known that it was going to be, you know, apartment buildings and I can't -- I'm not going to say anything about unsavory characters, because a lot of people might think I'm unsavory, but I can tell you that it's going to lower our property values and much to my demise I'm sure that -- he talked about financial viability, that this is more financially viable for him. Well, at the cost of some of us it's going to increase his profits and so I'm just really -- you know, just frustrated, you know. We bought this house -- I wasn't exactly -- you know, it took everything to get me to want to be there with it being commercial, you know, because I -- I'm a small town guy and I'm just really upset that, you know, we -- you know, we are probably going to be 40,000 dollars upside down from the day we bought our house if they put apartments there and I'm just really frustrated with that and, you know, where I come from if you -- you say it -- you know, there is a big, huge difference between rezoning and an agreement. Well, it's a huge difference to me what they are doing -- what they are proposing to do. So, talk about huge difference. It is a huge difference and where I come from if you make an agreement that you're going to do something that's pretty much what you do. And that's all I have to say.

De Weerd: Thank you. Appreciate it.

Davila: Any questions?

De Weerd: Thank you. I'm going to just read the names that said they wanted to testify and if I miss someone I will ask you at the end if you would like to provide testimony. Jim Frisk signed up to testify against. And these documents will be listed in the public record and indicate that you did sign up, so it will be on there.

Frisk: My name is Jim Frisk. I live at 1840 West Sheep Hill Court and my property is right next to this Everest Lane and abuts this Knighthill Subdivision and I'm very heavily impacted by this, because from the model I have seen they wish to put this three story building right behind me and I'm the guy with the swimming pool and all these patios at the rear look right down into my pool here. So, this impacts me quite severely and so, anyway, my wife and I bought this place ten years ago and I retired about a year ago and my wife asked if I wanted something for retirement and I said I want a swimming pool. So, she put the thing in a year ago and now we have this and it's very troubling to -- to us and, anyway, when we bought our home ten years ago there was -- it was being rezoned I think from residential to commercial and we were okay with that. That's what we signed on for, you know, and Mr. Wylie said that he thinks it's better for us to have a three story apartment building, rather than a 30,000 foot box store, he's wrong. He's the only one that thinks that. It's -- none of the rest of us think that. We want the box store sitting there, so it doesn't look down into my swimming pool. But, anyway, I don't think it's fair that we allow property to be rezoned -- rezoned or -- I don't know if it's platted -- if you want to call it amended -- okay. Amended. But I don't think it's right that you allow that to happen. I think we get a plan and we stick with it and so -- but all of us -- all of the rest of us were impacted by Mr. Wylie's change, every time he wants to change this. But I

thought when he's got his commercial thing put in there and now he wants to change it for something else, he's affecting all of us and it's not right. It's just not right. Thank you.

De Weerd: Thank you. Jason Mayfield signed up against. Good evening.

Mayfield: Good evening. Jason Mayfield. 2660 West Cedar Grove Street in Lochsa Falls.

De Weerd: Thank you.

Mayfield: So, my -- actually, my home is in the middle of the neighborhood. I am not directly adjoined with the proposed change, but I have been a licensed real estate agent for the last 12 years. I can tell you and guarantee you that this impact -- or this change will negatively impact the equity in everybody's houses in the neighborhood. We are talking tens of thousands of dollars for every house. We are talking millions of dollars of lost equity for the neighborhood, whether they butt up against it or they are on the other side of the neighborhood. When buyers look at houses they look at such things as apartment complexes. We have an apartment complex that's quite large on the south side. This would add one onto the north side. We have one on the east side as well. We are getting surrounded by apartments and I promise you that this will have an impact of millions and millions of dollars for the residents, whether they live next to it or not. Buyers don't want to buy houses in those neighborhoods and if it's 10,000 here or 10,000 there, it adds up. It also adds up for years because of the way appreciation works. If a house goes up five or six percent, if it's base was 20,000 dollars less, five or six percent ten years down the road becomes 50, 60 thousand dollars for each house. So, it's a major, major impact. Anyway, that's what I have to say. Any questions?

De Weerd: Thank you. Joe B. Hyman. Welcome.

Hyman: Thank you. Joe B. Hyman. 1789 West Puzzle Creek Drive, Lochsa Falls.

De Weerd: Thank you.

Hyman: I commend Mr. Wylie for coming and doing this. In the state of the economy in Idaho and Meridian proper making an investment in the community is admirable and to allow folks to move into Meridian and experience the wonderful things that we -- my wife and I and family have moving from Michigan a couple of years ago, I think should be allowed for all folks. But the biggest caveat I see to this development is when West Ada County looked at where they are going to put schools and how much capacity they are going to have in those, which we know is limited at this point, by moving this to a multi-use is going to impact that negatively and it wasn't planned for in that expansion for education. I have two little girls who will turn nine in the next two weeks who both have special needs and we choose this specific area because of the 21st century education plan that Willow Creek has and by overcrowding that school with this development and the surrounding educational institutions I think it's a detriment to the community and the City of Meridian and I oppose this. Thank you.

De Weerd: Thank you. Chris Roth signed up against. Good evening.

Roth: Hi. Chris Roth. 1773 West Rattlesnake. I'm directly across the street from where the proposed development is and we did get a letter in the mail. Got both of them. I think I got it the Thursday before and the meeting was Monday at 1:00 o'clock. So, for those of us that have jobs it's a little hard to get to. I did make -- I think I made the first meeting, but not the second. I moved here in 2007. I think I bought the last lot on Rattlesnake that was available and we searched all over Meridian and we ended up Lochsa Falls, because it's a community and there is families and I'm afraid like some of the other people that having apartments there is not going to bring the type of people that we want to have looking down into our yards and they will look right between two houses into my front yard. So, I think I can guarantee you -- I have been to the new grill that's there and one of the bartenders said, gosh, it's been so crowded, we had to park in front of the houses out there in the neighborhood. So, it's already impacting us that way. Okay? I guess I'm not going to beat a dead horse, but at the meeting Mr. Wylie said, you know, we have had this property for a long time, we can't -- we can't sell it. We can't make a buck by trying to put businesses in there and so, you know, after building in 2007, not the best time as we all know, suffered a loss, we are gaining back right now, we don't want to suffer another loss. So, you know, we didn't make the investment in the big property out there, but we also shouldn't have to pay for it and put apartments in there. So, that's why I oppose this.

De Weerd: Thank you.

Roth: Thanks, Madam Mayor. Any questions?

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Quick question for you. You mentioned if the development goes through, people will be able to view your front yard from their residences. Can any of your other neighbors view your front yard from their residences?

Roth: Absolutely.

Palmer: Okay.

Roth: But can I also say I don't want to view patios full of -- you know, we have -- in our HOA we are not allowed to have things out in front of our house and things like that. If they put apartments up there and they have already stated they are not going to have storage, which they may amend, but I don't want to look at patios or decks full of grills and toys and bikes and things like that also.

Palmer: Follow up, Madam Mayor?

De Weerd: Uh-huh.

Palmer: Have you ever lived in an apartment?

Roth: No.

Palmer: Thanks.

Cavener: Madam Mayor, I have a question.

De Weerd: Mr. Roth.

Cavener: Do you have rentals in your neighborhood? Do people purchase a home as an investment on a house, then, rent that out to somebody else?

Roth: They do.

Cavener: Okay. Thank you. I just needed the clarification.

Roth: Yeah. And oftentimes, as in the case at my house right now, they -- the property is abused and we have had three or four people through that house, so -- already.

Cavener: Madam Mayor, follow up if I may. Can you speak -- you mentioned that you received the letters about the neighborhood meeting. Can you share how many other people were there at the meeting that you attended and any communication you had with your homeowners association after you received that?

Roth: I think -- well, like I said, I received this -- the letter on -- I believe -- I don't remember what day. But it wasn't very soon before the meeting. Talked to a lot of the neighbors. Didn't talk to the HOA. But I believe there was 20 people maybe at the first meeting and I didn't make the second meeting. I had to work.

Cavener: Sure. Thank you. I appreciate your testimony.

De Weerd: Thank you, Mr. Roth.

Roth: Thanks.

De Weerd: Brett Hamm signed up for. Okay. Samuel Jenkins signed up against. Good evening. if you will, please, state your name and address for the record.

Jenkins: Samuel Jenkins is my name. 5421 North Stanley Creek Avenue. I live in the Kelly Creek Subdivision, which is like in the middle of that -- all the big streets are.

De Weerd: Thank you.

Jenkins: I'm against it. I'm concerned about the schools and they seem to be at capacity or even turned away. Our kids are home schooled and -- but I see a lot of it seems like teens that seem to be lost in the system already and I'm kind of concerned about there being more kids that, you know, don't have a -- you know, kind of get lost with the schools. My house backs up to Goddard Road and so traffic is a big deal for me right now and lots of cars coming through that -- there is a big circle that -- I moved here just a few weeks before a little kid got killed on a -- as a car was coming around a corner and so I get a little concerned about the people from the apartments cutting through and there is a common space, which -- I live in Kelly Creek and take advantage of Lochas' a little bit from time to time, so I'm sure anybody would want to. It's really nice. I -- I do have to say I'm really glad about the Homestead Bar and Grill that's there. I had a good beer there on Sunday I think. It was pretty good. Except they were out of the Moose Drool, which, you know, I think they will get better and I think -- I mean on a personal -- I think a Lowe's or Home Depot would be really cool, because my house is starting to need new toilets and stuff and I got to drive all the way up here, so it would be kind of convenient I think. And the other thing I just wanted to say was Thursday my whole family was sick, but I was just feeling like if I don't get the petition and go around and, you know, see what everybody else feels like I will just feel bad that I didn't do anything, so I took my two kids and dog and we walked around for a couple hours and got like -- it was like being a hero, as soon as you mentioned that you had a petition and you were -- you know, you didn't want the apartments, everyone was just like, oh, I can't wait to sign that and so it really seemed like -- even further away we just have a -- it seems -- just feels like you have a lot of apartments, with the corner on McMillan and Linder, both sides -- both sides there and with Sellway Apartments. It just seems like it's pretty consensus that we do have a lot of apartments in that area and that's all I have to say.

De Weerd: Thank you. Ray Dodd signed up against. Good evening.

Dodd: Good evening. Ray Dodd. 2049 West Grand Teton Drive in Lochsa Falls. Lived there for two years. Just wanted to say my family opposes this amendment for the following reasons: Considering the number of residential use that's already been establish in the Lochsa Falls and neighborhoods adjacent to it, Paramount, Bridgetower, Silverleaf, Kelly Creek, Sellway, our area of Meridian is already really densely populated and the developments that have already been approved by the city for the area around there as far as apartments and that new housing going in in Paramount and those sort of things, those are ones already put additional strains on the infrastructure that's just ready for it and our schools are already overcrowding. The major thoroughfares through there, Chinden, Linder, McMillan, Ten Mile, those are all only one lane in each direction. Eastbound morning traffic backs up all the way from Eagle -- I don't know if any of you commute that direction, but it backs up from Eagle Road all the way out past Linder. Evening westbound traffic is even worse, you know, there have been a string of pretty sever accidents there lately along that Chinden corridor. Adding extra traffic congestion to that area is going to result in longer commute times for people, as well as more accidents and specifically with respect to Lochsa Falls, the main entry -- entry points and exit points are Long Lake and Cuyuse Creek. Long Lake is not -- is not an acceptable exit-entrance point for any new development there. It's already unsuitable for the current level of traffic

during commute hours due to the fact that the Challenger School patrons have to exit and enter right there as well. Finally, on multi-level residential units directly -- or, you know, they are going to be directly behind some of the homes in our subdivision, so my sense is that -- you know, that's going to decrease the value of those homes in particular, but more so in our neighborhood, because, you know, generally when you look at real estate values you -- and get appraisals on houses, that includes comps from other homes in the neighborhood. So, if the value of those go down, obviously, the values in ours will go down and, you know, I have already -- as most people have already said here, you know, we have so many apartments around us already, the infrastructure is just not there to support it yet. So, you know, I signed our HOA's petition -- or I shouldn't say the HOA's, but our legal petition and I'm here today just to ask you, please, not to approve the amendment. Thank you.

De Weerd: Thank you. Stan Johnson. I believe Stan is the HOA's president. Good evening.

Johnson: Good evening. My name is Stanley Johnson. I'm the president of Lochsa Falls HOA and I thank you very much for the opportunity to come and speak. It's great that we have the free country we do. I served 20 years with the military, specifically the Navy, so I have been all over the world, I know what other places are like, and we have a beautiful, great city here in Meridian, as one of the magazines has so eloquently stated. My fear is -- I'm sorry, I didn't give you my address, did I. 5835 North Flat Tail Way in Lochsa Falls, Meridian. Anyway, we had a board meeting about two weeks ago and the board unanimously voted that we would be against and protest the building of these apartments and the modification agreement. I went to the second meeting -- neighborhood meeting. The board never received a notice on the first meeting and somebody called me and let me know when the second one come about and we have property which is a common area right across the street with the 30 feet that they are going to build this development. I don't know if it was a mistake by the developer or it was done intentionally, but he has done things in the past that make me believe it was intentional. When I attended the second meeting I asked the developer, you know, what his plan was he said -- he voluntarily said, well, we originally was going to build a box store for a big commercial store around 30,000 square feet in that area and he said because it's not viable now for us to build a commercial building, so we are going to apply to build apartments and I feel that I guess I have always been a financial person, I have served on lots of boards before, I'm very good a budgeting. I'm kind of -- I don't want to say skin flint, but I'm tight with money. I want to make sure it's spent wisely. But it's not the responsibility of the residents to support an action the developer fails at. You know, he's got advisors, he's got people that work for him, he should plan to do what he needs to do. You have heard all these people speak, you know what the arguments are and I'm not going to go through all of them, because it's past my bedtime. I'm supposed to be retired, but -- and it doesn't seem to be that way so much. We have a beautiful neighborhood. We have three of our own private parks and don't let it get out to the city, but -- and I maybe shouldn't say it, but we even have our own disk golf course.

De Weerd: Oh, boy. You know this is being televised.

Johnson: Well, I will admit I said it then. Anyway, we have visual walkways where we are in the process of -- we are in the process of building a new sidewalk along the elementary school -- the Willow Creek school down Long Lake to where it connects down by that roundabout, because there is no place for the children, you know, to walk, other than across the street or in the highway. So, we are in the planning process for that. Most of us are really proud of our neighborhood. I -- it's not really my duty, but I go through and I pick up trash a couple times a week. I am the garbage man, because I guess it's the right thing to do. We are all very proud of the neighborhood that we have and this apartment complex just doesn't fit in. As one person already said, we had -- we had a little boy -- ten year old boy run over a little more than two years ago around that circle and my big concern above all else is safety with the increased traffic, even though the developer said it's not going to be that much, we don't need any more than we already have. And one other point I wanted to make was whether the developer and more his spokesman spoke, he kind of made a veiled threat. If they didn't get their apartment complex they would build a big box store like Lowe's and I don't really appreciate veiled threats like that from a developer. It's kind of low on his part I think. It shows his character in my own personal opinion. Anyway, we -- for -- for the reasons you have heard a lot of people speak and there is a lot more people that would like to be here that didn't make it because they are working and they have got -- can't get babysitters, but I will assure you out of almost 700 homes that we have in the subdivision almost everyone of them to the person -- at least 1,400 people, are against the apartments. So, I would appreciate it if you would take all the testimony under advice and I ask you to make what we consider is the right decision and I thank you very much for your time.

De Weerd: Thank you.

Johnson: Any questions?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Comment and a question. First, Mr. Johnson, thanks for being president of a homeowners association. I can't think of a more thankless job -- probably more thankless than the city council being a homeowners association president.

Johnson: Well, it has its moments.

Cavener: Well, thank you.

Johnson: But I'm very proud and honored the people chose me for almost the last five years to be in that position.

Cavener: Great. Thank you. My question is I think your vice-president testified that the homeowners association wasn't notified, but if I heard you correct in your testimony you did have some communication with the developer. I'm just trying to get to the part of --

Johnson: Okay.

Cavener: -- and the follow-up is what type of communication you did to your residence after you became aware of this project.

Johnson: Okay. To answer your question, the homeowners association or myself was not notified on the first neighborhood meeting. Okay? Somebody called me -- and I don't even remember who it is. My name and address and phone number and e-mail is listed on our website. We have our own website. And so I get phone calls all the time and I encourage that communication, you know, to be open if anybody has a problem. But, anyway, I did go to that second meeting and that's when I first learned of this, you know, situation they wanted to build these apartments. So, from there we was rebuilding our website, so we couldn't put it on the website. We have foot -- I believe we put in a new letter and -- but the -- on that second -- on this -- on the hearing last -- on the 16th of the month we did get a letter from the developer for the meeting on the 16th, but they sent it to Orlando, Florida. But -- well, that's where the HOA's main office is. So, you know, that's a logical mistake and I mean, you know, it could happen. So -- and, then, after that it just kind of rolled on and on and on, you know, everybody talking to each other and phone calling each other and, you know, it just kind of rolled out there. Our meetings are open to anybody that wants to come. The meetings are open to anybody that wants to read them. They are now on our website and so people can see the minutes of the meeting. We try to have that open communication with all 693 homes in our subdivision.

Cavener: Thank you for your testimony.

Johnson: Any questions?

De Weerd: No. I don't see anything further. Thank you for your help.

Johnson: Okay. Could I have the right to rebut if the -- there is any issues with the developer if he speaks again?

De Weerd: We typically don't do that, but if you have new testimony we certainly would consider it at that time.

Johnson: Well, it would only be something that I have not heard of. I'm just trying to cover my bases.

De Weerd: I appreciate that.

Johnson: Thank you so much.

De Weerd: Thank you. And, really, it's not televised, it's just live streamed online and we have --

Johnson: I know.

De Weerd: -- probably a dozen --

Johnson: I'm running for Ada County commission and I'm usually down there or I'm listening to their meetings, you know, over the internet.

De Weerd: I think you can see how exciting our meetings can be.

Johnson: Yeah.

De Weerd: Thank you for being here. Shane Rayne. Rainey. Signed up against. Okay. Cheryl Hoepner -- Hoepner. Good evening. If you will, please, state your name and address for the record.

Hoepner: Okay. My name is Cheryl Hoepner and don't feel bad, everybody says Hoepner. And thank you for allowing me to speak. I live at 1874 West Rattlesnake Avenue and my husband and I moved here a little less than two years ago, because I told my husband I'm never going to spend another winter here in Wisconsin and he said where do you want to go. I said Boise, Idaho. And I don't know where that came from, because I feel that it must have been God, because we flew out on a Sunday night, looked at houses on a Monday, prayed Monday night, Tuesday made an offer, and Wednesday our house had sold in Wisconsin.

De Weerd: Wow.

Hoepner: So, I really like it here. People are friendly overall and we have great people living here. My husband and I tutored children in Wisconsin and we are doing that now here in Caldwell. We are concerned about the children here. I know I am. You have a lot of prisons here. There is overcrowding for schools. The kids need to know how to read and they need to have more teachers, they need have more mentors. I am concerned about the safety of the children and I hope that -- you know, when it says in God we trust and I believe that if the apartment buildings are being built I feel that that is a betrayal to the people that are already living here. I'm not so concerned about my own cost of my house, because God has blessed us. But the most important thing is the future of our children and the safety of them in the neighborhood. Thank you.

De Weerd: Thank you. Warren Schiffer.

Palmer: Madam Mayor, as he makes his way up here I just wanted to point out my wife heard your comment about the stream and sent us an update. There are six people watching online.

De Weerd: Thank you for that update, Mr. Palmer.

Schiffer: Hi. Warren Schiffer. 6081 North Moose Creek Way, Meridian, Idaho. In Lochsa Falls. And I don't understand the 300 feet rule, because I'm across the street from Chris and I didn't get any letter or any notification or anything else. I did contact the HOA and I did see the signs, because I did drive out through the -- where the bar and the tobacco shop's at and so -- and one use for them if they lack for commercial, they could put a church in there to offset the bar. Okay. Anyway, I think what most people have missed here is if you're coming northbound on Linder Street I come from a background of 22 years as traffic enforcement and I have done traffic reconstruction for years and years, but if you're coming north on Linder Road you can't turn into that subdivision or you can't turn into that new development there at the development entrance, because it's lined improperly to get in there. So, you have to make a left at the light. Well, if you make a left at the light the next entrance into this development, can't turn there, because it's got the brick divider because of traffic that's coming on Chinden that wants to turn left onto Linder. So, you have to go all the way down to Long Lake. So, their alternative is you enter into Lochsa Falls is how they will come in. They will come in Cayuse Creek and they will come right through our development right by my house right into there -- to go there. The increase in traffic right now that we have seen because of the -- the bar is -- is I mean tremendous. That place is doing great guns. I think they are going to do really well there. Maybe they have good food. I have nothing against them. But now if you put apartments in there -- everybody I think is forgetting about Challenger school, because I walked my grandkids there for years and years and years and years, have almost been hit a few times and now they have got speed bumps there and now all of a sudden the best way for those apartment dwellers to get out to a stoplight to get onto Chinden is to go down Everest Street right past Challenger school right, up to where all the Willow Creek traffic is at, which is backed up at least three lights onto Chinden trying to get in the Long Lake way there. It's -- it's -- I don't know. I'm glad these Meridian policemen have -- do what they do and let them have it. But I just don't understand that the school there and Willow Creek school, I just don't see how they can absorb that kind of traffic and for the kids. That's all I wanted to say is I really hope that the Council looks at that and does not approve this. There is no access into this development and that's why a box store will not go in there. They have no access. They will go across the street to Costco when it's built.

De Weerd: Well, now that I know your background I will invite you to get involved with the Chinden 20-26 corridor expansion.

Schiffer: All right. How much does it pay?

Cavener: About the same as an HOA president.

De Weerd: Our grateful appreciation I'm sure.

Schiffer: Any questions?

De Weerd: No. Thank you.

Schiffer: Thank you.

De Weerd: Those were the folks that signed up to testify. I will tell you that 124 people signed up against on the sign-up sheet and five in favor. So, I would ask if there is -- sir, come on forward. Good evening. If you will, please, state your name and address for the record.

Blackwood: My name is Heath Blackwood. My address is 2453 West Glade Creek Drive. That's in the Silverleaf Subdivision. One of the subdivisions that has not been represented here tonight that will actually be greatly impacted by Mr. Wylie's proposal and also quick direct comments back to Mr. Wylie. If you believe that taxes will benefit the city by having apartments there more than a business that's creating commerce, stop reading Bernie Sanders' economics book. Back in September my oldest son started kindergarten at the Willow Creek school. It wasn't more than a week into class starting there that we got an e-mail as parents asking if there was any suggestions that they had that could help alleviate the overcrowding problem that we already have in that school. The school was designed for the amount of children estimated who would be in this neighborhood as is. We already have another subdivision being built next to Silverleaf Subdivision to the north -- directly to the west on the northwest corner near -- near the Ten Mile and Chinden area. This area is growing. I would just suggest to Mr. Wylie you held onto this property for so long -- now the businesses are starting to come in, more businesses will want to come. You don't need to be impatient and try and cram apartments down our throats and I respect your -- your -- I respect that you have gone to the extent you have to get permission to do something with the property you own, but I just feel that it's not in the best interest of the homeowners in this neighborhood and, Mr. Palmer, I know you're going to ask this --- yes, I have lived in an apartment and I will say to all the people out there who have made insinuations that apartment dwellers are unsavory characters, I have lived in one apartment building and I have only met one unsavory character in those apartment buildings. For the most part they are just young married couples who are starting out and, however, I believe as a community we would be much better off to leave this piece -- this parcel zoned for commercial as originally intended to allow this area to grow and blossom into what the vision has -- has already been set out and --

De Weerd: Thank you.

Blackwood: -- continue your working with ACHD, because Chinden definitely needs to be fixed.

De Weerd: It's Idaho Transportation --

Blackwood: ITD.

De Weerd: -- Department. And you're welcome on our team, too.

Blackwood: Thank you. Any questions that you folks might have?

De Weerd: No.

Blackwood: All right. Thank you.

De Weerd: Good evening.

Pierson: Madam Mayor and Council, my name is Ken Pierson. I live at 1774 West Cedar Grove, Lochsa Falls.

De Weerd: Thank you.

Pierson: I hadn't originally planned on saying anything when I came, but as I have listened to the various testimonies and stuff I took a petition around and probably one out of ten people were home when I took it around and yet everyone that I took it to signed the petition contrary to their wanting not -- wanting for this not to happen. I appreciate your service. I understand that you are elected officials, that you are here to represent us, and as you have heard, the people of Lochsa Falls -- and we have got about 300 names on a petition already -- and if that were to go to every home I would dare say the majority of the people in the area would say they did not want this and I would hope that you would represent us in this regard. Thank you. And, by the way, I have lived in an apartment. I had a bicycle stolen, tools stolen, so it does happen. Any questions?

De Weerd: No. Thank you.

Pierson: Thank you.

De Weerd: And while he's walking up here, I will confess I lived in an apartment until I was 35 years old, so -- and I agree with the other gentleman, I didn't meet unsavory characters in my apartment complexes, so I guess I was very fortunate. Thank you for being here tonight. If you will state your name and address.

Dobbs: Yes. My name is Rich Dobbs. I live at 2595 West Hungry Creek in Lochsa Falls.

De Weerd: Thank you.

Dobbs: My concern about the property is -- first I am against this change of the development agreement for several reasons. First of all, if you took a -- a two mile radius around where this property exists and compared it to the number of building permits that are issued by the City of Meridian in the last year, I think both multi-family and single family, you would find this is the area that has expanded most and has the most activity as far as growth goes. In that particular area -- I have lived there for ten years and one of my greatest concerns when we got out there and caused me to have a lot of lack of patience was the fact that we -- we were promised services and services that never seemed to come and just in the last year and a half to two years we actually can fill up with gas and we can go to Sonic and there is a bar not far away that seems to be pretty popular and I'm

thinking that with the growth it would be not -- dereliction is a strong term, but I think it would be unreasonable to reduce the amount of commercial space that's available out there as we have been underserved and I would imagine that if Mr. Wylie were to hold onto his property for an additional amount of time that he would find that the growth would create the demand that he's needing in order to make it a profitable venture. But I would like to go on record that I'm against this change in the development plan.

De Weerd: Thank you. On the right hand -- yes, sir.

Mclean: My name is Bob Mclean at 2135 West Martin Creek Court and I live in Lochsa Falls and, yes, I have lived in apartments and I have lived next to apartments. The question you forgot is would I buy a house next to an apartment. Never. One of the things that's been missing in -- and, I'm sorry, Madam Mayor, Council, one of the things that everybody has missed in this -- a few years back I went as a proxy to a meeting with you folks on the approval for the Sellway Apartments and my mom lived in Verona and I went back and I apologized to her, because I told her I said I couldn't even get up there to speak and when all was said and done what happened is we were more affected in Lochsa by Sellway than my mom in Verona. We have more traffic. It seems -- and maybe it's a coincidence, but all of a sudden our parks are being vandalized, we are getting kids hanging around the parks late at night. You know, some of the people that hang in that park, you know, I really worry about the kids, because there is a lot of kids walking around late at night. So, just the social aspect of apartments and having the extra traffic, having the extra people in the schools -- you know, the minute you approved Sellway the schools were packed. The minute they built those, you know, we had to build a new school and I'm assuming we are going to have to build new ones, because you have got Brighton over on the other side of Ten Mile, you have got the ones around us that are going in with new homes, so, you know, I just don't see -- I think the commercial aspect of this -- this property would be better used than the property -- I mean more apartments. So, that's all I have.

De Weerd: Thank you. And I just will note one thing for the record. Sellway Apartments were approved at the same time your lots were. It came in as a planned development. So, those -- those apartments were designed to be there.

Mclean: Well -- and I --

De Weerd: So, this is different.

Mclean: No. No. I'm not saying it's the same, I'm just saying that Sellway --

De Weerd: Sellway did come --

Mclean: I think up to how many could have --

De Weerd: In fact, they downgraded how many they could put in.

Mclean: Okay.

De Weerd: So, I just wanted that -- I don't want to argue with you. I just wanted to note for the record that when Lochsa Falls came in it came in as a planned unit development that included the apartments where Sellway Apartments are.

Mclean: I stand corrected.

De Weerd: And when Sellway Apartments came in they came in just to show the layout and to talk about density and I will tell you that they -- they reduced the density that was allowed in that area. So, I just wanted to --

Mclean: Well, what I'm saying is you did single stories next to Verona and I appreciated that. But, still, the impact on -- on Lochsa was -- is pretty substantial.

De Weerd: Thank you.

Mclean: Thank you.

De Weerd: Yes, sir. Thank you for being here this evening. Will you, please, state your name and address for the record.

Kemp: My name is David Kemp. I live at 2167 West Boulder Bar Drive. Lochsa Falls.

De Weerd: Thank you.

Kemp: I speak for myself tonight and my wife and the owner of the property where I reside.

De Weerd: Thank you.

Kemp: Thank you, Mayor and Councilmen. I say that correctly, I am a resident of Lochsa Falls. I am not a homeowner. My wife and I are probably considered still newlyweds and we moved here to Lochsa Falls with the idea that we needed to combine our households, learn how to mix that together, figure out what kind of home we would like to live in, even if for the future when we get a chance to purchase our own. So, we picked our home on -- on Boulder Bar. We have been very pleased. We were a little surprised at the anger that was communicated by my neighborhood -- my neighbors regarding tenants in the neighborhood. Many didn't know that we were tenants. We were out walking and the truth is because of the recession in 2008 and '9 a lot of homeowners were not able to sell and so they rented out their homes, just like our homeowner did. In fact, I understand soon she is planning to move back and this will be her retirement home. But my wife and I moved into a home that's been abused. Neglected. And we have been cleaning up and pulling weeds ever since and fixing fences and -- and trying to treat it like our home. One thing that has disturbed me about this process -- I can touch the screen and note where we live; correct? I live two houses west of this intersection right here. As I understand

this -- this -- this application, there is only one true access directly into the apartment complex that's proposed. That is a very busy road in the mornings between 7:00 and 9:00, parents dropping children off. It is also very busy between the hours of 3:00 and 6:00 for the same reason. Children being picked up. And you have a school just down the street down all the way to the west end of Boulder Bar, also large numbers of children walking to and from. I can say that I was a tenant -- my wife and I were tenants just a couple years ago. I have seen the traffic in apartments. I have seen the diapers dropped. I have seen visitors in apartment buildings open up their doors and dump out the Burger King bags and the sodas and the beer bottles, which I have later had to go out and pick up. I have lived in an environment where there were -- there was a police officer -- police cars, ambulances, and fire trucks in my apartment parking lot every single month. I have had federal marshals knock on my door looking for tenants down the way. I can vouch for the fact that not a month went by that anybody tried to -- to put in a new bike and the bike stand, it disappeared within a month. It's not a case of savory characters that occupy apartments, it's always the bad apple, that they have a disproportionate presence and influence on their neighbors in the apartment complex. That's why my wife and I moved when we did. We needed to get away for peace and health reasons. I can voice and I'm very concerned about the traffic. The Challenge school is just down around the corner from me has a lot of traffic during those rush hours. If apartment dwellers are leaving at the same time they are not going to go down that road, they are not going to fight the eight or ten or 12, 15 parents lined up at the stop sign to get on Long Lake, they are going to bypass Boulder Bar and race down Boulder Bar to the west end to get to Long Lake and skip all those cars that would have been stacked in front of them. Thank you for your work tonight that would cause one to discourage approving this application. As one who is planning to purchase a home soon hopefully of the quality in a subdivision of the quality of Lochsa Falls, I would not want this to go in near my future home as well. And I thank you for your time. Any questions?

De Weerd: You had that very well timed. I don't see any questions. Thank you.

Kemp: Thank you very much.

Cavener: Thank you for your testimony.

De Weerd: Yes, ma'am. Good evening.

Delerosa: Hello: My name is Yori Delerosa. 1940 West Wapoot Driver. I actually live in Kelly Creek, but I -- my kids go to Willow Creek and I actually work at Willow Creek as a computer teacher and currently we have classes that have -- we have 32 computers and we currently have classes that have 33. So, we have children who come to computer and don't have a computer. So, that was just my perspective on the overcrowding of the schools and adding more children would definitely be a deterrent for a kid coming to computer class and also just overcrowding. So, just short and sweet. Just my little two bits on the teach aspect of it.

De Weerd: Thank you.

Cavener: Madam Mayor, a couple questions if I may.

De Weerd: Yeah.

Cavener: I love hearing from teachers.

Delerosa: Okay.

Cavener: Because I mean there has been a lot of questions about this. Can you quantify how of the classes that you see are overcrowded and maybe your estimation on how many students too many are in your school?

Delarosa: So, right now we just opened K through five this year, so there are empty classrooms, but we don't have teachers. So, it depends on the grade. So, fifth grader overcrowded is 32. You could have 32 children in a fifth grade class. So, if you have 33, then, you're over the capacity of what that teacher is supposed to have and you get an aide for one hour. But in the computer class it doesn't really help us, because we don't have enough computers. It would really -- it's for fourth and fifth graders that could have that. Kindergarten, first, second, third, there is -- they have -- I think kindergarten is 25, maybe 24. But nothing to the extent of 32. So, it's just fourth and fifth graders that it would apply to.

Cavener: Thank you for your testimony. Appreciate it.

Bird: Thank you. Anymore questions? Okay. Thank you very much. Appreciate your testimony. This is a public hearing. Anybody else would like to speak? Council, we got a request from a homeowner president that would like to speak again. What's your pleasure?

Borton: After the applicant.

Cavener: If he's got information to add I'm happy to hear it.

Bird: Okay. If it's new.

Johnson: My name is Stanley Johnson and I live at 5835 West Flat Tail Way in Meridian in the Lochsa Falls Subdivision. I just wanted to add something -- it's about a safety issue and the way people speed through there. When that little ten year old boy was run over -- just before that happened the board asked ACHD to put in speed bumps, because there were so many people speeding through and tailgating people and it -- especially during rush hour traffic. Anyway, they turned us down and the little boy got run over and was killed, which was very very tragic. Should have never happened. We put in another request for speed bumps after that and they turned us down again and so after they turned us down for the second request on the speed bumps, I asked them to -- ACHD to lower the speed limit around that circle there where the falls are where the accident

happened and based upon the traffic -- in talking to one of the officers they took a like vehicle and went around that circle several times and in the accident, which they have, they stated that anything over 17 miles an hour was unsafe. They changed the speed limit from 25. And, then, the vandalism thing it has got to a point where we went out and hired a security firm to privately patrol the subdivision every night two or three times a night. So, with that appreciate you letting me speak again.

Bird: Thank you.

Johnson: Thank you.

De Weerd: Okay. Is there any further testimony? Yes, sir. Good evening.

Thurston: Hi. My name is Doug Thurston. I am at 1856 West Sheep Hill Court. I back up to the land that -- that Mr. Wylie here is talking about and that -- and I can tell you a few things. So, first of all, this property is 500 feet from Challenger Elementary School. Five hundred feet. The school didn't know anything about it. I could tell you just since that road opened three months ago the traffic behind my house increased at least 300 percent. Last week I woke up in the middle of the night, because we had three cop cars out there now. So, crime has increased as well since that's opened up. You have heard a lot of testimony tonight about the fact that there is no direct way to get into this -- this new area -- this new apartment complex. That's correct. If they don't take Boulder Bar and go to Long Lake like everybody is talking about and they increase the traffic there and they are zipping right by Challenger school and the same thing is going to happen at Challenger that happened in that roundabout two years ago. So, if you want to approve it, that's your choice, but plan for the consequences. And, yes, I have lived in apartments. And, yes, Luke, I also was one of the three or four residents that got the notification and I did get it on a Thursday for the following Monday for both meetings. Unfortunately, I was traveling the first time, but I was there the second time and as far as -- as far as our HOA president goes it was one of us that actually contacted him and we did that through our Lochsa Falls Facebook page. Any questions?

De Weerd: No, sir.

Thurston: Thank you.

De Weerd: Okay. Any further testimony? I will ask that the applicant come and wrap this up.

Wylie: Madam Mayor, Members of the Council, James Wylie, 1676 North Clarendon, Eagle, Idaho. I'd like to point out a couple things -- and part of what I feel is the argument that many of the homeowners have stated is almost making my point. Traffic is decreased by utilizing apartments that -- the concept of apartments, as opposed to the potential for a commercial building. Dramatically decreased. So, we are not rezoning the property, what we are doing is making a modification of the development agreement. The current zone is -- allows for multi-family use with a conditional use permit. Another thing is

we have put in a lot of streets, sidewalks, improvements that members of the neighboring subdivisions are utilizing. I pay for all the maintenance on those. I paid to put them in. I paid for all the maintenance. I have been an apartment renter and manager. So, we are somewhat familiar with apartments. We could build a high quality project, upper end, upper level scale and we would like to be able to do that at this location. We feel it's an appropriate use and appropriate spot and I'd also like to say that not all apartment users are bad people. Thank you. Any questions?

Palmer: Madam Mayor?

De Weerd: Yes.

Palmer: I got a question. What rent do you anticipate bringing in? Even ballpark.

Wylie: North of a thousand.

Palmer: Thanks.

De Weerd: Okay. Any questions -- any other questions for Mr. Wylie? Okay. Thank you.

Wylie: Thank you.

De Weerd: Council, any further information needed from staff, the applicant or any of those that testified?

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Another question for Mr. Nary. Mr. Nary, if you could clarify the legalities around how we are able to make decisions on the different things. I always like to have a little clarification on. So, what -- what are we -- is there anything that was testified about that we legally cannot really consider when making a decision on this?

Nary: Madam Mayor, Members of the Council, Council Member Palmer, one of the -- some of the testimony you have heard tonight is regarding valuation of properties. The Idaho courts have not accepted that as a legitimate reason to consider either for or against a particular project. So, the valuation of property is not something we can consider. You can consider -- not necessarily the school overcrowding, because, again, the school is responsible for the classrooms, the people, the teachers, those things. If your decision is based on the location and the proximity and the traffic and this is in the right location for this type of development, that -- that's allowed. But just the fact that schools may be impacted -- again, that's the school district's issue, it's not the city's and definitely the valuation, no court in Idaho has ever accepted that as a valid reason for approving or disapproving of a project.

Palmer: Thank you.

Nary: Does that answer your question?

Palmer: It does. Thank you.

De Weerd: Council, any further questions?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearing on H-2016-0002.

Borton: Second.

De Weerd: I have a motion and a second to close the public hearing on Item 8-D. All those in favor say aye. All ayes.

MOTION CARRIED: ALL AYES.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: A statement. I -- I feel that in two '14 -- 2014, final plat approval was still the five commercial lots and the reason back in 2006 that we set this on the development agreement was because this was what the developer thought and what we thought would be the best for that area and I don't see it really changing. I think that at this point there is enough multi-family living out there in that area and I don't believe at this time that I am willing to change the development agreement.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: I agree with Councilman Bird. There are plenty of multi-family units at a close proximity surrounding this subdivision. I feel it's our job to do what's best for our city and citizens and I think this adversely affects too many people to allow that type of a development. I also -- to the developer I -- now is when commercial is hot over there. So, I really believe that you can have some really strong commercial development -- the growth is just coming out there and I don't think that's going to be a problem.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, I don't think it's our responsibility to determine how much of -- how many apartments that we have -- we have reached what we need. We are good. There is not going to be anybody else come to town that's going to want to live in an apartment once all the ones that are there are full. If that was the case we couldn't have zoned it in a way this would be legal to do. Some years back the developer came and said we want to build this. Hey, that sounds great. Go for it. Now we are a few years down the road and they want to change what they want to do with their property and it's zoned for it and I -- it's -- I feel that it fits. It's up against residential. It would be residential. I appreciate the volunteering of the extra information about who has and hasn't lived in apartments. The reason I asked for it the first couple times was when those that were testifying had made pretty strong assumptions about apartment dwellers. I happen to have been one of those apartment dwellers. I'm that type of person that when I -- about a year after I was married my wife and I moved into some fairly unsavory apartments and we didn't go around vandalizing anything, we just spent our time there, moved on, we bought a house. The house that we live in, we have to drive through some even less savory apartments to get there. We have had no problems with the -- our neighbors in those apartments. I currently have an account on Zillow where I have a GEO fence around Lochsa Falls, because in a year's time when my wife and I plan another house and our goal is to get into Lochsa Falls. Whether you believe me or not that's the case. And I'm not trying to lower the value of the home, I feel that this wouldn't necessarily be to their detriment. It's zoned for it. I feel that it's appropriate. That it's the developer's property, that nobody else purchased it to say, hey, we don't want something here. Nobody else bought it to put what they wanted there. The developer owns it. It's legal. I feel that they should be able to build it.

De Weerd: I think I was following you on that Zillow and GEO fence, but not quite sure, but -- I think I'm in a different generation. I think you just said you want to move there some day.

Palmer: Right.

De Weerd: Okay.

Palmer: So, with a GEO fence it sends me a notification every time a house goes for sale in Lochsa Falls.

De Weerd: Okay. There you go.

Bird: You think you're in a generation difference, what do you think I am.

De Weerd: Any additional comments or questions for staff?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I guess nobody else wants to speak. I move that we deny H-2016-0002, the development agreement modification and leave the development agreement as is. I believe the traffic is a big reason, plus I don't think it fits at this time out there. That's my personal opinion.

Milam: Second.

De Weerd: I have a motion and a second to deny this application. Discussion?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Comment. I have been thinking a lot about this proposal and I'm grateful for the testimony received here tonight, the letters, the e-mails. This has been one of those issues like -- I call them a humdinger, where I go back and forth. I guess it's mea culpa, I have also lived in apartments multiple times and to Councilman Palmer's point, I'm one of those people, sir. I'm one of those people. Someone who couldn't afford to live in a house, but wanted to do what was best for my family and to the applicant I think your project would be fantastic. I think there is a place that quite -- probably when I was younger -- when I was in an apartment I couldn't afford to live there, but I think you brought forth something that is -- that is interesting and could maybe even make an impact in our community. I'm not a subject matter expert on what to do with your property and I never will be. You're the subject matter expert. You think this is what's best. I'm not a subject matter expert on the impact of our schools, but the school district is and they have chimed in and said 43 students. That's the impact and I have to trust them. I am, though, I guess a subject matter expert, for lack of a better word, for what's best for our community and that's where the struggle is. And, Mr. Wylie, my apologies for tonight. As someone who has lived in Meridian my entire life I'm a little embarrassed for the lack of civility that was in this room tonight and it in no way fudged on my opinion of your project. But to my original point about being a subject matter expert, for lack of a better word, for what's best for this community, I have heard loud and clear, that our citizens don't think this is what's best for their community and I have to tend to agree and, Councilman Palmer, I appreciate your comments and your perspective and I don't disagree with them and that has made making a decision here so challenging is -- I would much rather have an apartment in my backyard that Mr. Wylie brought forth than a big box store and I have moved away from places because of the big box stores. So, if -- but if our citizens are saying we want a big box store in our backyard or something along those lines, I have to say they know what's best for their backyard. That's my thoughts.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Technically it's behind their backyard. They own their backyard and they are free to do with their backyard as they please, they don't own the property adjacent to it. While I fully understand their -- their not wanting apartments there, there is an owner of the property that it's zoned for, it's legal and they should be able to do with their yard what's legal and --

Cavener: Clarification. Figurative backyard not literal backyard. But thank you, Mr. Palmer.

De Weerd: I guess I will just talk backyards. I have been on the other side of that podium in the same position you all were, because I didn't like what was going to happen in my backyard. Not my backyard. Behind it. And educated myself on what the comp plan allowed and what was zoned and those of you who have done that and saw that it was -- was commercial I think you did your due diligence. I will say that, Mr. Wylie, this is a very nice apartment complex and I applaud you for that. But I would hope that you would look in a different place for it. The commercial corner there -- and I will also applaud you for not saying what you probably wanted to say when you were at the podium as you heard about people's comments on access. When you bought this property it did not have access to Chinden and you tried to remedy that and it was upheld to not provide you that access. I'm hopeful as ITD kind of bent on their policy on the opposite corner, that we can get the four corners together to talk about access management and what makes sense out onto Chinden to maintain the safety of that highway while accommodating some of the activities going in and around that. And I will pledge to you that we will do that, because I think I have heard from a number of the residents their concerns of your lack of access and I will tell you that he tried to remedy that. That said, I just don't think that this is a place for apartments, because we already have a built community around there that already built around there thinking they knew what was in their backyard and I support the motion -- I think we had a motion. I support the motion to -- to deny this, because I do believe that those that did the diligence saw this was not specified in the development agreement. It would change things substantially in that area.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: One final comment.

De Weerd: Promise?

Palmer: I promise. I just want to say that I'm saddened how hard I have to fight for property rights and how often I fail.

De Weerd: I'm not sure whose property rights you're talking about, so -- and I think you probably have a number of property owners who would argue that they have a property right, too. Any other comments? Madam Clerk, will you call roll.

Roll Call: Bird, yea; Borton, yea, Milam, yea; Cavener, yea; Palmer, nay; Little Roberts, yea.

De Weerd: Motion passes.

MOTION CARRIED: FIVE AYES. ONE NAY.

**E. Final Plat for Kentucky Ridge Estates Subdivision No. 4 (H-2015-0035) by T & M Holdings Located 1100 Riodosa Drive**

**1. Request: Final Plat Approval Consisting of Twenty (20) Building Lots and Three (3) Common Lots on 5.49 Acres of Land in the R-4 Zoning District**

De Weerd: Okay. Item 8-E is a final plat. I will turn this over to Josh.

Bird: They asked to be --

Beach: I believe this item was continued until March.

De Weerd: Oh, it is. Council, it has been requested for continuance to March 22nd. Do I have a motion?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we continue H-2015-0035 to March 22nd, 2016.

Milam: Second.

De Weerd: I have a motion and a second to continue this item to March 22nd. All those in favor say. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

**Item 10: Future Meeting Topics**

De Weerd: Item No. 10, future meeting topics. Council, anything for future agendas?

Bird: I have none.

De Weerd: Hearing none, I would entertain a motion to adjourn.

Bird: So moved.

Borton: Second.

De Weerd: All those in favor say aye. All ayes.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 10:03 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

\_\_\_\_\_  
MAYOR TAMMY DE WEERD

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
JAYCEE HOLMAN, CITY CLERK