

A meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, June 21, 2016, by Mayor Tammy de Weerd.

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

Member Absent: Genesis Milam.

Others Present: Bill Nary, Jacy Jones, Bruce Chatterton, Caleb Hood, Sonya Watters, Josh Beach, Kyle Radek, Jamie Leslie, Perry Palmer, Mike Barton, and Dean Willis.

Item 1: Roll-call Attendance:

Roll call.

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| <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 joining us here this evening. We appreciate you being with us. For the record it is Tuesday, July – or July – June 21st. It’s two minutes after 6:00. Madam Clerk, will you, please, call roll call attendance.

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 Justin Jordan with Real Life Ministries

De Weerd: Item No. 3 is our community invocation. Oh, there you go. Tonight we will be led by Pastor Justin Jordan with Real Life Ministries. Thank you for joining us. I would invite you all to join us in the community invocation or take this as an opportunity for a moment of reflection.

Jordan: Thank you. Let’s pray. Lord, as I come tonight I’m reminded of a passage wherein you say unless the Lord build those who labor labor in vain and, Lord, we ask that as this great city is built and developed and as this meeting is led tonight, that you would have our blessing on this meeting, on this city, on these leaders, Lord, that they would continue to lead in such a way that makes Meridian an amazing place to be at and that the values that we believe in of community, of love, of peace, of safety, all the things that make this city one of the greatest cities in the United states, God, that those items will continue to be lived to with the decisions that are made, with the discussion

that happens and, Lord, that we as a community be unified in doing the things that are best for its citizens. Thank you, Lord, for the leadership here, thank you for those that are here tonight and, God, I pray that we would listen to one another, value one another and that the blessing and the values that continue to be lived out here in Meridian will continue to live on for our children and for our grandchildren and for the years to come. Thank you, Lord, for your example. Thank you for your Son and thank you for your sacrifice. We do all in your Son's name, amen.

Item 4: Adoption of the Agenda

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

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: On the – on the agenda No. 5 – Item 5-Q is proposed Resolution No. 16-1146. Item 5-R is Resolution No. 16-1147. Item 8-A-1 will be moved to Item 10-A. Item 8-E, the applicant has requested to continue that item to June 28th, 2016. Item 10-A will be moved to item 8-A-1 and Item 10-B is proposed Ordinance No. 16-1697. And with that I would move to adopt the agenda.

Cavener: 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.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Item 5: Consent Agenda

- A. **Approval of the June 7, 2016 Regular City Council Meeting Minutes**
- B. **Approval of the June 14, 2016 City Council Workshop Meeting Minutes**
- (H- C. **Findings of Fact, Conclusions of Law for 907 NW 2nd Street 2016-0040) by City of Meridian Located North Side of E. Pine Avenue, West of N. Meridian Road**
- D. **Findings of Fact, Conclusions of Law for Ashley Manor (H-2016-0043) by Mark Ellison Located 4379 N. Locust Grove Road**

- 2016-** E. Findings of Fact, Conclusions of Law for TM Crossing (H-0054) by SCS Brighton, LLC Located Northeast Corner of S. Ten Mile Road and I-84
- F. Findings of Fact, Conclusions of Law for Maverik (H-2016-0027) by Maverik, Inc. Located 1515 E. Fairview Avenue
- G. Findings of Fact, Conclusions of Law for Third Street Square Subdivision (H-2016-0031) by Trenton Seltzer Located East of N. Main Street Between Franklin Road and Pine Avenue
- H. Final Order for Brinegar Prairie No. 1 (H-2016-0053) by Challenger Development, LLC Located 2220 N. Ten Mile Road
- I. Final Order for Birkdale Estates Subdivision (H-2016-0059) by EGC Development, LLC Located Southeast Corner of N. Meridian Road and E. Chinden Boulevard
- Art** J. Professional Service Agreement for Artwork for Traffic Box Project - Teagan Sloan c/o Ashanti Kay Sloan
- Art** K. Professional Service Agreement for Artwork for Traffic Box Project - Suzanne Lee Chetwood
- L. Professional Service Agreement for Artwork for Traffic Box Community Art Project - Susan Elle
- Art** M. Professional Service Agreement for Artwork for Traffic Box Project - Laurel Lake McGuire
- N. Water Main Easement between the City of Meridian and Penwood III, LLC within Newton's Nook Subdivision
- O. Pedestrian Pathway Easement Between Creekstone Meridian, LLC and the City of Meridian Regarding a Multi-Use Pathway on Lot 18, Block 1 of Creekstone Subdivision
- Subdivision** P. License Agreement Between the Nampa and Meridian Irrigation District and the City of Meridian Regarding a Multi-Use Pathway on Lot 18, Block 1 of the Creekstone
- Self-** Q. Resolution No. 16-1146: A Resolution of the Mayor and City Council of the City of Meridian Declaring that certain Contained Breathing Apparatus are Surplus Property

possible, but on a weekly basis they helped produce the sponsor videos that are shown before the movie begins. In addition, we have presenting sponsors, St. Alphonsus Medical Group, and Mountain America Credit Union and, then, of course, Rocky Mountain Audio Visual, who has – they come out on a nightly basis and help us with the projection of the – the movie, as well as the sound. So, then, we have a number of nightly sponsors, that includes the Meridian Library District, R.C. Willey, Parkview Christian, Bio Life Plasma Service, who has sponsored two of the nights, as well as our slide sponsor. Idaho Central Credit Union has also sponsored multiple evenings. The Meridian Anti-Drug Coalition, Westside Body Works, Meridian United, the Meridian Firefighters Association, Teleperformance and New Horizon Academy, who is also a slide sponsor. So, we would just like to acknowledge these generous businesses who make this amazing event possible.

De Weerd: Thank you. We appreciate our sponsors. They allow us to do a number of our programs and this one has been wildly popular. It's been serving our families for ten – has it been ten years?

White: This is the tenth year, yes.

De Weerd: Yeah. So --

White: So, we will be renegotiating a sponsorship with CableOne for another five year deal and if you will allow me a little bit of latitude, I would like to thank Colin Moss, who has been training me to take over my position and who I understand also this was his idea and so he worked with me the last three evenings in a row to get me up to speed on how to do this and I think he will be taking his Fridays nights off. So, I'd like to thank him.

De Weerd: Wow, first Friday off in the summer for the last ten years. Colin, I would join Renee in giving thanks to your ingenuity on this, your leadership. You have been solution oriented. We have had a number of things that have presented themselves and you have been creative in your solutions, worked with our partners, with our police department, with your parks team and just greatly appreciate what you have set in our community that others have tried to replicate. So, thank you. Thank you for your presentation.

White: Thank you, Madam Mayor.

B. Meridian Arts Commission Recommendation for Public Art at Fairview and Main

De Weerd: Okay. Item 6-B is under our Meridian Arts Commission. Hello, Ellen and Hillary.

De Angelis: Hello, Madam Mayor and the rest of the Council. My name is Ellen De Angelis and we are on the Meridian Arts Commission and we came tonight to give you

our recommendations for the public art piece that will be going in at the corner of Fairview and Main. We have received feedback from the public and we have reviewed that feedback and we have lots of heated discussions and we have made our recommendations for the wheats piece, the Blue Grass, Wheat Grass and the Fescue. So, we ask that you review that and we are here to answer any questions that you guys may have on this particular project.

De Weerd: So, you're seeking any feedback and approval?

De Angelis: Yes.

De Weerd: And, Ellen, while you're standing there, too, we want to thank you for what you're doing for this coming weekend and coordinating the arts festival and I know people are really excited. I have heard great things from the Dairy Board and we look forward to this new offering, in addition to the Meridian Youth Farmers Market, of course.

De Angelis: Of course.

De Weerd: So, thank you for your efforts on that.

De Angelis: It's my pleasure. Thank you.

De Weerd: Council, any questions, comments about the recommendation from the Meridian Arts Commission?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Just some quick clarity. Is it – is it one of the three selections? Is it –

De Weerd: All three.

Borton: All three?

De Angelis: We are doing three – we are choosing three of the five to commission and so the three that we are recommending be constructed are Wheat, Blue Grass and Fescue.

Borton: Okay.

De Weerd: Okay. Any –

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: If I recall, there was a solicitation for public input. I'm curious, does your recommendation match what the public had recommended?

De Angelis: In some ways, yes. We got a really interesting level of feedback. Everything from we don't want money spent on this to do all of them. So, we kind of had to wade through and made our best determination. We, obviously, want the public support with this project, but ultimately the commission decided on these particular three. Fescue was the – was the most popular one with the public and also with the commission, so that was an easy choice and, then, Blue Grass and Wheat were also popular, but we felt like they were very similar in design and we really wanted to bring in three distinct pieces of work for this project.

De Weerd: Okay. Any other comments? Okay. I would entertain a motion.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Seeing how Council Woman Milam is absent, I would be happy to accept your recommendation and move forward with the three suggested pieces.

Bird: Second.

De Weerd: Okay. I have a motion and a second. Any discussion? Madam Clerk, will you, please, call roll.

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

De Weerd: All ayes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

De Angelis: Thank you.

De Weerd: Thank you so much. And the timeline on this is he – the artist believes he can get this completed by the end of the budget year; correct?

Bodnar: Yes. It was the main thing discussed.

De Weerd: Very good. Thank you. At no extra cost.

Bodnar: Correct.

De Weerd: That's my specific notation.

C. Boise City Attorney's Office Presentation on Prosecution and Police Services Contract

De Weerd: Okay. Item 6-C is under our – I will turn this over to Mr. Nary to introduce.

Nary: Thank you, Madam Mayor, Members of the Council. The City of Meridian, excuse me, has a prosecution and police services contract that has been in place for more than a dozen years with the City of Boise. So, they provide all of the city's prosecution work and they provide also police advice and training for our police department. The team is managed by the two attorneys that are here tonight to talk about the contract, talk about the service they provide, some of the transition they have had and as a step going forward Christine Starr and Michael Dean are here from the city of Boise and they are the ones that provide the primary services to our department on the police side and a variety of the prosecutors handle all of our other prosecution cases. So, I can turn it over to them.

Dean: Thank you.

De Weerd: Thank you for joining us.

Dean: Madam Mayor, Council, thank you for having us here. We appreciate the partnership we have had with Meridian. By my count I think it's been 13 or 14 years and we – we have enjoyed that thoroughly. We are grateful for the chance to come and explain or present a little on our services. I will be presenting on the criminal prosecution side and Ms. Starr on the police advice side. I would be remiss if I didn't give credit to Denise, who is also my partner and one of the managers over the prosecution unit. She's not with us tonight.

De Weerd: If you can move the microphone over a little bit. Yes.

Dean: Thank you. We currently have 14 full time -- 14 criminal prosecutors and one of those is part-time and three police advisors within our office that serve both the city of Boise and the City of Meridian. Our prosecution services start almost immediately following arrest or cite and sometimes even before that. As part of our services we screen police reports, we make charging decisions, whether a charge is appropriate to file or not, and file the appropriate pleadings. We review all the misdemeanor citations that are presented to the court and misdemeanor arrests to make sure the appropriate code sections are listed to make sure we have appropriate evidence and to determine if any of them need to be routed to the county felony amendment or perhaps be amended to a more appropriate charge. We provide victim witness notifications, services, meetings. We work with them to make sure their Constitutional rights are met as we proceed through the route of prosecution and also prepare – prepare them for court proceedings as well. We do the same with officers. We prepare them for suppression hearings, for trials, whether those be bench or jury trials and for any other

questions they may have, as well as provide assistance when they need that on investigation and questions on potential charging decisions. We have a discovery process whereby we e-file our discovery to counsel on cases or to pro se litigants. We fulfill their rights under the Constitution, under our statutory obligations, to make sure they are afforded the information and that the cases can proceed, including receiving information, working with police officers to obtain all the audio-video recordings, any other necessary information that we need to comply with those obligations. Our court hearings -- we cover every hearing from arraignment, to trial, and beyond. Arraignments. Motion hearings. Pretrial conferences. Sentencings. Appeals. Post convictions when cases proceed that far. And we also have two specialty courts, DUI court that Ms. Starr supervises in our office and was started and we have cases, both Boise and Meridian in that. Those are high intensive courts for people with -- I think to serve the at risk population more, in which there is more review hearings and accountability. We also have a domestic violence court. I know we have Meridian cases in that. I just accepted one in that this morning as well. Our caseload. This past year in 2015 we opened just a little over 15,000 new cases. Those don't count -- don't include the crime cases in which we reviewed the report and determined no criminal charges should be filed or in which a citation was filed and the infraction was paid. Those cases involve Boise, Meridian and Eagle. We do now contract with Garden City as of February this year and also prosecute on their behalf. The 15,000 cases had a little over 23,000 new charges involving those. Several cases will have -- some cases will have multiple charges. Almost 4,000 of those cases are on behalf of the City of Meridian, with the total a little over 6,000 charges, for about -- charges for 1.6 charges per case. That's a little over a quarter of our total cases filed, a little over a quarter of our new charges as well. Our 14 prosecutors, one of which is part time, handled a little over 28,000 total hearings in 2015. That's a six percent increase from the previous year. I know Mr. Nary has provided some of this information to you in the past in past presentations, but I'd appreciate it if you would allow me to go through it again. Historically as we look at the incoming cases and charges by year, the past two years have been fairly consistent. There was little decline in 2013 and 2011, 2012 were a little over 4,000. Currently we are on pace this year, we are about 130 cases ahead of where we were last year. The charges are on -- roughly on par, about the same spot as we were last year as we look at projections for this coming year. Incoming cases. Almost half of -- a little over half of what we prosecuted had to do with traffic, whether it be traffic infractions, traffic misdemeanors and DUI is listed on the other side, but those fall within the -- under the realm of traffic laws as well. We have a great variety of those. We deal with the DUIs. I didn't mention controlled substances, property crimes, domestic violence, crimes against persons, but the large bulk are traffic infractions and traffic misdemeanors. This is the top ten charges in 2015 for your review. You will notice the top -- the top few are driving related, traffic related. No insurance. Speeding. Invalid license. As you go through there are a few other misdemeanors. Petty theft. Control substance. A lot of those charges you will find are combined. You might see a no insurance along with a speeding or no insurance with a driving without privileges. So, in certain cases we will see more than one charge comprising these. If you look at driving under the influence -- I note this on here -- 237 cases in 2015, that's specific to a first offense DUI. We also had additional charges

excessive DUIs, DUI second offense, minors who are charged with driving under the influence. Those are listed separately. When you bring the total number up it doesn't increase DUIs, but for this particular offense, that's one of the most cited there. Our conviction rate. We are proud of our conviction rate. We look at driving under the influence. It's one of the cases we put a priority on, because of safety to the community. A 96.9 percent conviction rate there. Our property crime, traffic misdemeanors, our probation violations that we follow up with to make sure people are complying, abiding by the sentences and of crimes against persons category, have a high conviction rate across the board. Case disposition. And we have a little bit different number of cases disposed of every year than cases charged. The cases we brought in were almost 4,000, cases disposed were about 3,340 cases there. So, there is cases that will last over the year into 2016, so some of the charged cases in 2015 may have subsequently been disposed of. In 2015 it was a little over 3,300 cases. Convictions or charges there, almost 3,700 for the year. Going forward, as I mentioned earlier, we are currently on pace to exceed the cases filed in 2015. I think as of yesterday we were 130 cases more than we filed a year ago. August 8th the court is starting the Odyssey implementation, a new e-filing system that the court is moving to. Currently we use IStars, the Idaho Repository. All counties are moving to Odyssey. Twin Falls was the first. Ada County is the second. We are currently in the process of working with the Supreme Court to train and to begin our e-filing beginning on August 8th and train our prosecutors as well. Increased courtroom responsibilities. We currently cover seven full-time magistrates and one part-time magistrate who visits from Elmore county. We have had one of our recent magistrate's, Judge Manweiler, move from juvenile courthouse to downtown. He will be working at the downtown courthouse. We anticipate that he will be taking an increased caseload and we will be covering his cases – his cases as well, including certain DUI responsibilities. Those are some of the plans we have going forward as we continue to contract, as we continue our prosecution services. I will turn the time over Christine Starr to work with our police advise.

Starr: Madam Mayor, Members of the Council, thank you so much for the time this evening. As you will see, I have the team – we call it the public safety team and the public safety team provides three attorneys to the Meridian Police Department. Can you go backwards a little? There you go. Thank you. Okay. And I often tell people I have the greatest job in the world and I truly believe that, because I get to work with my heroes every single day that includes the Meridian Police Department and I can't tell this Council -- and I'm sure you know this, but how wonderful of a police department you have. I have been working with them for 11 years, so I feel like I have some record of knowledge with respect to how great the department is. You will see that we rotate three folks out there every single week and we do this for a reason. One of the things that we strive to achieve is confidence from the officers that they can come and talk to us about anything and that's very important, because we don't want them coming to us after the fact when something's happened, we want them thinking about coming to us at the beginning and so when you rotate out three different people you get three different personalities and that means that one officer may think that I'm great, another officer may think that another person is great and they will go to the

person that they feel the most comfortable with. We don't care who they go to, we just want them to come and talk to us about their cases and the questions that they have. So, the services we provide -- and I know that Bill has shared these with you, but I just want to share with you a day in the life. So, for instance, today is Tuesday, so I was at the Meridian Police Department. I went in, I went to the front desk, I grabbed my package of public records requests that we deal with every time we are out there. In the last year we had over 3,500 public records requests. We are on track to have more this year. I have one today that's 618 pages. You're welcome, Bill. So, I pick up my public records requests and, then, I go and check is there anything that the chief needs from me. Well, the chief is out of town today, so we didn't have command staff. That led me to Lieutenant Colaianni, to Lieutenant Stokes, Lieutenant Leslie and we had a conversation about a couple of different things. One is the Odyssey that's coming and whether or not our e-citations are going to work properly with that system and how we are going to direct people to the court system during that transition period. Here we talked about some internal matters, some uses of force issues. So, we will cover a gamut of issues while we are out there. Then, I went back to the office and I was approached by multiple officers who had questions. Officer Frazier came and spoke with me about some issues that he had with an upcoming trial and wanted to make sure that he was prepared for that and that it would go as planned. So, when we are out there we are addressing a lot of different issues. Next. One of my favorite things that we do is provide police training to the officers and we do that in a variety of ways. We give them e-mail sometimes just saying, hey, just an FYI, this has happened, you should be aware of this. We send them briefing papers. We will do briefing trainings. I'm about ready to do one of those for all of the briefing -- briefings coming up here shortly and, then, we do classroom training and just so, you know, I'm POST certified and so is Kimberly Smith, so that when we go out and we do training for the officers they actually get POST credit for attending the trainings that we provide for them. This is an example of a police advice bulletin that we will provide and we try to do it in a scenario-based situation, so that it makes sense to the officers and they can apply it to their everyday experiences out in the road. This year we did training that was really important in my estimation. I'm sure that you're aware that our officers are asked to deal with more individuals that have mental issues on a daily basis and so when we look at that there has been a distinct pattern with respect to how courts are viewing our officer interactions with these individuals. We all know that the police are always called to handle whatever problem is out there and, let's be honest, police officers, although they take on the role, they are not social workers and so the Meridian Police Department does a great job of getting officers trained to deal with situations that may not really be law enforcement situations, that may be more a community caretaking function, which is what we are often called to. So, we did a block on uses of force with mentally ill, which is exceedingly important, because we don't want to have those situations where we have uses of force that are inappropriate and certainly when we are dealing with this population there are very different considerations. So, we have talked about our body worn camera policies. In addition to that this year we also have talked about proper evidence handling. These are examples -- and the briefing that I'm going to be doing upcoming relates to the changes in the CCW law in Idaho, which is very important. Officers are going to have to deal with that in a very

different way. We try to keep them up to date on the changes that come out of the 9th Circuit, the Court of Appeals, and also from our Supreme Court. We have an on-call team that we provide for them. It's 24-7 service. So, anytime night or day an officer can call and get one of our police team advisors and speak to them. We do telephonic warrants for blood draws. We do search warrants. We answer questions. Crazy things come out -- about in the field and those officers can reach us anytime day or night. Do you have any questions for us?

De Weerd: Council, any questions?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: One question. If you could go back. Do you have the pie chart that broke down the charges? And I saw DUI and alcohol and I'm just curious if you could extrapolate a little bit about the separation between those two?

Dean: Thank you. Yes, Council Member Cavener. DUI specifically related to driving. Driving under the influence above a .08 are under the influence -- or impaired I should say, by a controlled substance. The alcohol violations are usually different. Illegal consumption, usually a minor possessing alcohol, consuming alcohol under the age. It's a little bit different between those two there. Open containers of alcohol I think would fall under the alcohol category as well.

Cavener: Great. Thank you.

De Weerd: Any -- anything else?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: I would love to get a copy of this presentation. I think some of the data that's in that is very valuable, at least to myself, so if you could pass it along I would really appreciate it.

De Weerd: It will be part of the public record.

Cavener: Well, there we go. I will do a request.

De Weerd: We are not going to make you do a request. You will be able to see it even in your packet.

Cavener: Well --

De Weerd: So -- anything from Bill or Lieutenant Leslie?

Leslie: Yes. Madam Mayor, I would like to speak a little bit on behalf of the prosecution team. And they are truly a team with us and help us tremendously. The training they provide to our officers keeping us updated on the Supreme Court rulings and changes, those happen all the time throughout the year, so our officers aren't necessarily able to keep up on all of that, so that's a valued asset for us and, then, be on call. I can't tell you how many times we call them in the middle of the night and need their advice or a warrant to get into a residence or a car and they are very prompt and respond to all of our needs. So, we do value their partnership with us.

De Weerd: Thank you, lieutenant.

Nary: Madam Mayor, Members of the Council, I mean it's been an invaluable partnership for the city for the last 14 years and the service that we have received over the years, even without the same people in place, has been seamless. It has been a value to both from the legal department side and we work very closely, there is a lot of issues that occasionally overlap, whether it's public records or something else and they have always been great, Boise city, to work with and to troubleshoot through problems and concerns and making sure the citizens are getting the right information at the right time and, again, I would echo what Lieutenant Leslie said, I have never heard any negative comments from police in regards to the services provided by this contract and that is not normal. It's not something you always find very often. They do provide us a great value and I appreciate them very much. Especially that one long appeal.

De Weerd: Well, we certainly have appreciated the relationship. We will miss Terry Deardon. We know it's a team that has -- Terry has been often the face, but it is a team and we really value this relationship. This is what we should be doing, collaborating on things that make sense to finding efficiencies to leverage resources and this has been one of those partnerships that is a shining star and an example of exactly those goals. So, thank you for coming and presenting today. We would like to send our thanks back to your electeds for our continued relationship.

Starr: Thank you so much, Madam Mayor, Members of the Council.

Dean: Thank you.

Item 7: Items Moved From the Consent Agenda

De Weerd: Okay. There were no items moved from the Consent Agenda.

Item 8: Action Items

- A. Public Hearing Continued from June 14, 2016: Public hearing to consider the Urban Renewal Plan for the Ten Mile Road**

Urban Renewal Project of the Meridian Development Corporation

**City Of
The
Plan
Provisions;
Of This**

- 1. Moved from 10A: Third Reading Of Ordinance No. 16-1695: An Ordinance Of The City Council Of The Meridian, Approving The Urban Renewal Plan For Ten Mile Road Urban Renewal Project, Which Includes Revenue Allocation Financing Authorizing The City Clerk To Transmit A Copy**

Effective

Ordinance And Other Required Information To The County And State Officials; And Providing An Date

De Weerd: So, we will move into our action items. Item 8-A was requested to move -- oh, we have moved one for 10-A -- now you know why I wanted you to repeat your motion -- and that would be the third reading of Ordinance 16-1695. Madam Clerk, will you, please, read this ordinance by title.

Jones: Thank you, Madam Mayor. An ordinance of the City Council of the City of Meridian approving the urban renewal plan for the Ten Mile Road Urban Renewal Project, which plan includes revenue allocation, financing provisions, authorizing the city clerk to transmit a copy of this ordinance and other required information to the county affected taxing entities and state officials, approving the summary of the ordinance and providing an effective date.

De Weerd: Thank you. And so we will move to the -- this continued public hearing on the Ten Mile Urban Renewal District and I will turn this over to Mr. Chatterton.

Chatterton: Madam Mayor, Council Members. Mayor, as you just said, this public hearing was continued from last week. As such we don't have a canned presentation for you tonight, but we would like to aid in any additional discussions or questions that you might have. Phil Kushlan is here to help with that, if we need to bring up the presentation from last week we can certainly do that. There is one item that I wanted to mention. At a previous meeting Council Member Palmer had asked the question -- well, this -- we can short -- put it into our own words, Councilmen. Using today's city levy what would the property tax be for the City of Meridian and the Ten Mile URD? So, Finance, Rita Cunningham, did an analysis of that. I believe you all have hard copies in front of you. I guess my question for you is do you want Rita to go over that with you now? I'm seeing one nod. Okay. Here she comes.

Cunningham: Thank you, Bruce. Madam Mayor, Members of Council, what we did is we took the plans that have been presented to you and a projected growth over the next 20 years and we applied our current levy and we said, okay, if it grows at this rate at this -- today's levy, it would be 23.8 million that the city would receive in 20 years for that 301 acres. If the district actually is approved, then, it would -- we would be locked

in at 151,000 in tax revenue per year and that would equal three million dollars over 20 years. So, it's, basically, your high and your low. Does that make -- does that answer some questions?

De Weerd: It's consistent with the example that was included in the report, but you drilled it down and made it more relevant.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Can you explain that to me again? So, if we approve it, the city is going to get three million over 20 years?

Cunningham: Over 20 years. That's correct. We get locked in at today's taxable -- property tax amount and what they do is they lock in the taxable value and, then, they will apply our levy for each year against that 38 million. So, it equates to about 151,000 in property tax each year, so times 20 years.

Chatterton: Yes. And, Council Member, that's what we have often referred to as the base, which, of course, continues -- it's not affected by the creation of the urban renewal district.

Palmer: So, follow up, Madam mayor? So, that the district doesn't get a hundred percent of the -- the revenue while it is created?

Chatterton: That's correct. The taxing entities that are currently getting money from that base would continue to receive it.

Palmer: All right.

De Weerd: Any other questions while Rita is up here? Okay. We appreciate you pulling that together, Rita.

Cunningham: Thank you.

De Weerd: Thank you.

Chatterton: Any other questions? Any other discussion if we can help with that, certainly we are here.

De Weerd: Okay. Council?

Cavener: Public hearing?

De Weerd: Okay. I know that this was continued, so that Councilman Borton -- and I know that Councilman Cavener was on the -- via telephone and to offer them an opportunity to ask any questions of Mr. Chatterton or Mr. Phil -- Mr. Phil.

Chatterton: That's Dr. Phil.

De Weerd: Dr. Phil. Do you have anything at this point? And it was a continued public hearing. If there is any member of the public who was not able to provide testimony -- I did have a couple of people that signed up. Andrew -- and, I'm sorry, I can't read your last name. It begins with a G, I believe. Would you like to provide testimony? Okay. If you want to talk you do need to come up. Or you're just on the record of being neutral and/or against.

Gowens: Yes, because I --

De Weerd: If you will --

Gowens: -- I'm unaware of what --

De Weerd: Andrew?

Gowens: -- impact it has on the rest of the Primrose Subdivision.

De Weerd: If I can first ask you to state your name and address for the record.

Gowens: Andrew Gowens.

De Weerd: Thank you. And your address.

Gowens: 1701 Waltman Street, Meridian.

De Weerd: Thank you.

Gowens: So, I didn't want to testify, I just was neutral, because I don't know what the impact is making it an urban renewal district. I don't know what that means. I looked it up and it has to do with slums and things like that. It's all farmland, so I don't know what impact it would have on my property in the Primrose Subdivision. So, I was hoping they would explain that, so I would get a knowledge about it. That's all.

De Weerd: Okay. We can have them do a -- there was an eligibility report and we will wait and ask you to -- to say that after the public testimony, but I appreciate your question.

Gowens: Thanks.

De Weerd: Thank you.

Cavener: Thanks for coming.

De Weerd: Richard Telanino. Well, it was my best interpretation.

Telliho: You gave it a shot.

De Weerd: Thank you for being here.

Telliho: Thank you for the opportunity to speak.

De Weerd: If you will, please, state your name and address for the record.

Telliho: Richard Telliho. 1885 Waltman Street. Well, I did want to agree with the previous speaker, Meridian does have a top shelf police department.

De Weerd: Thank you.

Telliho: Yeah. I kind of just more or less am going to reiterate what Andrew was mentioning, because I'm having a hard time getting my head around it as well, because I looked up from various sources the whole prospect of the urban renewal district and the commonality between everything I saw was a rejuvenation or a revitalization of an area that is suffering from some type of a blight. So, I'm just kind of confused with that as well. It's an age thing.

De Weerd: I know how that goes.

Telliho: So, I'm trying to figure out how these definitions apply to our -- our area. From what I understand it's supposed to go from Ten Mile to Peregrine School and, then, from the interstate to Franklin. Am I correct?

De Weerd: Approximately, yes.

Telliho: Approximately. Okay. So, the speaker before was talking about the tax base and stuff like that. Is that considered -- are they going to utilize TIF or the Tax Incremental Financing? Is that what that would boil down to?

De Weerd: Yes. So, the value that's created by the district and the improvements will be collected in the district and reinvested.

Telliho: Right. Okay. So, if it becomes -- if this urban district is -- is implemented, how long of a term do you anticipate? Is it going to go for like for 20 years? Is that what the estimate is?

De Weerd: As has been provided on public testimony, the estimation is get in and get out. So, they are on specific public infrastructure improvements that would qualify for

the TIF money to -- invest in those public infrastructure improvements and once those public infrastructure improvements are paid off the district would expire.

Telliho: Okay.

De Weerd: So, they are anticipating a maximum 17 years I believe? It was 16 years. And it could be less, depending on the value that's created by the investments.

Telliho: Okay. So, I guess -- I guess the bottom line is what we are all concerned about is having an urban renewal district either this close or encompassing our properties, is -- there seems to be -- there is definitely kind of a stigma that gets attached with that, because, frankly, of the definitions. So --

De Weerd: Well, this one is not a downtown urban renewal district, it's an economic development urban renewal district, so the intent and the purpose of the establishment is to create jobs and that's -- and because that area has an extraordinary infrastructure need and there is extraordinary cost to it, that urban renewal district has, in the eligibility report, said that this would help offset some of those costs to make the need of public infrastructure improvements so development can occur.

Telliho: So, it's more or less kind of an economic -- it's an --

De Weerd: It's for jobs. Job creation.

Telliho: It's a financing tool kind of thing.

De Weerd: Yes.

Telliho: Okay. That's -- thank you very much.

De Weerd: Thank you. And, then, Sandra, did you want to provide testimony? Okay. Thank you. Those were the citizens that did sign up. Is there anyone else who would like to provide testimony on this item? Yes, ma'am. Good evening. If you will, please, state your name and address.

Ockerman: Jeanette Ockerman. 2070 West Waltman. So, I attended last week's meeting at 3:00 o'clock in the afternoon and my understanding was at that meeting part of the reason for extending it tonight was to give the public a chance to hear more about the urban renewal and what is going on and yet there really hasn't been a presentation tonight to give us that information and I feel like -- there is quite a few public members here today compared to 3:00 o'clock last Tuesday that I think would appreciate actually hearing the presentation and why this is necessary for this area of Meridian versus any other area of Meridian and so that's -- that's what I would encourage the Council to allow us to hear what the plan is, so that we actually have something to testify about.

De Weerd: Well, we have had the presentations on the plan in previous council meetings, so I -- we can -- Bruce or Phil, would you like to -- to give a summary report? Do you have a presentation?

Ockerman: I know last week you had maps and there was more of a presentation.

De Weerd: Yes.

Chatterton: Madam Mayor, we are prepared to give a presentation. Perhaps Phil would run through it in more of a CliffsNotes version of it --

De Weerd: Okay.

Chatterton: -- before, but we are cued up to be able to do that, so --

De Weerd: Okay. Well, you could have offered that at the beginning of the public hearing.

Chatterton: I could have sworn that I did.

De Weerd: You did?

Chatterton: I could have sworn that I did.

De Weerd: Thank you, Phil.

Kushlan: Your Honor, Members of Council, again, for the record my name is Phil Kushlan. Post Office Box 8463, Boise. Again, I will not run through the entire presentation for you, but I will maybe give a little bit of recap of where we have been so far. If I can make this work. Again, looking at the process, the Council created the agency that manages your urban renewal efforts back in 2002. Then in 2007 the city went through a significant process and did a -- what's called a specific area plan for the area around the proposed at that time Ten Mile interchange on the -- on I-84. That plan was adopted in 2007 and, then, subsequent to that the vision that was articulated in that plan never really came to fruition for a variety of reasons, but the site clear vision at that time was to create an environment that produces high wage family value jobs that would be significantly a different type of development pattern there than existed in the other parts of the community. That having not occurred, in 2015 the City Council, in collaboration with the Meridian Development Corporation, started the process to consider the establishment of an urban renewal district highway for this area and clearly there is some confusion about what urban renewal is in this state and, you know, initially the process was focused on what's traditionally called slum and blight, the rectification of urban decay. In 1988 there was a revision to the state law, which brought in a process that was called the Local Economic Development Act, which is, basically, the tax increment process that companions the creation of the urban renewal district itself and so there was an explicit legislative directive at that

point to use the tools for the creation and enhancement of -- of the economic vitality of a community and so while much of the process, as you go through the terminology, is the same as the old slum and blight issue. The focus here that we have talked about out in Ten Mile as being exclusively for economic development and job creation. And, again, as we got into this, got explicit direction from the Mayor and Council that this would be the kind of project where you would have a defined set of improvements, you would incentivize the private investment that would produce the revenues to pay for those without turning to the rest of the community and, then, the project would go in, be completed, and, then, the district would be closed as soon as the -- the payments for the infrastructure was concluded. So, I think that's what we have structured here and -- and, again, I think the specific projects relate to the needs of that area specifically. Process probably -- already been through that, but I will get to the map here in a minute. I guess the map isn't here. But, generally, the area that was under consideration goes from the north right of way line of Interstate 84, north to Franklin Road and East of Ten Mile and here is a depiction. It basically is only those properties that are undeveloped at this time. It does not impact the adjacent developed properties, so only those properties that are within the dashed line here are to be included in the district. So, there is no effect on the -- on the surrounding properties. Generally the plan of work calls for the creation of roadways through the area, the extension of public utilities, water, sewer, storm drainage. The improvement of the drainage channels through there, making them a public amenity, as opposed to the service that they are providing now. So, the -- I think the report you heard earlier from the finance Department suggests that the investment pattern assumed by the -- the property owners is a higher level than would normally be expected without these kind of incentives and so, ultimately, the yield to the city and the other taxing entities will be higher than it would be had it developed without the incentive. So, that's a quick run through of over a year's work, but I will be happy to answer any questions that you might have for further elaboration.

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

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: And I'm not sure who the question really should go to, but I guess to help put the minds of the property owners on Waltman at ease, what -- at least to know what the future might hold for them, if I -- I seem to remember something in the back of my mind that there is plans to eventually connect Waltman to the proposed development? It will never happen? Or it's not in the plan ever?

Chatterton: I believe that Sonya would be the best person to address that to? No? Okay. Maybe Caleb.

De Weerd: He's hiding.

Watters: Madam Mayor, Council, Waltman is not slated to go through further to the west in the future.

Palmer: Okay.

Chatterton: Madam Mayor and Council Member Palmer, in answer to the general concerns about the effect of urban renewal on development in this area, it's important to point out that the entitlements, the zoning and plat and site planning entitlements for these properties really govern what and when and how much can be developed in each case. The urban renewal district -- I just want to point out -- I know Mayor and Council are aware of this, but folks in the audience, the urban renewal district simply is providing a mechanism for improving some deficient infrastructure in that area as a way of making uses occur. How that happens, of course, is a separate set of land use processes and those land use processes are not part of what we are talking about right now.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Bruce, basically, whether it's an urban renewal district or just plain City of Meridian property, the applicants have to go through the same applications and I think that was what Waltman's people were worried about. They still have to go through the same application to do their project, whether they are urban renewal or not.

Chatterton: Madam Mayor, Councilman Bird, that's absolutely right. So, again, the land use hearings and processes that we have govern what actually can be built, what's allowed to be built. This is a separate issue around development proposals for - for those sites and creating that incentive for -- for the employment center that we are all interested in.

De Weerd: Any questions from Council? Thank you. And, I'm sorry, any testimony from those that have already provided testimony, did that initiate any new questions? If not, anyone else wish to provide testimony on this item? Sorry, I got that mixed around. I could make excuses, but I won't. Council, further information? What's your pleasure?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Seeing no other public testimony be given, I move that we close the public hearing on 9-A, Ten Mile Urban Renewal Project for the Meridian Development Corporation and include all staff and public testimony.

Bird: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

De Weerd: We have already had the third reading of the ordinance and so at this point, Council, if it would be your desire to move this forward, it would be a motion to adopt the Ordinance 16-1695. Is that current, Mr. Nary?

Nary: Yes, ma'am.

De Weerd: Okay.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: I will take a crack at this, see where it goes. You know, to staff and to -- if Dr. Phil -- Mr. Kushlan and Members of the MDC that are here tonight, I think that this -- having heard from the public the establishment of an urban renewal district is somewhat complicated and time-consuming and with that brings some confusion as we have heard from some of our citizens here tonight. This was an issue I think that we as a Council have weighed considerably over the past few months and I have found myself times at night being adamantly opposed to it and adamantly in favor of it. It's complex and -- but we have to really I think of it as there is the potential here for some great benefit to our community, but it comes with a cost and I think that we as the Council are chosen to be the arbiters of is that cost worth it to the benefit that we see -- perceive in our community. So, with that, I would move that we approve Ordinance 16-1695, an ordinance for the City of Meridian to approve the urban renewal plan for the Ten Mile Road Urban Renewal project.

Bird: Second.

De Weerd: I have a motion and a second to approve Item 8-A. Discussion from Council?

Little Roberts: Madam Mayor?

De Weerd: Mrs. Little Roberts.

Little Roberts: I guess I need some clarification. We had some follow up information and I wondered at what point it was appropriate to discuss -- I guess maybe I had a question -- sorry, I'm going two paths here, budget of 50,000 dollars was determined as potential -- different ways it could be managed, but I was curious how we came to the 50,000 dollars. Is that a Phil question? Dr. Phil?

De Weerd: But we -- we have closed the discussion on it. I think that you had received a letter from Mr. -- Mr. Phil. I'm sorry, I really have a headache and I'm trying to even talk. Mr. Kushlan. And I think maybe as -- with the passing of this ordinance or not, perhaps we can allow the urban renewal district board to discuss the five options and maybe come back and have a conversation the first week in July with Council on what -- what their discussion is and see if you can be part of that discussion before a decision is made. Okay. Any other questions, discussion?

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Just a question on that point. So, they can come and discuss things with us, but the decision is still completely up to them if we say aye today.

De Weerd: That's correct.

Palmer: I guess further comment. I, like Councilman Cavener, have gone back and forth many times. Usually against, but for glimmering moments somewhat in favor. My biggest fear at this point, having discussed -- have extensive discussions with the property owners in question here, I feel satisfied with their ability to -- to move forward and provide us an amazing -- amazing project. I feel very unconfident, if that's a word, in our ability as government to handle it properly, especially with regards to the district themselves. I have no confidence in the Meridian Development Corporation and their ability to -- to handle this, let alone anything else that they have done with the downtown Meridian Urban Renewal District. I plan on voting in favor of this, because I feel that it won't be as hands on as the downtown district has been and that I'm going to lean heavily on the property owners to -- to make this happen and -- and I would hope that -- that the district would come to us and ask for input while the decision will be theirs. I would hope that they would come and ask us what -- what we think and, you know, as the elected representatives of the city.

De Weerd: Thank you, Mr. Palmer. And I think that that's a good -- is the urban renewal district here. Do we have any -- oh, I'm sorry. You were behind Mr. Turnbull. I didn't see you. Certainly can take that for the board discussion and when they come here we will request that they join us the first meeting of July to have the conversation and if the -- the property owners want to be a part of that that works as well. But I think they are two different things and I think it's important that the MDC board knows some of your concerns. So, any further discussion? Madam Clerk, will you call roll.

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

De Weerd: Okay. The ayes have it.

MOTION CARRIED: FOUR AYES. ONE ABSTAIN. ONE ABSENT.

De Weerd: And next steps, Mr. Nary.

Nary: Madam Mayor, Members of the Council, we have a couple of documents that need to be gathered -- or, actually, one more document that needs to be gathered, then, we will send notice to the taxing entities. The ordinance will be published in the paper Monday, so, then, it will become effective -- I think it's actually the ordinance is retroactive to the beginning of the year. But it will be published on Monday and, then, the district will move forward and some documentation has to go to the state and such.

De Weerd: Did you have a question?

Cavener: Just a comment.

De Weerd: Okay.

Cavener: Just -- I want to reiterate my thanks to staff. I know that this is not a project that was handled over the course of a week or a weekend, but there has been a lot of time and energy and resources put into that and so just thank you to all of you for your hard work on this. Very appreciated.

De Weerd: And staff has been the realm of both city and MDC and appreciate that collaboration. Certainly appreciate your work, Phil, and I appreciate our neighbors of coming and sharing their -- their questions, your concern and we look forward to you being involved in the process as well. So, thank you.

**B. Public Hearing for Volante Investments (H-2016-0056) By
Volante Investments LLLP Located at 2600 & 2700 E Overland
Road**

**1. Request: New Development Agreement and
Modification to the Conditions of Approval Referenced
in the Findings of Fact and Conclusions of Law
Approved with the Annexation and Zoning Request
(Ord. #'s 661 & 665)**

De Weerd: Okay. Item 8-B is a public hearing for H-2016-0056. I will open this public hearing with staff comments.

Watters: Thank you, Madam Mayor, Members of the Council. The application before you is a request for a development agreement modification. This site consists of 34.62 acres of land. It's zoned C-G, located on the north side of East Overland Road, west of Eagle Road, at 2600 and 2700 East Overland Road. The subject property was annexed back in 1994 as part of a larger 167 acre area, which included the I-84 interchange to the north and the St. Luke's property to the northeast. This property

and the interchange area provided an annexation path for St. Luke's. A development agreement was required as a provision of annexation for these properties. However, only the St. Luke's property has entered into a development agreement. The subject property never did until this application. The Comprehensive Plan future land use map designation is mixed use regional for this property. The applicant is requesting a new development agreement for the subject property, with some modifications to the original provisions. The original provisions included the requirements for the development to comply with city ordinances and the Comprehensive Plan, connection to city water and sewer services and to obtain approval of a conditional-use permit for a planned development. The applicant is proposing to remove the requirement for a conditional use permit and planned development, as the city no longer does that and not require a detailed conditional use permit for principal permitted uses in the C-G district. The applicant has submitted a conceptual development plan as shown for the west parcel that depicts an 85,000 square foot single story retail store with associated parking and vacant land adjacent to Overland Road for future development. Cinema Drive is a stub street here at the west property boundary, will be extended through the property to the east boundary. South Wells Avenue is also proposed north and south along the east boundary of the site. You can see there. A conceptual development plan was not submitted for the east parcel. Staff is amenable to removing this provision, but recommends the development agreement is modified prior to development of the east parcel to include a concept plan for the parcel that is consistent with the mixed-use regional future land use map designation. Conceptual building elevations were submitted for the future structure on this site. Materials consist of split face and smooth face CMU, metal wall panel accents and standing seam metal canopies. The structure is required to comply with the design standards listed in the architectural standards manual. Written testimony has been received from Brad Miller, the applicant's representative, in agreement with the staff report. No other written testimony has been received. Staff is recommending approval per the staff report. Staff will stand for any questions.

De Weerd: Thank you. Council, any questions?

Bird: I have none.

De Weerd: Okay. Would the applicant like to make comment?

Miller: Sure.

De Weerd: Hello, Mr. Miller.

Miller: Hello, Madam Mayor, Members of the Council. Brad Miller with Van Auker Companies. Volante Investments applicant. It's a company of ours. I'm at 3084 East Lanark in Meridian. We have owned this property since 1998, so I guess it's probably time that we go ahead and start developing it. It's interesting when the property was annexed and zoned that was what provided the annexation path to St. Luke's and -- and St. Luke's is the only one that entered into a development agreement and that

happened six years later. So, they did that in the year 2000 and none of the other properties ever did. Interestingly enough, with these two parcels, when they went through the annexation and zoning, the original owners wanted an R-15 zoning. So, when they did that the City Council said, look, you want that, then, you're going to have to have a conditional use permit or planned development. Well, between the Planning and Zoning Commission meeting and the City Council meeting they decided to go from R-15 to C-G, but the conditions of approval were not changed, so that's why the CUP and PU -- or PD requirement still stands. So, we're asking that those be eliminated and that we are not subject to a CUP or a planned development and I'd ask for your approval. If there is any questions I would be more than happy to answer them.

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

Miller: Thank you. Appreciate your --

De Weerd: I think they were just wondering if the sign on the building was really true.

Miller: Well, I signed a confidentiality agreement, so I can't say anything about it, but, you know, I don't know.

Bird: It's out on the street.

Miller: Kind of for months now.

De Weerd: Well, now I can just show the application pictures if I get any questions; right? Refer them to this meeting; right?

Miller: That's right.

De Weerd: This is a public hearing. Is there anyone who would like to provide testimony on this item?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Seeing none, I move we close the public hearing on H-2016-0056.

Cavener: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve H-2016-0056 and include staff and applicant comments on the new development agreement and modification conditions of approval.

Cavener: Second.

De Weerd: I have a motion and a second to approve Item 8-B. Any discussion by Council? Madam Clerk.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Miller: Thank you.

C. Public Hearing for CentrePoint Subdivision (H-2016-0057) By W.H. Moore Located at N Eagle Road and E Ustick Road

- 1. Request for a Modification to the Development Agreement to Allow the Development of a Self-Service Storage Facility with Outdoor Storage at the Northwest Corner of the Site with a Conditional Use Permit; Reduction in the Width of the Street Buffer Required Along E Jasmine Lane from 25 Feet to Zero Feet; Authorization to Close off the Micropath from Park Subdivision; and Allowance for a Building to be Issued in Phase 2 of CentrePoint**

**Champion
Permit
Subdivision**

Prior to Recordation of the Final Plat

De Weerd: Thank you. Item 8-C is a public hearing on H-2016-0057. I will open this public hearing with staff comments.

Watters: Thank you, Madam Mayor, Council. The next application is also a request for a development agreement modification. This site consists of approximately five acres of land. It's zoned C-G and it's located northwest of the North Eagle Road and East Ustick Road intersection. This property was annexed back in 2003 with a development agreement. There have been a couple of modifications to the agreement pertaining to this property. One was a reduced buffer width along the west boundary of the site adjacent to residences in Champion Park Subdivision to ten feet. Another approved a concept plan for a multi-family residential development on this property. A

preliminary/final plat has also been approved, which contained this property has the final plat for phase two is yet to be recorded. A Comprehensive Plan future land use designation is mixed use regional. The applicant is willing to cover most of the presentation and in his own presentation, so I will keep it at a minimum with mine. The applicant is requesting a modification to the existing development agreement applicable to this site to allow the development of a self-service storage facility with outdoor storage through a conditional use permit in place of the multi-family development previously conceptually approved. A reduction in the width of the buffer required along East Jasmine Lane and the residential use to the north from 25 feet to zero. Because -- I will just explain a little bit on that. Because the residential use to the north is separated by a street, Jasmine Lane here, and it doesn't share contiguous lot lines, the UDC does not require a land use buffer between the commercial and residential. Therefore, staff is amenable to reducing that buffer. However, a street buffer has been required adjacent to a local street of ten feet. So, staff is recommending a reduced buffer, but only down to ten feet as -- as required for a street. And, then, they also request authorization to close off the micropath from Champion Park Subdivision at the west boundary. Staff is okay with that closure there, if you can see the -- the pathway is right there. The nature of the proposed use does require it being closed for security reasons, so staff is supporting that. And, then, the allowance for a building permit to be issued in phase two of CentrePoint Subdivision prior to recordation of the plat, with the understanding that everything, including the extension of CentrePoint Way would be completed prior to certificate of occupancy. Staff is fine with that. With that, written testimony was received from Jonathan Seal, the applicant's representative, and Shannon Olson, in agreement with the staff report and staff is recommending approval per the staff report. Staff will stand for any questions.

De Weerd: Thank you. Council, any questions?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Sonya, can you point me or direct me to where that pathway was planned to connect to? I see where it is, but was there ever a plan as to where that pathway was eventually supposed to connect?

Watters: Madam Mayor, Councilman Cavener, it was just proposed as a pedestrian access to the commercial development and I should have also -- I wasn't keeping up with my slides very well, so this is the original concept plan for the residential and, then, this is the proposed plan for the storage units and, then, the elevations for the entry of the facility.

Cavener: Great. Thank you.

De Weerd: What's the X -- it will be walled off so you won't see something like that?

Watters: Excuse me. Madam Mayor, Council --

De Weerd: I'm just trying to figure it out.

Watters: The applicant asked me to include that. It was part of his application packet and the reason I put an X through is because I didn't want Council to think that that's what they are proposing. This is actually an example of what this would not look like, because it has exterior -- the exterior rear walls of the building are going to be 12 feet tall and, then, there is going to be 14 foot tall tower elements, as you can kind of see here in this -- this elevation that would -- would screen all of the interior storage. The outdoor storage would be located more in the center of the development.

De Weerd: Okay. So, you won't see that?

Watters: You won't see that.

De Weerd: Just verifying. Is the applicant here this evening? Good evening, Jonathan. If you will please --

Seal: Good evening.

De Weerd: -- state your name and address.

Seal: Yes. Good evening, Madam Mayor, Council Members. My name is Jonathan Seal. I'm here on behalf of the W.H. Moore Company, 1940 Bonito. Let me first start with -- I have been involved in CentrePoint Marketplace since the beginning. I have done the annexation, the rezones, the multiple development agreements, the plats. I did the -- a cooperative development agreement with -- with ACHD on Ustick. I did -- most of the construction within the Centre. I also did the improvements to Eagle Road with ITD and I mention that only because during that whole process Winston Moore maintained a high standard of quality within this project and so the reason I mention that is because as you look at this and you go self-storage -- at least I had the reaction at first, you go really? Self storage within CentrePoint Marketplace. But I think as I go through and describe this to you, I hope that you will share with -- with what I believe -- and also Winston Moore does -- that this does maintain the quality standards that we have maintained at CentrePoint Marketplace. So, I think with that, if I don't screw this up, within the project itself I think the things that are very interesting about it -- if you look around the perimeter of it here -- and I don't know if this is actually working, so -- thank you. Anyway, if you look at the perimeter of the -- of the project, the walls are 12 feet tall. They are constructed of stucco. Every 35 feet there is a column. It's going to be an earth tone type of color. I know we don't get into that, but I think the point I want to make here is that you have got architectural relief, you have got something that's attractive and I think for a storage facility you also have something that's unusual from that standpoint. So, it will block any visual view of the interior of the project. The other thing I might mention is that -- is it working? Is that within the -- oh, no. That's okay.

Watters: Did you select a color, Jonathan?

Seal: I will get red. How is that?

Watters: Okay.

Seal: So, within the interior of it -- still not working. The interior of the perimeter is -- is enclosed storage facilities. The lower half of it is also enclosed in the storage facility and the upper half of it is, basically, open storage, which I will address in a minute. If we can go to the entrance. It's fine, Sonya. Okay. Again, if you look at this -- the upper one here, not the lower one, but if you look at the upper one, again, I think you can see how this reflects the kind of quality as far as architectural quality that I think we are maintaining within this project. I don't think this is the type of design and construction you customarily see within a self storage facility. So, again, I think it speaks to the character and if you look on either side you can see the columns that they are going to be constructing every 35 feet. So, again, I think it's a very attractive thing. I think from the standpoint from the residents on the north side, along Jasmine Lane, as well as within Champion Park Subdivision, it will block a view of this project. They won't have to look at something such as an apartment or a commercial development. That would be an allowed use in here. So, having said that, getting into the specifics, as we mentioned, our first request was for a ten foot -- or a zero lot line on the north end of the property. We know the staff has asked for ten feet. We recognize that there is a possibility that Jasmine Lane may be a public road at some point, so we are in agreement with the ten feet. The second one that we ask for is open storage. When I first did the development agreement back in 2003 or '4, whatever it was, one of the things I excluded was open storage and if you can go to that picture with the X, down here, this is what I envisioned. I envisioned RVs backed up to a Cyclone fence, which I could tell you then, as well as now, will never happen. But the reason I didn't want that in there, so I excluded that as an open use, but I think now as you can see with this design, with the 12 foot structures in here as you're driving down the street or you're -- you're in the residential area, you're not going to see any open structures, you're not going to be looking at that RV that's been parked out here for five years that's broken down. You're going to see a nice architectural design. So, that's why we are comfortable with the open storage in this particular project. Again, it's not going to be feasible. The third one we asked was about the micropath and I know one of the Council Members asked that. We are not sure why the micropath was put there either. And, actually, in neighborhood meetings in the past neighbors have brought up the concern about security. Why is that put there? I'm not sure where it will go. But I think you can see with this project now that it serves actually no purpose. It, actually, may be a security issue to the residents of Champion Park Subdivision. So, what we would propose is that we would close that off. I know the neighbors would support that. It doesn't go anywhere. It serves no purpose. And, finally, the fourth thing that we would ask for, as mentioned, is that the applicant could potentially -- may not, but potentially start construction, get a building permit prior to recording the plat. Just for background information, right now I'm in the process of

taking the plans to the City of Meridian and Ada County Highway District for approval of CentrePoint Way. I would anticipate sometime in August we would be under construction and this would be finished by the end of September potentially. The final plan is also going through the process right now for signatures and that also I anticipate will be signed and recorded by the end of September. So, this simply gives him the flexibility, if he chooses, to start his building process while I'm going through the road construction and the planning process, with the understanding that the approvals for the CentrePoint Way, as far as ACHD, the City of Meridian, and any conditions as far as this project, will have to be satisfied before it gets a certificate of occupancy. So, we think this is an excellent project. This is probably the least intrusive project that you could have within CentrePoint. The feedback we have gotten from the neighbors -- the neighborhood meeting and phone calls I have got have been very positive about it. So, with that I will stand for any questions you might have.

De Weerd: Jonathan, I have just one and it would be a concern of having a 12 foot high wall with a landscape strip up against the back fences of the subdivision, that you create this dark corridor that who knows what happens there. So, what is the plan to -- to maintain that area and make sure it has some eyes on it or something? I -- that would concern me.

Seal: Madam Mayor, Council Members, that's a fair question. You know, the landscape ordinance requires that we landscape that area back there. I know the applicant has submitted an alternative compliance for that. You could simply put -- and I may be getting a little out of my area of expertise -- more decorative type of trees back there that don't get large in there, so they are going to be small or, frankly, we can eliminate them. It's a fair question. But I think the idea of the wall and stuff was also to give an attractiveness to reduce the visibility to this structure. So, you have got an eight foot fence already -- or six foot fence already over there, so that could be something we can -- we can investigate a conditional use permit, which we have already submitted to the city. So, I don't have a good answer for you, very honestly, but I think it could be addressed. But that's also the reason why I think the micropath needs to be closed off, so that people from around there can't be walking into the residential. So, I don't know if that answers your question or not.

Bird: Madam Mayor?

De Weerd: No, it doesn't answer my concern, but -- Mr. Bird.

Bird: I, too -- we have got a couple of locations where we have done things like this, had landscaping between two walls and they wind up being nothing but an eye sore, because nobody goes in and takes care of them. Certainly if I'm the owner and my fence is there and I'm -- I'm not going to go back there and take care of it or -- and the other -- man, I would like to just see it eliminated and let the wall come up and not have any walkway through there myself. Get right on the property line. I believe

-- in my opinion we have made a mistake on a couple of them doing this and it turned out to be real headaches for the owners of the development, plus the housing of people.

De Weerd: Going to be a maintenance nightmare and we know what happens in dark spaces that there are no eyes on; right? Okay. Mr. Cavener.

Cavener: Madam Mayor. Similar concerns as well. Jonathan, I guess two questions. One, I assume this facility is intended to be open 24 hours and I guess the same question is specifically related to the landscape. It sounds like you have had a neighborhood meeting. I'm just curious as to what the feedback from the residents have been.

Seal: Madam Mayor, Council Member, yes, we have had it. I actually had one couple that showed up, even though we notified everybody within the area and I got two phone calls. The response from them was positive. In other words, I think they recognized that within a commercial project this has got to be the least intrusive use you could have. If you think about it, when I originally did this, if you look at the concept plan and it was, there was a family fun center that was going to be there, which would have been a 35 foot tall structure with parking around it. We also came in for a multi-family at one time, which did not materialize, but there is many allowed uses in here, as we all know, that could go there that would be very intrusive to the surrounding area and yet it would be an allowed use. So, I think it's -- you know, from that standpoint I think it's positive. I think we could potentially do some landscaping. I'm not sure what is a solution. I know that the applicant has suggested just simply putting bark back there instead of grass. You know if there -- if there is another solution in that particular thing I think we would be open to it. I usually try to prepare for all questions, but you caught me on that one.

De Weerd: Well, we haven't seen you for a while.

Seal: Yeah. That's true. I'm out of practice. So -- I mean we would -- we would prefer to eliminate it or do something like that, so if there is something open in there. Again, what we were trying to do is keep some kind of barrier so the neighbors in Champion Park Subdivision are not looking at, you know, garages or things like that. So, we thought the fact is it's attractive. It's stucco. It's not a metal type of structure. That was a plus. So, that's the direction we were going in. And landscaping, you know, maybe it could be something as simple as stone. I'm speaking on my behalf. Maybe those trees and stuff being put back there, which, frankly, I don't think serves a lot of purpose and that. Maybe that they be placed out along CentrePoint Way or something like that and serve more of a purpose.

De Weerd: Maybe you put it in the neighbor's backyard.

Seal: Yeah, we could do that, too.

De Weerd: Mr. Palmer.

Palmer: I don't know if it's something that we can do and if it's something the applicant would be interested in and I don't even know if there is construction limitations to be able to do it. Could we just allow them to put -- Keith mentioned the wall on the property line.

De Weerd: You want a 12 foot solid wall right on your back property line?

Palmer: I would much rather have that than that space if I lived there.

De Weerd: I don't --

Seal: Yeah. We are -- just because the development agreement, the way it states right now, I have a ten foot buffer back there and the reason we did the ten foot buffer was originally Champion Park was -- all that was planned was for self storage and so when it came to Council back then I said when they change it to residential I said we shouldn't be penalized because now they have gone from self storage to residential. So, we are just simply honoring the ten foot buffer, so --

Nary: Madam Mayor?

De Weerd: Mr. Nary.

Nary: Madam Mayor, Members of the Council, I mean that -- that's going to have to be noticed -- that's part of their existing development agreement. It was requested, so it hasn't been noticed to the public. It hasn't been noticed as a change. So, if you want to consider that they would have to reapply to do that, because they are still required to have that buffer. Now I think what Mr. Seal is saying is, you know, they can put other things in the buffer, rather than come back to move the -- remove the buffer. Well, we can't just remove the buffer tonight.

Palmer: Madam Mayor?

Seal: Madam Mayor, if I can -- you know, my limited landscape experience here, maybe if you simply put stone back there. I mean that's something that doesn't require any maintenance and, then, we could still honor the ten foot buffer if that's the case, but --

De Weerd: Any other questions at this point for the applicant?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: To weigh in on this -- and I appreciate Mr. Nary's comments. It's not the existence of the buffer that creates some concern, it's the access to it and it may be simply a matter of -- to the north and south closing off any public ability to get back there. There would still be access for the property owner to go and maintain it. I think the trees may be an important part to break up that façade and -- of 12 feet, the ten foot setback is nice to not have that adjacent to the -- to the homes, that may be the simpler solution. It's not to eliminate it, but merely control the access so the public can't go back there.

Seal: Madam Mayor, Councilman Borton, yeah, we could -- we could do that. It almost reminds me of CentrePoint where we had to build next to Kohl's, but because of their overhang we couldn't technically attach our building to theirs, so we had to build in this corridor and we actually put a door in it, so you could get in between to clean things out. You know, I think that's -- that's a fair option and maybe that would address the concern and, then, you close off the micropath and beyond that, you know, you can only do so much to stop people.

De Weerd: Maybe some motion lights.

Seal: Well, yeah.

De Weerd: Any other questions? Thank you.

Seal: All right. Thank you very much.

De Weerd: I did have one person sign up. Joseph Cataloni -- signed up against. Would you like to provide testimony? I know you said no, but --

Cataloni: My name is Joseph Cataloni. I live at 2706 East Mahoney.

De Weerd: Thank you.

Cataloni: The pathway -- right beside the pathway. It's already closed off. Kids are already going down and jumping over, running around there, so -- my concern would be the lighting, 24 hours. If I have a permanent moon, sun, whatever and a 12 foot fence would be a little excessive I think. A 12 foot high wall. But, other than that, I mean it is better than a four story building -- a four story apartment building, but -- you know.

De Weerd: Thank you.

Cataloni: That's it. Thanks.

Watters: Madam Mayor, if I may interrupt and -- I think that Councilman Cavener asked a question that wasn't addressed and it's important with regard to the hours of operation. The UDC does require that when a storage facility abuts a residential use

that the hours of operation are restricted from 6:00 a.m. to 11:00 p.m. and, then, lighting would be required through a photometric report to end at the property line, so it shouldn't be trespassing past the boundary. Thank you.

Cavener: Thanks, Sonya.

De Weerd: So, the lighting on the back of the wall would not -- could not fall beyond the ten feet?

Watters: Madam Mayor, that is correct. If they do lighting on the back of the building. I wouldn't foresee them doing that, especially next to residential, but yes.

De Weerd: Maybe more a motion light, so if there is something back there it will go off. Any further testimony? You do get the last word. I just wanted to make sure there was no further testimony.

Seal: Okay. I didn't want to let anybody else get up here. Madam Mayor, Council Members, Jonathan Seal. The applicant is going to have somebody living there 24/7 and there will be a gate with key access, so it will be secured. So, I think, hopefully, that will address the question, because, yeah, I got sidetracked, too, that, yeah, it's not going to be open, it's not going to be entered, it's going to be certain hours of operation, but there will be somebody -- again, if you go back to the -- if you go back to it you will -- you can't really see, in this structure, but there is a living quarters within that structure. So, there will be somebody there to monitor things on an ongoing basis. And, again, that's our -- I think that's a rare thing. You don't typically see that in self storage. Okay.

Bird: Madam Mayor?

De Weerd: Thank you. Mr. Bird.

Bird: Jonathan, now you're telling me that's a ten foot buffer between the wall and the fences there on the west side.

Seal: Yes. Yes. And that's in the development agreement.

De Weerd: Okay. Any further questions for the applicant? Okay. Thank you.

Seal: All right. Thank you very much.

De Weerd: Okay. Council?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Question for staff. Is there -- in light of the discussion you have heard with regards to the -- the ten buffer adjacent to the residential property and potential ways to address its maintenance concern and safety concern, do you have any suggestions of language that might address those concerns?

Watters: Madam Mayor, Council, Councilman Borton, I would just like to say first of all this -- typically in a C-G district adjacent to residential there is a 25 foot wide buffer required. Just to reiterate, this was reduced to ten feet previously through the development agreement. So far as landscaping, Councilman Borton, I would just require something either more columnar that would go up rather than out and something -- or ornamental or maybe even -- instead of trees approving alternative compliance, for like an Arbor Vitae, something of that variety -- bushes, something that might offer some screening to the back of the facility to kind of soften the -- the wall. And another clarification -- I have beat the subject to death with the applicant, but the C-G district allows a maximum fence or wall height of eight feet. I just want to be clear on the record that the 12 foot that they are proposing is actually the rear of the storage structures. It cannot be a wall that surrounds the facility. So, just so that that's on record and clear to Mayor and Council. Councilman Borton, does that answer your question?

Borton: It did until the last part. So, the 12 foot is the -- the rear of the structure?

Watters: Yes.

Borton: There is, then, a --

Watters: It falls under the building height then, rather than the height of fencing. A wall, essentially, is a fence around a facility. If it's the rear of a building it falls under the building height restrictions.

Borton: Madam Mayor. So, is there -- adjacent to the residential is there a rear building height and, then, a separate fence?

Watters: The applicant has told me that this wall is actually the rear of the structure -- storage facility structure. So, one and the same. There is no wall.

Borton: Tomato. Tomahto.

Watters: Yes.

Borton: The thing is 12 feet high.

Watters: The rear of the building is 12 feet high. Yes.

Borton: Okay.

Watters: With 14 foot tall tower elements every 35 feet I believe he said.

Borton: Okay.

Hood: And, Madam Mayor, just to build on that a little bit, since it is the back of the building and not a fence or a wall, they could go to 60 feet or 65 feet or whatever the building height is in the C-G zone. They aren't proposing that, but it's -- we can't call it a fence, because we can only approve eight foot tall fences, but because it's a building it's the building height that regulates that. So, I think that's what Sonya why wanted to clarify. This isn't a fence technically -- it functions as such --

Borton: Right.

Hood: -- but it's the structure of the building.

Watters: It looks very much like a wall and I was very skeptical of that and have been round and round with the applicant just to make sure of their intentions so that we didn't get sideways on it. And, then, just to add on that a little bit, afterthought, but the facility is required to comply with the design standards and architectural standards manual, which does require some modulation. You can't have just a long, straight wall. So, they will need to articulate that and modulate it in some way in order to meet our standards. Thank you.

De Weerd: So, Sonya can you also build into that back wall of their building that if any lighting -- it can't be the -- the regular type of lighting that goes on the back of a retail building that might have a door out the back or that it's -- because I understand the concern of the -- I'm going to have a light out my -- the back of my house 24/7 -- or while it's dark. Can it be motion sensitive? Can you work with the applicant on appropriate lighting, so it doesn't become the -- the full moon effect?

Watters: Yes, Madam Mayor.

De Weerd: Okay. And is there -- is there some mitigation you can do as the applicant stated, to -- to close off access to behind the buildings on both ends that would close off that access to the back?

Watters: Yes, Madam Mayor, we can write that in as a development agreement provision.

De Weerd: Okay. Any other questions for staff? Okay. If there is nothing further, I would entertain a motion to close the public hearing.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearing on H-2016-0057.

Cavener: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve H-2016-0057. Include all staff, applicant and public testimony and include -- include the ten foot buffer, instead of 25 at the Jasmine Street and that the west side where the building backs up, a ten foot buffer in there will be closed off on the north and south so no public access and also that the developer work with staff over lighting on the west side.

Cavener: Second.

De Weerd: Okay. I have a motion and a second. Any discussion from Council?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Micropath would be closed as well?

De Weerd: Okay. Okay. Seeing no further discussion, Madam Clerk, will you call roll.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

- D. Public Hearing Continued from 06/07/2016 for Brundage Estates (H-2016- 0001) by L.C. Development, Inc. Located of S. Linder Road Between Victory and Amity Roads**
- East**
- 1. Request: Preliminary Plat Consisting of 366 Building Lots, 20 Common Lots and 1 Other Lot on 136.63 Acres**
- of Land in an R-4 Zoning District**

De Weerd: Okay. Item 8-D is a public hearing on H-2016-001. I will open this public hearing with staff comments.

Watters: Thank you, Madam Mayor, Council. The next application is a request for a preliminary plat. This site consists of 136.63 acres of land. It's zoned R-5 and is located on the east side of South Linder Road between West Victory and West Amity Roads. In 2014 this property was annexed as part of the Victory South Category B annexation with an R-4 zoning district. A development agreement is required to be executed for this property as a provision of annexation prior to development on this site. The Comprehensive Plan future land use map designation for the northern 64 acres is lower -- excuse me -- low density residential and for the southern 73 acres is medium density residential. The preliminary plat consists of 366 building lots, 20 common area lots, and one other lot for a city park on 136.63 acres of land in an R-4 zoning district. The minimum lot size is 8,000 square feet, with an average lot size of 10,127 square feet. The proposed density is 2.68 dwelling units per acre and is consistent with the low density residential future land use map designation and the goals and objectives of the Comprehensive Plan. However, the density is slightly under that desired and medium density residential designated areas. Therefore, a step down in density to low density residential is requested for the southern medium density designated portion of the site. The applicant is requesting approval of that step down. The preliminary plat is proposed to develop in 11 phases. The tot lot on Lot 17, Block 6, is proposed to be constructed on phase one. The linear open space and multi-use pathway within the pipeline easement is proposed to be constructed with phases seven and ten and the city park is proposed to be constructed in phase ten. Because the Parks Department does not have improvement of the park in their Capital Improvement Plan, the city prefers it to be constructed in the final phases of development. There is an existing home and accessory structure on this site that are proposed to be removed. A 3,100 foot long section of the William's Pipeline bisects this site. That is the green linear open space corridor you see here on the plat. The Williams Pipeline is a natural gas pipeline that serves as the primary artery for the transmission of natural gas to the Pacific Northwest and intermountain region. The plat depicts a 75 foot wide right of way easement for use by the pipeline company. All development shall comply with the Williams Gas Pipeline Developers Handbook. An encroachment permit is required for any development or improvements within the pipeline easement. The proposal plat complies with the dimensional standards for R-4 district, except for the street frontage of one lot, which staff recommends is revised to be a minimum of 60 feet. There are also four blocks that exceed the maximum block length allowed by the UDC. The length of three of the blocks can be approved if a pedestrian pathway is provided within the blocks, which will allow the block face to extend from 750 feet to a thousand feet. Those are the blocks -- it would be right here where my pointer is. The length of Block 11, which runs along the Calkins Lateral here at the southwest corner of the site also exceeds the maximum block length. However, because it abuts a large waterway, the Calkins Lateral and an arterial street, Linder Road, it is allowed to extend up to 1,200 feet if approved by Council. Staff also recommends a pathway connection is provided through this block for access to a multi-use pathway required along the lateral. The applicant submitted a block length exhibit

this afternoon as shown that depicts the pathway connection to the Calkin's lateral and, again, that's right here where my red dot is, to break up the length of Block 11 and also shifted the stub street to the south further to the west -- or, excuse me, east. This creates a block length that is approximately 1,900 feet long, which is well in excess of the maximum allowed of 1,200 feet. The stub street to the south was in this vicinity right here. It has been shifted to the east as requested by the property owners, the Dixons, to the south. The applicant has based their measurements for this block length from the street here up to the pathway and, then, starting over on this side of the pathway up to here. The UDC actually requires measurement of the block length from this point here where this street intersects at a 90 degree angle clear down to this next street. Access to this development is proposed from South Linder Road, an arterial street, via two collector streets, West Smokey -- Smokey Lake and Harris Street, as you can see here, from South Meridian Road via Harris Street when Harris is extended. Access will also be available from the north from West Victory Road via South Kentucky Way, a collector street to the east of this site, and via West Amity Road from South Oakbriar Way, a collector street, along the east boundary of the site when it's extended. The extension of stub streets approved to the north and east are also proposed for interconnectivity between developments. Just to note that the alignment of the proposed streets to the existing approve stub streets appear to be off to Barton Flats and Bradford and Harris Streets. Vehicular crossings over the Williams Pipeline are limited. A traffic impact study was prepared by Six Mile Engineers and was submitted to ACHD for their review and comment. The 366 dwelling units proposed with this development will generate approximately 3,484 vehicle trips per day with anticipated build out in 2024. A draft copy of the ACHD report is included in the records. A 25 foot wide landscape street buffer is required along Linder Road. A 30 foot side buffer is proposed. A 20 foot wide buffer is required along of the collector streets within the development as proposed. There are several existing trees on the site that if removed require mitigation. The applicant proposes to dedicate 8.24 acres of land for a city neighborhood park, which will be combined with another 1.77 acres in Graycliff Estates and one acre in Biltmore Estates Subdivision to the east for a total of approximately 11 acres of land. And that is the large open green area you see here. A conceptual park master plan was submitted as shown that depicts half basketball courts with benches, a shelter, play area, a tot lot, and open play areas as amenities, along with a parking area and restrooms. Based on the area of the plat a minimum of ten percent of the site or 13.66 acres of land is required to consist of qualified open space. The applicant proposes a total of 14.99 percent or 20.48 acres of qualified open space, consisting of a neighborhood park, two pocket parks, a linear open space area where the Williams Pipeline is located and a multi-use pathway is proposed and half of the street buffer along Linder Road, the street buffers along the collector streets, Harris, Oakbriar, and West Smokey Lake, and the parkways along streets within the development. A minimum of six qualified site amenities are required to be provided for this development as proposed. The applicant proposes to provide a tot lot with a play structure and a park bench in the larger pocket park. A multi-use pathway through the Williams Pipeline easement. Micropaths providing connection to the multi-use pathway and the pocket parks and a 20 foot gazebo in the smaller parks -- pocket park area. Staff also recommends a multi-use pathway as provided along the north side of

the Calkins Lateral at the southwest corner of the site in accord with the pathways master plan. The amenities proposed and recommended by staff comply with the minimum requirements. Detached sidewalks are required to be constructed along the arterial and collector streets. That applicant proposes to construct detached sidewalks throughout the development with landscaped parkways. The applicant is requesting a waiver from Council for the Calkins Lateral and a portion of the Sundial Lateral that lies north of Buroak Drive to remain open and not be piped due to the large capacity of the facility. The applicant states it would require a 36 inch or larger pipe to pipe the facilities. The applicant would like to utilize portions of the facilities as a water amenity, which would require improvement of such per the standards in the UDC. The applicant has submitted conceptual building elevations for the future homes within this development as shown. Building materials appear to consist of stucco, lap and board and batten and shake siding, with stone accents. The design standards are proposed to be similar to those of the adjacent Biltmore Estates Subdivision. Because homes on lots adjacent to arterial and collector streets abutting and within the development will be highly visible, staff recommends the rear and/or sides of the structures on these lots incorporate articulation through changes in materials, color, modulation and architectural elements, horizontal and vertical, to break up monotonous wall plans and roof lines. The Commission recommended approval of the proposed plat at their public hearing. Becky McKay, the applicant's representative, testified in favor. No one testified in opposition or commented. Written testimony was received from Becky McKay in response to the staff report. She was in agreement, except for that she was asking for Council to -- excuse me -- waive the block length requirements and allow the development to proceed as shown. Key issues for discussion by the Commission. Staff's requirement for pathways to be provided within blocks that exceed the maximum length standards to comply with the UDC standards for block lengths. Again, those are allowed to extend from 750 up to 1,000 feet when a pathway is provided. The Commission changes to the staff recommendation. They modified condition number 6.3 to remove the requirement for a public park to be provided within the development. City Council shall determine whether the park is to be city owned or private. The Commission supported -- secondly, the Commission supported staff's recommendation on the requirement of pathways to be provided within blocks that exceed the maximum block length standards. Outstanding issues for Council are three. The first is the applicant's request for a step down in density for the portion of the site designated on the future land use map as medium density residential to allow density of 2.68 units per acre consistent with the low density residential designation. Second, the applicant requests to waive the requirement for pathways to be provided to break up the lengths of Blocks 1, 11, 16, and 17. And that is condition number 1.1.2C. And, then, lastly, the revised block length exhibit submitted by the applicant shows a block length that is approximately 1,900 feet in length adjacent to the lateral and Linder Road. Written testimony since the Commission hearing was actually submitted this afternoon. You should have a copy of it in front of you tonight. The first is from Russ and Cara Fulcher. They are in opposition to the development as proposed due to the density. They feel it's too high, especially along Linder Road. Safety. The topography of the area where the Harris Street-Linder Road access is proposed is located atop a natural rise, which makes northbound traffic blind to the

roadway until reaching the top of the rise. They would like to see the intersection shifted to the north, signalized, and slow down warnings to be posted. And aesthetics, they feel it's not compatible with the lower density residences to the west and south and creates a house wall and that they would like to have the building setback be increased from Linder Road and/or limit the building height to single story along Linder. Written testimony was also received from Chris Dixon, a homeowner to the south, that abuts this property. They would like the stub street to be provided at the south boundary to her property. The revised plat does show a stub to her property. They actual revised the block exhibit right here. And staff will stand for any questions.

De Weerd: Council, any questions? Okay. Would the applicant like to make comment?

McKay: Good evening, Madam Mayor, Members of Council. Becky McKay, Engineering Solutions. Business address 1029 North Rosario, Meridian. I'm here representing LC Development, Inc., on this particular application that's before you this evening. Members of the Council, you have seen some of the projects that we brought before you on the Centers' property. It was kind of a combination of three different projects. Biltmore Estates, which is located in this location here. This is Victory, Linder, Meridian Road, and Amity. Biltmore Estates came in, we have constructed two phases at this time and recorded two phases. Then we came through with what we call Graycliff Estates, which was located just south of that. What's before you this evening is what we call Brundage Estates. It is the western portion, it's approximately 136 acres. This property was annexed and zoned as part of that Category B annexation that was done to take in Meridian Heights and Kentucky Ridge, facilitate the extension of Meridian central services to this section and -- let me switch over here. So, what you see is -- kind of bleeds out a little bit. Apologize for that. It's kind of a problem with tifs. On your Comprehensive Plan, this particular property has two designations, low density residential, medium density residential. What you see before you is all low density residential. So, as Sonya indicated, we are asking for a step down in density. Our density is around 2.68 dwelling units per acre. That is our gross. Our net density is 3.5. This particular piece of property happens to lie at the half mile on the street master -- or the master street map and the South Meridian Transportation Plan it shows that there will be a collector roadway that extends from Meridian Road where Harris Street currently resides and terminates at Meridian Heights. That collector is intended to go completely through this section and connect to Linder Road. This will be what we call the mid mile collector. The north-south collector is Kentucky Way from Victory. That comes through and it intersects with our -- with Harris Street and, then, there is a southerly collector that will go on out and make that network connection to Amity Road. So, we will have collectors at the half mile throughout this entire section, thereby facilitating distribution of that traffic both to the minor arterials and out to the state highway system. When we started working with Ada County Highway District on this a few years back, one of the things we didn't want to do was take Harris Street straight through so that it functions like a de facto arterial, because it's intended to, obviously, function as a residential collector and connect -- or collect all the traffic from the interior of this section and take it out to the arterials. What we don't

want to, obviously, is compromise is the integrity of our neighborhood by having high volume. So, what we decided to do was that we would take that collector and we would bend it and bring it on through, which will slow that traffic down, make people realize this isn't an arterial, it's a residential collector. Also on your Comprehensive Plan there is a neighborhood park asterisk in this section. It's been there for years and years and years. So, we have been working with your Parks Department on a neighborhood park that would be public at the center of this section and when I brought through Biltmore Estates, we had a little bit less of an acre that was going to be a component part of this park and we brought Graycliff -- or Graycliff in, then, we had another -- another 1.77 acres that we would have as a component and now this is the third component, which completes the park. So, what you're looking at right here in its entirety is a little over 11 acres of public open space. Now, if you ask why -- you know, why have the park there, well, the park's there because you also have the William's Pipeline and -- which is designated as a multi-use pathway. It comes down through and exits and goes out to Meridian Road. So, that's going to be your -- your ten foot multi-use pathway for bicycles, pedestrians. It's going to be part of your overall public pathway greenbelt network. There is a 75 foot separate lot that's an easement for the pipeline. I have met with Williams Pipeline. I have discussed this with them at length. I have a conference call tomorrow with some of their executives out of Salt Lake and their Boise team to discuss the transitioning of their pipeline in the City of Meridian into an urban environment and so that's what we will be discussing and them taking a proactive approach to that transition in lot uses. We have kind of two sections. One of the things that we did not want to do was compete with the park as far as our amenities. So, we didn't want to duplicate amenities and so we had different pocket parks that we can have our private amenities within the project and, then, have, obviously, the large public amenity right there. It is my client's intent to donate that property to the City of Meridian. We did go to your parks commission on March 9th. We presented our parks plan. We did -- there we go. We did have a blow up of this. We kind of had like a roundtable discussion. Obviously it is up to the City Council to determine what's public, what's private. The parks commission we -- one of the things that the staff told us is Meridian is in desperate need of more soccer fields. They are in desperate need of areas within neighborhoods so that, obviously, the vehicles aren't having to go, you know, five, six, seven, eight, ten miles to another City of Meridian park for their child to play soccer or to play T ball or whatever that case may be. If they can keep some of the residents in the neighborhoods, that that would be preferred. So, what we did with -- we had our landscape architect work out to see how many of those ball fields they could get, so that we kind of give the Parks Department a better idea of what they would be looking at. The Parks Department also gave us the Champion Park site plan. They gave us another site plan from another one of your neighborhood parks. We did have our landscape architect emulate that to show the typical amenities that are found within Meridian neighborhood parks. One of the -- one of the feedbacks that we received from the parks commission was, one, they liked the multi-use pathway, but they wanted it to stay along the edge with micropath connections, but they wanted to be able to maximize the park. They love the fact that it's at the center of the section. They love the fact that there is a couple of thousand feet collector all along that park. It's visible. It's safe. It's

illuminated. It's available to everyone. It's not just benefitting only this neighborhood, but it will be easily accessible by everyone. Secondly, was parking. They talked about providing better handicapped access and elderly access to the ball fields. Ada County Highway District, since Harris Street is a collector, they do not want any parking along the collector roadway. It will be signed no parking. Therefore, what we did at the request of the parks commission was put a mid section in the park along that frontage, some diagonal parking. That would be -- there would be some handicapped parking in there. There would also be some elderly parking for those who need to be close to the ball fields to see the grandkids play or see their own kids play, whatever the case may be. We thought it was a great idea. We incorporated it into our plan. I did resubmit this to your parks staff after we received comments from the parks commission and I think the feedback we received was that it was great. I sent Sonya a revision of the plan. We had multiple properties south of us, so initially I proposed a stub street to Mrs. Dixon. That's how we drafted our preliminary plat. The staff said, well, we would recommend you move that stub street to the west to reduce the block length. So, then, the preliminary plat that is before you this evening we moved that stub street westward, stuck it in a location around here on the Moslonka property and, then, I received a letter from Mrs. Dixon -- I also talked to her on the phone and she said I thought there was going to be a stub street and now it's moved -- you know, it's moved to the west. I had to explain to her that the Meridian planning staff specifically asked me to move it and --

De Weerd: So, it's our fault?

McKay: They asked me to move it. I just did what staff told me. I did consult Ada County Highway District after I read Mrs. Dixon's letter. Ada County Highway District said if you want to move it back to Mrs. Dixon as originally proposed, we do not object. As far as we are concerned we have a collector stub right here that's going to go down to Amity. There will be interconnectivity going that direction. If the stub street is on Mrs. Dixon or on the Moslonka property, we don't care. The block length issue is with Meridian. So, I did this drawing and I provided, to the best of my ability, I moved the stub street back to Mrs. Dixon. Then I put in a pedestrian path, which will link up to your multi-use pathway here and your staff -- your ordinance says you measure from a 90 degree turn and, then, here we have a stub street. So, I broke it up with that pedestrian pathway. That's the best I can do. I can't put a stub street to Mr. Trewbridge, because he only has seven acres and a house. I mean that doesn't make any sense. His property needs to stub to Moslonka. So, I mean we have to use common sense here and determine where should we put a stub street, where should we put the pedestrian path. We don't want to just put them in. They cost a lot of money. So, I -- I would like to stub to Mrs. Dixon and, then, break the block with a pedestrian pathway and ask the Council that they provide us with a waiver. You know, the UDC is -- it fits most situations, but here we have the Calkin's Lateral, we have an unusual triangular parcel that I don't want to mess up by -- by putting erroneous type stub streets to. We have added another stub -- or another pedestrian pathway to the south to Mrs. Dixon. I thought that would be nice, because it goes directly to the city park. This particular project has 4,000 linear feet of multi-use pathway. Four

thousand. That is huge and it's costly and it is my client's responsibility to construct it and turn it over to the City of Meridian. As far as the park is concerned, we have already committed to the Parks Department -- we are going to green it up. We are going to install sprinklers. We are going to put it on our pressurized irrigation pump station and when we hit a certain number of lots, then, the Parks Department could, then, build a pump station, they can use it for the public. We are going to get it green. We are going to get it green. It's proposed in one of our latter phases. Let me switch. Hold on. There we go. This is -- this is probably one of the best planned sections in Meridian. It kind of reminds me of North Meridian, because we kind of had a blank slate, other than we had to incorporate in Kentucky Ridge, Meridian Heights, Mr. Hansen, but we are following all of your south Meridian transportation master plans, your park plans. We have low density. We have donated a well to the City of Meridian. Kyle is here this evening. I'm sure he can answer any questions on the well. They're getting that test well down. They are rolling on it. He's been awesome to work with on this -- on the water issue, because we are in Zone 5 in this project, which Zone 5 is not here yet. But, obviously, the City of Meridian, starting this month, is bringing Zone 5 down Amity and west on Amity and south -- or north on Meridian Road. So, we are going to see, you know, this whole area become served. I ask you to consider these block lengths, because I don't want to just put ped paths in for nothing. We have thought them out. Do you have any questions?

De Weerd: Thank you, Becky. Any questions? Mr. Cavener?

Cavener: Madam Mayor? Becky, very in depth. Very in depth presentation.

McKay: Thanks.

Cavener: I have a question related to the traffic analysis I think that you guys did for Linder at Victory and Harris at Meridian --

McKay: Yes, sir.

Cavener: -- and I don't know if you have had a chance to review the public comment that we received earlier today. There was some questions related to Harris at Linder and I'm just curious if you can provide some background on -- it appears that ACHD asked you to look at those two intersections, but not Harris at Linder and I'm just hoping you might be able to provide any perspective as to why that one intersection was omitted.

McKay: Yes, sir. We hired Six Mile Engineers to do the traffic analysis. They did an in-depth study. Ada County Highway District came back and asked them if they could do a phasing analysis, because this will change the traffic patterns once we connect Meridian Road and Linder and Victory and, then, eventually, to Amity. There is going to be a future signal at Meridian Road. That's the half mile. We have to at certain points build turn lanes based on our conditions for Graycliff. With this particular project ACHD was concerned about the timing of making this connection all the way through

the project and out to State Highway 69. So, what they had our -- our traffic engineer analyze is we have to build turn lanes and widen Linder. They analyzed this intersection. It's at the half mile. That's where ACHD wants it. That's where your south Meridian plan calls for it. But their primary concern was Victory and Linder. There were there homes that sit right up at the intersection and the Ada County Highway District said, you know, we are going to end up buying those houses to improve the intersection. So, if you're going to make the connection between Meridian Road and Linder, it could overwhelm the Victory-Linder intersection. So, what they determined is at what threshold would the intersection, based on Meridian's growth at three percent annually based on COMPASS, what -- at what point -- at what building permit would we hit that we would overwhelm the intersection. The number was at the 291st home. So, what Ada County Highway District said you can choose not to -- you know, just come in from both the west and come in from the east and, then, come in from the south and, then, strategically make that mid mile connection. Hopefully the highway district has had opportunity to buy the homes, rebuild the intersection. Now, this project goes clear out to 2024. So, you know, we -- we have started on the -- the north end, we have been working from north to south based on your utilities, Zone 4's water and the sewer in Victory Road. This is a different sewer trunk line that's going to have to be an extension of a 15 inch trunk from Fall Creek and Southridge south. They have got to bring it up to the Ridenbaugh, then, Corey Barton's project, Edgehill that's just north of us, will have to pull it to Victory and to their south boundary. Now, these developers can work in unison or tandem or we can wait until Corey Barton brings the sewer to us. It's just a matter of timing. Obviously, Lee -- Mr. Centers has a lot of property out here, so, you know, this is kind of like Bridgetower, it's going -- you know, it's a 15 year project incrementally. We can't buy people's houses, we can't condemn property, and the highway district recognizes that. They also recognize the fact that the signal at Harris Street and Highway 69 is not solely our burden, but Cavanaugh Ridge had the requirement to participate in the light, so did the commercial development that was along Meridian Road. And so they said in our conditions we will do a development type agreement where if by chance you require the light, then, you could get some reimbursement as other developers come online or vice-versa, but no one developer is going to have to bear the full burden and they look at what is their impact on that signal. We don't require a signal at Linder and the neighbor to the west, I met with them yesterday, I talked to him, he basically wanted us to eliminate every single lot that was to the east of him, which when we said that's really not practical, then, he got extremely angry at Mr. Centers and myself and stormed out. I have an exhibit that shows what those building pads look like. I will submit this into the record, although I'm having technical problems. The closest to the -- the closest home will be 223 feet away and you can see the fact that we have a knuckle there -- basically allows us so we are not creating a wall of houses and I tried to explain that to him as we roll around that knuckle and we roll around a 90 degree turn or the bend in our roadway, we are creating a wall of houses, that they would be well over 200 feet away. Plus we have 30 foot of landscaping, we will have berming, we will have fencing. I mean it's not -- you know, that's two -- that would be to the actual home and that's a pretty big building envelope that you're looking at. His conclusions are incorrect and uninformed. We have traffic studies that have been reviewed by the ACHD traffic

engineers, they concur with our traffic engineers and we are meeting your transportation plan on the highway district's. I told him I understood he had five acres and that, obviously, this -- you know, this would change the character and he got belligerent and there is a picture of his home and what we measured from is his picture window that you're looking out right there on the screen. Mr. Fulcher. Did I answer your question?

Cavener: Madam Mayor, follow up if I may. I appreciate that, but specifically related to the -- the testimony that we received via e-mail today spoke about a -- a rise at the intersection, a blind rise, and I'm curious --

McKay: They look -- no, sir. They look at site distance. The traffic engineers, when they go out there and they analyze the site, they look at that site distance. As far as how the collector intersects, that whole -- that whole stretch to the north of us is going to change with the intersection improvements. Some of those arterial roadways, since they are rural, two lane roadways, you know, you get -- you have a chance in elevation. There is 55 feet I believe change in elevation from Fall Creek's collector entrance up to Mr. Centers' entrance -- collector entrance. However, the site distance is acceptable, according to the traffic engineers. They look at that. That's one of the things they analyze. ACHD goes out to the site also. They recommended approval of the collector intersection as proposed.

Cavener: Great. Thank you.

De Weerd: Any further questions?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Thank you. What I heard Councilman Cavener ask was not what I -- what I thought I heard was not so much the distance being permissible or not, but was to address the topography as you're traveling north and as you would approach what would be the proposed intersection of Harris there is a representation of that topography makes that access location unsafe and the request was that -- at least as I understood it was that topography should necessitate that access of Harris -- or that intersect to move north to avoid that unsafe condition. Is there -- I didn't see any exhibits that showed the topography. If you have one that would be great. That's what I understood his concern to be on safety.

McKay: Madam Mayor, Councilman Borton, I have been out there -- Linder Road is dropping in elevation as you're going north towards Victory. Right now it's at 55 miles per hour. So, obviously, a car traveling at 55 miles per hour can travel a significant distance in a short period of time. However, as the urban development starts moving out here, I guarantee you it's not going to be 55 miles per hour. They're going to have to lower the speed limit as you start getting these collector intersections. It's just like

Meridian Road and Ustick and McMillan, that used to be 55 miles an hour through there. Ten Mile, 55 miles per hour. As we started building, you know, urban development, commercial development, then, you will see those speeds go down. How it's analyzed now, it's analyzed at 55 miles per hour. In the traffic study it is noted. So, do we have a site distance -- it is a site distance issue. It's pulling safely out and pulling safely in. We will be building turn lanes and widening the roadway. Mr. Fulcher is not a traffic engineer.

Borton: Okay. Madam Mayor, nor am I, but the issue was raised and --

McKay: And I think I answered -- did I not answer it?

Borton: Well, maybe we are looking at it right now. What didn't exist in the record is --

McKay: Yes.

Borton: -- is there, in fact, some typography that at the current speed -- oh. Hang on a second. Okay. At the current speed that Harris location is unsafe. It might become safe if the current speed reduces, but at 55 it may be unsafe. That's the impression that the concern raises and this maybe is showing -- or trying to show some illustration of -- no, maybe not. Of the topography there.

Hood: Madam Mayor, Councilman Borton and the rest of the Council, just pulled up Google Earth and just show the -- excuse me -- the picture that the applicant had here is that same property, the picture window being back over here. So, I was just going up and back Linder Road and you can see -- I mean this doesn't have the topo map on it, but you can see in a car what -- what that looks like.

McKay: Yes.

Hood: It does look -- you know, right where the irrigation is you can kind of see it goes down a little bit of a -- a hill here, but it appears like that's a really good distance. Again, I don't -- I didn't measure it, but --

McKay: I believe -- I believe it is an exaggeration. Yes.

Borton: And -- Madam Mayor? For illustration purposes, what's depicted right there, is that red car at the approximate location of where Harris would intersect?

McKay: Yes, sir.

Borton: All right. Thank you.

De Weerd: Thank you. That was helpful. It's amazing what you can see these days.

Borton: Very good.

De Weerd: This is a public hearing. I did have one person sign up to testify. Chris Dixon. You didn't drop anything. Thank you for joining us. If you will, please, state your name and address for the record.

Dixon: Chris Dixon. 1100 West Amity Road. Meridian. Mayor de Weerd, sorry about your headache. Esteemed Council and Honorable Mr. Nary, thank you for letting me speak tonight. I was going to curtail my testimony tonight, but when I heard the previous concern about the long run to the stub street to my property I thought I would go ahead if that's okay. I respect your evening and how late it's getting, I apologize in advance for that. I will try to keep it short. I am the property owner to the south of Mr. Centers' subdivision, Brundage Estates, and I have a concern because the original plat did not include a stub street to my property. As Becky McKay said this evening, from Engineering Solutions, they have reverted back to the original plat, so they are including now a stub street, but I wanted to go ahead and testify tonight, because I heard the -- the original concern from city planning about the link -- or the run of that stub street. As you probably all know, I was actively involved and lucky to be in the group annexation for Meridian -- south Meridian annexation. Help me, Caleb. Twelve hundred acres -- at 35 -- it is 35? Twelve hundred thirty-five? Is that the final acreage on the south Meridian?

Hood: It was 1,233.

Dixon: Thirty-three. How quickly we forget. And I was the contiguous property that drove that annexation. As you know, you have to have a continuous property to continue annexation and I was the linchpin and the one that eventually became annexed with the 1,233 acre group annexation. But, then, when I studied this plat I realized that even though I am -- the people on either side of me to the west and the east did not join that group annexation, but the stub -- the original stub streets were to those properties that were unannexed and I, myself, did not have a stub street. So, I wrote a letter to Lee Centers on June 8th requesting a stub street and, honestly, he has been nothing but reasonable and amiable with this request and Becky and he worked together and went back to the original plat, which you saw Becky present tonight, but there is a stub street now from Rosadel Avenue to my property, which I very much appreciate and I hope that will be agreeable to city planning and Sonya and her staff, because they have added the pedestrian pathway that will break that up a little bit. So, bottom line I just hope City Council will consider this stub street request and it will be agreeable to them and thank you for your time.

De Weerd: Thank you, Chris. Any questions for Chris? Thank you. Is there anyone who would like to provide additional information or testimony? Okay. Yes, Mike.

Barton: Good evening, Madam Mayor and Council. I would just like to comment. There was a lot of discussion about a possible public city owned park in -- in this development and I wanted to reiterate that the applicant and Becky McKay did come to our parks commission meeting. The commission was really -- really loved the layout of

the park and the amount of street frontage on it. It has a lot of really good attributes. We feel that it is in a good location. However, there are some issues that we have and some concerns -- I mean -- so, this -- any development that we would put into the park, if there is -- we don't have anything budgeted in our ten year CIP. There is -- there is that and, then, there is some also phasing -- phasing issues that need to be worked out or just discussion items. So, we would like to keep it that it is up to the discretion of the City Council that it's either -- either a private park or to become a city park. I think there is a lot of details that need to be worked out with this and it's like so many things, I mean all roads lead back to budgets and right now we do not have the budget for this in the next ten years. So, stand for questions.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: And I'm not sure if the question's for you or Mike or whoever. Does the decision on whether it stays private or we agree to someday take it over happen tonight or at the point when it would be turned over to the city?

Barton: It would come at a later date, Councilman Palmer, Madam Mayor. I think that we would work on a donation agreement and a partnership agreement with the developer that would include timing certain amenities that are developed or funded and certain amenities that are city founded. We would come back to the Council and have a discussion on exactly what those impacts would be to the budget and -- and also get a better handle on what that phasing plan means and -- and what the intention of green up and turned over to the city would be and the last thing we want to do is have a public park in say phase eight or nine and, then, the first four or five phases of homes or six are waiting for a park and, then, maybe the development stalls out and there is no park, so we just want to make sure that there is, you know, ample time to discuss all those -- all those issues and just work that out. That's what I have.

Palmer: Madam Mayor, follow up? A separate question, Mike. Do we have any kind of data as to the use of the parks -- the city parks that end up within enclaves and neighborhoods by people that are outside of the neighborhood? Except -- I mean, obviously, you know, for soccer games and, then, it becomes a destination, because they are going to go there no matter where they are. But just for general use?

Barton: Madam Mayor and Councilman Palmer, we don't have any specific data. We find that the parks that are -- they have good access, which this one does, are well used by people outside of the development. So, we feel that that would meet the criteria and it's got size, it's got a great access, the street frontage is perfect. Like I said, it has a lot of really, really good attributes and we are excited to continue the discussion, but I just wanted to make sure that it wasn't a foregone conclusion that it would become a city park.

De Weerd: Okay. Any other questions? Thank you, Mike.

Barton: Thank you.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I do have a question for you. To follow up your answer, while a decision might be later, the layout of the plat can be impacted on whether it's a city park or not and one of the things that -- that at least is worthy of discussion today is if this were to be a city park, this layout and that parking and the desire to not have park attendees park on Harris, if this is soccer fields like this, you're going to have 200 cars. I mean it would kind of swamp Harris with this kind of layout and which, then, also begs the question of it does -- it's not intended and Mrs. McKay commented on it, you know, making sure that it doesn't become a de facto arterial and the design encourages people to fly through. So, I think those -- that layout design is -- is before us today and I would worry that a future decision to make it a city park, we are handcuffed with the ability to provide ample parking and keep people off Harris.

Barton: Madam Mayor and Councilman Borton, the -- the configuration of the future park lot is -- would be set, but the amenities would be something that would be determined at a later date. I don't see the -- they did add a parking lot kind of further to the west, which alleviates some of that concern of -- of parking access, but I think we got to take a really good look at -- at, you know, how many fields and how much green space and how many cars we would anticipate coming to that park, because there would -- there won't be any parking on street and the last thing we want is people to park in the neighborhoods as a first choice. Maybe want to -- we have all gone down that road. So, we want to make sure it's -- and some of those things that we just haven't had time to flush out, really, but I hear you loud and clear that -- that this -- this is a pretty good solution with two parking lots and I think with more of a linear design or lot configuration that this will work, but we will just have to determine the size in the future.

Borton: Madam Mayor? And Mrs. McKay may comment on this, too, because it is a double-edged sword. If it were to be a city park at a future date, it would hopefully be intended and designed with as many amenities to draw as much regional traffic as possible. The downside is you're going to draw as much regional traffic as possible.

Barton: Yeah.

Borton: And do you have your plat laid out that can accommodate that. So, if a future council might decide this should be a city park, the ship has sailed on whether the plat can accommodate a great wonderful city park that everyone wants to go to use. So, that's why -- and Mrs. McKay will probably comment on it, but that's why that discussion at least needs to be addressed today. I think.

Barton: Madam Mayor and Councilman Borton, it's my opinion that the -- the lot configuration is really good. It's very secure with that much street frontage and there is no dark corners or anything in there, which is really great. I mean it -- it does have a lot of good attributes. I think that it's very accommodating and very flexible and scalable that we can add parking to it and then -- and have a good park that will draw from outside of that square mile, which is kind of what we want to do, because, you know, the neighborhood parks, we want them -- we want them to be used and we want them to be accessible to all of our citizens, not just the people that live there. Otherwise, it would just be a private park. And it's my -- it my opinion that the lot works very well and it would be pretty accommodating.

Borton: Okay.

De Weerd: And I think his question alluded to Heroes Park where they have the park on a major collector as well. People are going to park on the collectors, they are going to park on the arterials, they are going to park wherever they possibly can and they won't park in the parking lot.

Borton: As a last resort.

Barton: But we want to --

De Weerd: Just saying that --

Barton: We want to do a good job and accommodate the uses in regards to parking and if the people are going to park in the neighborhoods, they will, but if they are there we want to make sure that we have open parking places in the park that if they did choose to use what's planned then --

Borton: Okay.

Barton: Yeah.

Borton: Thanks.

De Weerd: Caleb.

Hood: Madam Mayor, I just wanted to take a -- just a minute, maybe two, to address the block length issue and just to clarify a couple of things and even maybe start by the intent of our block length. So, I think you're all aware, but I will just restate it. Seven hundred and fifty is the preferred maximum block length. You can go up to a thousand if you add a pedestrian connection and up to 1,200 if the Council grants that. In no case shall a block exceed that. What the applicant is proposing is an 1,800 foot long block. The block doesn't stop, then, at the micropath and it doesn't matter if the stub street is to the Dixon or the Moslonka, either way that block length is a really long straight stretch and the thing we are trying -- one of the things we are trying to avoid

with that 750 is creating raceways and so, again, you end up with a long straight stretch of road that doesn't have an intersecting street, you tend to get people that drive fast on those. There are other design solutions. If you maximize cul-de-sacs, common driveways, you can have your road be more circuitous. Sometimes you can even get more lots out of it that way. So, I think there are some other options. We typically don't design, you know, subdivisions, but I think there are some options. Again, just looking at this you could cul-de-sac something, have common driveway come off -- they get four -- up to six lots off of each side. So, I think there is some options there. Regarding the two -- two other blocks on the south of Harris that are longer, with the central open space that is on the south side of Harris, the only real centralized open space, having a micropath that breaks up that block and provides good access to the central amenity on the south side, again, it's -- in my opinion it's not a pathway to nowhere or just, you know, a random -- it's in our code and it provides a function there that it gets folks that are -- again, in those couple of blocks, that are long, easier, better pedestrian connection to the amenities that are on the other side of the collector if you will. So, just a little bit more background and kind of why the code and in this case why I think it still should apply and I -- and I don't think it's too onerous to even slightly tweak the plan to -- to get to compliance. So, I just thought it was appropriate to -- to bring that up a little bit on the block length and that the micropath doesn't stop the block length, it's 965 on one side and 900 and whatever on the other. That's eighteen, nineteen hundred feet long, so -- it does help, but there is almost a 90 degree turn on either end, but even that long straight stretch is still over a thousand. So, just to clarify, the stub street didn't create this problem. You still have the block length issue regardless of where the stub street is. And, again, just -- just one more thing. On arterials as well, and even Harris, you know, we don't want multiple access points to break up a block length of arterials and collector roadways, so having those pedestrian connections -- and that's the intent is we don't want necessarily short 14 driveways off of Harris or roadways, but the spacing of those to create shorter blocks with better access points, again, just -- can I drive for a second? Just as an example -- and, again, not to redesign it, but if this street were to be moved over somewhere in here -- I mean this is not even a thousand feet, but if you moved it over two lots and all of a sudden your block isn't as long. Just as an example. I'm not proposing that, I'm just saying there is -- you wouldn't increase the number of streets that come off of Harris, but it's the spacing of those and the long blocks that are created and that's not -- it's not egregious. That's -- I think Sonya said like 950 feet. So, it's not -- it's not that bad. It really is -- this block here as it becomes fairly long and, again, by our code technically not a new -- and I mean that's the way -- in no case shall the block length exceed 1,200, so --

De Weerd: And you're not counting the micropath as something that helps diminish --

Hood: So, Madam Mayor, again, it certainly helps. What it doesn't tend to do is slow down any cars. What the -- how the code reads is you can have 750 feet. If you go to a thousand you can do that, but you have to have a micropath somewhere in the middle there. If you go up to 1,200 feet you can do that with the Council's blessing. So, the micropath is to get you from 750 up to 1,200 if you will. Yeah. And, again,

that's -- that's meant for -- 750 is kind of the standard and, then, if you had a waterway or an arterial or something where we don't necessarily want streets every 750 feet, if you want them spaced out even further, again, that's where the ability to approve longer blocks is given to the Council in most cases.

De Weerd: So, Caleb, how does an intersection slow the traffic down? I live in Lakes at Cherry Lane and we have longer blocks than this and it's not a raceway, but -- I mean Turnberry turns in the Moon Lake and there is nothing there that breaks that up.

Hood: So, a couple things that happen typically when -- so, again, it's the straightness of the roadway, too. So, a meander -- and if I can see a half mile, I tend to drive faster, because I can know if anything jumps out in front of me and those intersections -- when you have an intersection, if I drive this every day, here is cars that occasionally come out and so you tend to slow down and focus on those areas. So, that's how the intersections tend as a behavioral -- behavioral type thing for a motorist, they are conditioned to look for cars at those intersections. So, that's how the intersections tend to slow traffic down. Particularly four legged intersections are better than three and that's why we measure the block face, it's not just one side of the block, because if you look on the -- you know, this -- the north face of that block is compliant because of that street. It's the south side that's the issue, because there isn't another street that breaks up that south face of the block. And, again, by definition we measure it from one street to the other, not from one street to a micropath, from the micropath to the next street, it's that entire -- it's either a T intersection or a 90 degree turn.

De Weerd: But I'm going to agree with what Becky said, if you put that a stub street that doesn't make any sense.

Watters: Madam Mayor, staff isn't asking them to put the stub street in any particular location. Staff is only asking them to comply with the block length standards.

De Weerd: Okay. My head's ready to explode.

Hood: Madam Mayor, if I can, not to redesign, I don't want to beat this to death, but just as an example, we could bring this roadway in and have a cul-de-sac here. You cul-de-sac both ends. Now, all of a sudden you don't have that long raceway that goes through. You know, you can do some things with a cul-de-sac on one side or the other and, again, we have common driveways that would allow that. You can see other projects that would come in and even have common driveways that butt up to each other. They are not public roadways, but, again, it's not a thoroughfare now. You still have the connectivity between the blocks and the stub streets and other properties. Again, there is multiple options here. You know, we aren't asking for another stub necessarily between -- to this property, because I agree with Becky, that doesn't get us over this and if it's a smaller property that's -- that's a headache in the future to have to build a bridge across or even a culvert and redevelop, but there are some things you can do with one side or the other of this block to redesign it so it can comply with the block length standards.

De Weerd: But if that was a stub street it would be okay.

Hood: Madam Mayor, no, because the length from here -- even to just here is 945 feet. Now we are going in another -- I don't know what this is either, if these are 70 foot wide lots, we are going another 210 feet or so that stub street and you're still over 1,100 feet to even get here.

De Weerd: No. What I'm saying is if the stub street was where that micropath was.

Hood: Oh. Yes. If a stub street were where the micropath was we would be okay. The problem there, again, is that that this is a small property and you got a waterway. So, that's why the stub street in this location isn't ideal.

De Weerd: Okay.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: You made one comment which I want to make sure I heard correctly. Is it -- is it true that the Council is prohibited -- it lacks the discretion to approve a block length over 1,200 or the recommendation is we shouldn't? I mean if we lack the ability to approve it, I don't know why we are even looking at the plat. I presume that's not the case.

Watters: If I may respond to that, Madam Mayor and Councilman Borton. Caleb is looking up the actual code, but it states up to -- Council may approve a block face up to 1,200 feet in length under certain conditions, like a site constraint, like a waterway or an arterial street.

Borton: That's a Mr. Nary question. Does that also mean that we lack the ability to approve beyond that regardless of whether the micropath --

De Weerd: Whether it makes sense or not?

Nary: Madam Mayor, Members of the Council, yes. Unless there is a specific exemption in the UDC -- which there already is, but it's for 1,200 feet, not for more than 1,200 feet. So, you cannot approve a plat that does not comply with your ordinance.

Hood: So, if I can just read the section of code. It's 11.6C3 (f)(3) -- oh, excuse me. (f)(4). Maximum block face. In no case shall a block face exceed 1,200 feet. Period. And we are happy to explore that in a work session and if that's not what you guys want to have as our standard, we can talk about that some more. I'm just telling you what the current code requires. We can come up with some exhibits and use this as a test case to show how there is a way you can comply with this code. It's not

exhaustive. There are multiple ways you could lay this out and I could even do it where you could -- you know, it's more efficient than this layout. And, again, for traffic purposes would be -- wouldn't have that potential for a speedway here.

Bird: Madam Mayor?

De Weerd: I guess I'm just struggling with -- if you put a stub street where that micropath is, then, it's okay and it doesn't make it too much different than the micropath. I -- yeah. Well, they made the policy and now you can blame them. Mr. Bird.

Bird: Yeah.

De Weerd: You. They.

Bird: As you read that it said we wouldn't go up to 1,200 feet, but it didn't say that there was a variance that Council couldn't take it over there. Am I wrong, Bill?

Nary: Madam Mayor, Members of the Council, yes, you are. You cannot grant a variance to this. You can only grant a variance to a dimensional standard -- so, like height, building setback --

Bird: Oh. Okay.

Nary: -- those kind of things, not the street length.

Bird: Not the block length.

Nary: So, you can't just vary your code, you can only vary specific --

De Weerd: Okay. I think that horse is dead now. Okay.

McKay: Sorry. That was a brain twister for you.

De Weerd: Thank you.

McKay: I apologize. I think the remedy to the situation is to relook at the 12,000. Under no circumstances, a rule that is in your code -- I'd like to work with staff to have that at the discretion of the Council. Obviously, you know, the recommendation is to keep these block lengths, you know, manageable, shorter. We don't want these long blocks. We want good accessibility. I guess the -- the thing that Caleb doesn't understand is we had probably 12 different versions in this southern area here and if I met the planning -- the UDC, then, I would bust Perry's requirement, then, I have to have two points of ingress and egress if I hit -- go over 30 lots. I mean it was like a double-edged sword. You end up backing yourself back in a corner and we do -- we

did cul-de-sacs and it messed up the stub streets. What Caleb doesn't understand -- unless you're doing this day in and day out --

Hood: That's what I do.

McKay: -- this traffic moves in different directions. It splits -- it's not working. I don't know. If you look at the layout it splits the traffic in multiple directions and that's what we are trying to do. We don't want to be the North End -- I mean the only thing that slows traffic in the Boise's North is the huge valley gutters that will bottom your car out and you can -- and, then, they have some four-way stops and stuff. So, I mean, you know, to every solution there are problems that we don't realize we are creating. I mean it sounds good. In new urbanism I buy into that. We want to make livable neighborhoods. I guess my thought is to put a stub street to the Trowbridge doesn't make any sense. If you look at this block we are splitting the traffic. Can I move -- I wish this thing would work. I don't know why it's not. It's stuck. If I move the entrance -- the first entrance further west, can I cut your block length down? Yes, I can. But what happens when the traffic stacks on the collector? Then the entrance out of the southern block is blocked by stacking. Seen it happen. And we learned from our past mistakes and, believe me, you drive by stuff and you go in and you look around and you go why did I do that? Why did I do that? That -- it didn't pan out. So, you know, after 26 years, then, you start moving those intersections away from where the collector intersects with the arterial. So, we have adequate stacking. Now, then, that causes block length issues, then, you know, we try to break them up with pedestrian paths. Also along the collector roadway -- if you notice, all my roads are focusing -- all my roads are focusing on the park. We want to have pedestrian safe crossings of that collector, because it is going to carry -- you know, it can have 3,000 trips -- vehicle trips a day. So, we don't want all these different micropaths with all these kids riding their bikes burning across a collector and just popping out and we have seen what's been happening. We have had a lot of mishaps with pedestrians, vehicles, bicyclists. So, my focus in this entire project was this neighborhood park. The park commission told me, yes, we understand. We don't have any money for it and our dollars are going to go to the regional park. But we are not going to sacrifice neighborhood parks for regional parks. We need both. We need regional, community and neighborhood. If activities can be kept in this neighborhood and vehicles off the roadway, then, this is a great idea. We are going to green it up. We are going to -- we are going to get it rolling. As far as the design, we just did a conceptual design. Your Parks Department will do it. But as Commissioner Borton -- or Councilman Borton indicated, we do need a commitment that this is going to be public. I mean everything we're doing is gearing up for this and you've got 4,000 feet of public pathways going through there and you're going to dump them into a private park? I mean this is a perfect spot for it. We need that chain along your greenbelt connecting all your parks. You have a public park on Stoddard. That's a community park. We don't have issues on Stoddard that people expressed to me at the Bear Creek Park. We did that a long time ago. We have got to create safe routes to these parks, to these schools, so we got to think -- we have got to focus those kids so they are crossing in really good locations. We need to know that this is correct as far how we are treating this as Councilman Borton indicated, that it is

going to be public, it is going to benefit us, it is going to link all of these multi-use pathways that are public together. As far as the waiver of the block lengths, you can't give me a waiver when your code doesn't allow it. I agree with Mr. Nary. What I would like to do is work with the staff to create some situations where this Council -- and future Council have flexibility. In the situation that we have, the Calkins Lateral, it's a waterway that we don't have to put a stub street or a bridge to nowhere. Or a micropath to nowhere that could be a danger. Dixon -- Mrs. Dixon, I like the stub street to her. I always have. That's how we preferred it. So, we can deal with that later. I mean we are looking -- this is, like I said, this is a 15 year project. So, it's not something I'm building tomorrow. We got plenty of time to work with the staff. You guys are reworking your ordinance trying to add things, clean things up, as we learn over time. Lastly, 6.3, as far as the acreage, I would like you to correct that. The Commission did change that requirement. If you put a condition on me that says this shall be a public park, then, Mr. Centers, when he donates it to the city, is not eligible for any federal tax donation credits on his income tax. So, it can't state that this shall be a public park. So, what our compromise was at the Commission was the development shall be consistent with the preliminary plat and it says here: Which depicts 11.45 acres of open space in the center. That is -- in total it is 11.45 acres, between Graycliff, Biltmore, and Brundage, but Brundage is -- I believe is eight point -- what is that, Sonya? Eight point -- it's 8.1 some odd acres. I didn't bring my other sheet with me.

Watters: 8.24.

McKay: 8.24 acres. So, the plat depicts 8.24 acres of open space in the center of the development that will be combined with the Graycliff, Biltmore which will be 11.45. We would like a commitment on the city, because -- I mean we don't -- we, obviously, want this to be public. We think it's going to be wonderful. The parks commission thought it was going to be wonderful. We know the dollars aren't there. We are not asking you to spend dollars right now. We are keeping this park in one of the latter phases. The Parks Department and the parks commission like that. They said we like that and if you green it up, wow, we are going to have it for this people. I mean this is not going to function like a regional or community. It's a neighborhood. We may have people within a couple miles. Great. Then they are not out driving to one of your other parks. We are not trying to compete with the regional, we just want to fill that need for these neighborhoods. Give them public open space. And I think it's great for Mr. Centers to green it up, do sprinklers, and then, your Parks Department takes it over. All they got to do is mow. As far as what is the actual long term plan? The sky is the limit. We just don't want to do anything that messes that up. And you can have multiple parking lots with this linear open space, so people can park their pickup, unload their car -- unload their bikes. Right at this multi-use pathway. Play at the park. Go to soccer. I mean we want to get them out of the cars -- safely out of the cars. So, I think that's all I have to say and I'm -- sorry, I have got a headache. And I did have shoulder surgery, but I'm still a little irritable, according to my staff. I'm working on it. I have therapy. I have got therapy.

Borton: No worries.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, Mrs. McKay, I think Caleb's job is to keep us straight, so that we don't go violating things that -- I love changing codes. I think it's a fantastic idea to -- to give us the ability to make decisions that make sense and so maybe it's clear to everybody else -- so, with the micropath we still cannot do it as is; right?

McKay: Unless you change the code, sir.

Palmer: So, what -- what do you want to do? Did you want us to push it out and, then, try and change the code or --

McKay: Madam Mayor, Councilman Palmer, I guess my thought is the Council can only approve what the ordinance allows them to approve, according to Mr. Nary and that's correct. So, approve it, but there is nothing that says if the code changes at the time we bring in final plats on this, if the code is different, then, your staff can, then, work with us. Then the Council could legally say, yeah, you got -- you got a lateral, it doesn't make sense, we don't want you to move your approaches for the public streets closer to Linder. This makes sense. I would like the Council to have flexibility, because we can't -- we end up with some of these square pegs trying to fit them in a round hole and it happens every so many years and I'm here going I don't know what to do and you can't help me and usually we work with your staff and I got plenty of time to work with the staff as far as the timing of his project.

Palmer: Madam Mayor, so, then, a question for Bill. Can we do that or do we need to change the code first?

Nary: Madam Mayor, Members of the Council, I think Caleb had an answer to that, too, and, then, maybe I can answer your question. I don't know if --

Hood: Yeah. I was just going to say, Madam Mayor, Councilman Palmer, I think Becky is right, I think we can work on this, both sides of this, one being the code and taking that back to you and see if there is any code revisions. I think just a general comment that says comply with the block length standards in effect at the time of final plat and when you get to that stage, if the code has changed -- it kind of -- the answer somewhat depends on your comfort level, because if it doesn't change, this is going to look a little bit different. But if it does change it may look exactly like this. So, it's going to be whatever is in effect at the time when the final plat is submitted and we have done that in the past. So, as long as -- it doesn't take much imagination. Again, I could see some -- you know, depending on what the code is, if it changes. It's generally going to be the same as this and won't require, you know, to come back for a new preliminary, because it's significant changes. So, again, I would just propose that

the conditions regarding block length -- again, at final plat, comply with the standards in effect at the time and we will work kind of both ends of that, see if there is some things absent coaching that maybe they can do or look at coaching just that makes sense, so -- I know we have had this -- a similar conversation before, but on other projects. But we will sit down again and kind of go through that and see where we can meet on the -- in the middle somewhere.

Nary: Madam Mayor?

De Weerd: Mr. Nary.

Nary: Madam Mayor, Members of the Council, Council Member Palmer, we have recently had a code change. Mr. Tealey had brought a project through and, then, brought a proposed code change to allow that open space on those larger lot subdivisions. So, it takes a little bit of time, but it's not -- I think I heard Caleb -- it's not something that we can't accomplish, but just -- just for clarity for the record, the UDC has been in place since 2005. This particular code section has only been amended once in that time period. So, this is -- and the UDC was put into place with a lot of input. I'm sure Mrs. McKay was part of that -- numbers of other people, including traffic engineers. So, we -- these -- these decisions on block lengths and degree turns and what alternatives could be had and the total length that should be allowed, wasn't something that was brought up randomly, it was brought up after a tremendous discussion and, unfortunately, Council Member Zaremba isn't here, because I'm sure he would remember exactly what day they talked about it and exactly who was standing in the room when they did, so -- but it is something that I agree with that we can work very well with our development community in findings things that would give some alternative, that aren't just an open season. It can be very difficult for a council today or in the future to simply have the ability to just waive things whenever they feel like it without some ability to create one of those standards to do that, because then you're stuck having to be traffic engineers and they may not be your comfort. So, I agree with Caleb, you can approve it, require that they are going to have to be consistent with this -- with the ordinance when they bring the final plat. If the ordinance changes, so be it. If it doesn't, they understand that.

McKay: Lastly, Madam Mayor, Mr. Centers wanted me to correct my error of -- the speed limit has already been reduced. It is 35. I apologize. I think I drove 55 when I went through there. But don't tell anybody.

De Weerd: We will put a car out there next time. Any -- any further questions for Becky? Or staff? Okay. Thank you.

McKay: Thank you.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Maybe a question for you or for -- for Caleb. The -- the benefit, if any, to approving a preliminary plat with the condition that a final plat has to comply with code, whatever that might be -- doing it in that order I don't know what that accelerates versus tabling a plat and changing the code and then -- assuming the code changes, which I think Mrs. McKay made great arguments why this might justify having that type of discretion. But, nonetheless, assuming it changes, then, approve the plat. What benefit, if anything, is there to do it -- you can't get a final plat done anyway, doing it out of order.

Hood: Madam Mayor, Councilman Borton, to speak to that a little bit, I mean really sort of more for the applicant, but I do think, you know, their phase one, you know, the entitlement to this whole thing is on the table now. Yeah, this is phase seven and eight or whatever, I mean years and years out, maybe half the time they get through that. But I think they would like their entitlement for their phase one and phase two and phase -- you know, some of the things there in the near term future. Now, again, to a discretion, I mean if you're not comfortable doing it that way, you -- you can table it out for six months and we can process the UDC change. So, again, that is -- that's your call. I would just -- I'm just telling you regardless if the code changes or not, the layouts can look real similar. It may not be a public street, it may be an alley. It may be a common driveway, but it's going to still have lots that generally back up this way and, then, it's going to generally look the same as far as the lot layout goes and the blocks and all that. It's just going to be some tweaks that aren't substantial, but if you want to see those, again, that's your discretion. I'm just telling you it -- from our perspective it's -- that happens in those projects. I mean things -- lot lines move, roads move a little bit, shift, you know, so I'm comfortable with that, but, again, the call is yours if you're not.

Borton: Okay.

De Weerd: Anything further from City Council? I would entertain a motion to close the public hearing if you so desire.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: If there is no more questions or answers needed, I move we close the public hearing on H-2016-0001.

Borton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Just for discussion, one of the items that came up was the -- the Commission's recommendation to remove the requirement in Section 6.3 with regards to designating it being a public park or not. I'm curious Council's perspective on that recommendation.

De Weerd: I believe they didn't want it to be a requirement as part of the preliminary plat, but would like -- yeah. That one. A difficult one. But would like you to indicate whether you would accept it as a public park or not. Just don't require it. Is that right?

Watters: May I respond to that?

De Weerd: Uh-huh.

Watters: The condition was modified to read the development shall be consistent with the preliminary plat, which depicts 11.45 acres of open space in the center of the development. That portion was added. A public park is required to be included in the development was stricken and, then, the rest of that requirement was City Council shall decide whether the park is city owned. If not, park shall be owned and maintained as a park amenity for residents of the development it was just, basically, modified so that a public, quote, park was not required.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, to answer the applicant's question about whether we would like that to be a public park or not, whatever the rest of this Council feels, I -- I'm not a fan of the public parks that are completely within developments. I have been watching them for the last several years, because it's something that's always kind of bothered me. I don't know why. Just to, you know, pay attention and see if -- what their use is like since I was helping pay for them and in my very unscientific observation, I have seen that they are not as heavily used, obviously, as the ones that are along the arterials. They are generally larger anyway. One in particular, you know, I have been watching -- I believe it's called Heroes. It's the one off -- in Champion Park; right? Is it that one?

De Weerd: No. Heroes is used extensively.

Palmer: Whatever the one --

De Weerd: Champion Park.

Palmer: Champion Park. It's called Champion Park. Okay. My parents recently moved in there and so I -- for the last several months that I have been in there a couple times a week and I have never seen more than two people in the park and so that's why I was asking if we had any data as to the use of these parks out -- from people outside of the neighborhood themselves. So, again, in my scientific observation to see that they are just not used enough to justify the cost of them, so I -- at this point I'd rather see that stay private. But three months ago if you would have told me that on June 21st I would be voting for an urban renewal district, I would have busted out laughing and so here it is. So, I can definitely be convinced otherwise, but at this point if it was today that we were making that decision, that's where I lean is that I would want it to be private.

Little Roberts: Madam Mayor?

De Weerd: Mrs. Little Roberts.

Little Roberts: May we ask Mike to come back up for a parks question?

De Weerd: We -- yeah, you have a question for staff. I think that doesn't require an open --

Little Roberts: Madam Mayor, I just wanted to ask Mike if this compares more to Bear Creek rather than the parks that Councilman Palmer mentioned?

Barton: Yeah. Madam Mayor and Councilman Little Roberts, Champion -- Champion Park is about six acres, so it's a little bit smaller and it's kind of -- it's kind of buried in -- in the neighborhood itself, where this would be, obviously, you know, almost double. So, 11 acres and, then, there is good arterial -- or collector access to it -- directly to it. So, I think in that regard it's a -- kind of a different animal. It's not -- the minimum size of our neighborhood parks is seven and a half acres and a community park, which Bear Creek and Heroes -- Heroes Park is 30 acres. Bear Creek is 18. So, they draw a bigger -- a bigger lot size is going to draw from outside the area and I think that -- I mean this one -- it does have good access. I mean like I said before, there are good attributes here and it would make a nice city park. Just my opinion. I -- thank you.

De Weerd: Thanks, Mike.

Little Roberts: Madam Mayor?

Nary: Madam Mayor? I'm sorry.

Little Roberts: Madam Mayor, the reason I asked about Bear Creek is because I see it all the time and it is packed. There is not enough grass in Bear Creek. So, I'm seeing a park that was similar or comparable to this -- that's incredibly busy.

De Weerd: Uh-huh.

Palmer: Madam Mayor?

De Weerd: Yes, Mr. Palmer.

Palmer: And if it's -- and Bear Creek, you know, I think it's maybe a little bit different than Champion Park in that Stoddard is not -- or whatever that street is that goes into that subdivision. It's much more, you know, busy -- I suppose it's a collector, not an arterial. And so it's -- you know, if Harris is envisioned to be like Stoddard where it's not just people going into the subdivision, but people going through, then, I feel a lot better about it.

De Weerd: And I would say because it will connect to Meridian Road and the entitlements for the property to the south of where this major collector would be, has pretty fairly high density, if I remember correctly, and both housing and commercial development, if that -- it does occur as has been anticipated, it's going to be a major collector.

Barton: Madam Mayor, if I might add one more thing that if the intent is to green this space up and -- and, then, turn it over to the city, we would ask that the -- the applicant and the developer work with the Parks Department to -- to build it to our standards, because we want -- we want quality equipment and stuff that's sustainable and that some things that are a matched set to what we have and just for ease of operations if it does go that way, that -- that they would work to -- to green that up not only, yeah, donate the property, but the green up portion, at least do that to city standards and I think that there would have to be a parking lot or two that could come with the green up as well, so --

De Weerd: I think we could probably come up with an agreement that we have used with Renaissance and other parks that have been built to city standards and -- and, really, Renaissance is a great example in terms of -- they greened it up and at some point the city has added a few amenities to it, a shelter, bathroom, so I think it is a good example of how you can write that up so that it is built to be a city park with future amenities added at some point.

Barton: I agree.

Nary: Madam Mayor, Members of the Council, all I think what the applicant is asking is that you're going to consider that at some point in the future. That you're not foreclosing the ability for this to be a city park. Mrs. McKay and Mr. Centers certainly do lots of development. They know we still have to work out an agreement. We may be coming back to you saying we have made it work for the Parks Department, we made it work from the budgetary standpoint, and we think this makes sense for a city park or we won't and it is just subject to that. So, I think all they really were asking was that the City Council isn't actually committing tonight that it's a public park, although

Councilman Borton is correct, you are committing to the general configuration and location, but we are really just open to the discussion and the continuing dialogue -- and, again, you would -- come back to you with an agreement before we would finalize that. So, you would still have another opportunity to say it doesn't make sense to you or it does, so -- if that helps.

De Weerd: Okay. Thank you, Mike. Okay. Anything further from Council?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Just a thought for Council consideration. I appreciate the dialogue from Caleb. It's six of one, half a dozen on the other as far as approving a preliminary plat with condition that it meets our requirements for final plat or us put this project off, address the code issue and, then, revisit it. My preference is that we address the code issue first. I may be alone in that, but I feel that -- to me Mr. Nary's point about the UDC being a large scale process with a wide variety of stakeholder involvement to just arbitrarily say we are going to address one particular piece while going through the process to me seems unfair to the process of creating the UDC. That's my perspective. Take it for what it's worth.

De Weerd: It's certainly an option to hold it over for a week and that the applicant and staff work together to possibly find a solution, whether it's interim or long term that can address the current UDC standards and, then, it gives staff or applicant the -- the longer term motivation to work with the city and get a chance if that would be desired. So, you do have several different options. If you do continue it I would recommend that you reopen the public hearing, so that we can accept additional testimony, but you have several options.

Borton: Madam Mayor, just --

De Weerd: Mr. Borton.

Borton: -- does a week allow for -- it certainly doesn't allow for code modification, so --

De Weerd: No, but it would allow for them to come back and say this is how we are going to approach it and, then, if you need to continue it again you at least know when you're continuing it to.

Borton: Okay.

De Weerd: So, if that would be the desire, I would need to have a motion to open the public hearing and, then, I would need a motion to continue it.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: So, let's go with -- I move that we reopen the public hearing on nine -- I'm not sure what we have got. 9-D.

Bird: Second.

Cavener: Brundage Estates.

De Weerd: On 8-D?

Cavener: 8-D. Thank you. Brundage Estates.

De Weerd: Okay. I have a motion and a second to reopen the public hearing on 8-D. All those in favor say aye. Any opposed? I thought I heard all ayes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

De Weerd: Do I have a motion to continue this public hearing?

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: I move that we -- oh, man. I'm getting a headache, too.

De Weerd: It's not the night to have a headache.

Cavener: It's not the night to have a -- I move that we continue 8-D, a public hearing on Brundage Estates to next Tuesday, which is June 28th.

Bird: Second.

De Weerd: I have a motion and a second to continue Item 8-D to June 28th. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Just for comments, since it's fresh on my mind, I think Mrs. McKay in this application -- I think she's done a fantastic job and the application is fantastic and if there is to be a change in code that allows discretion in limited, rare circumstances,

that they rarely if ever occur, this might be one of them and I think what's been described might justify giving Council that type of discretion however that takes place. As to the park issue, I think Councilman Palmer brings up great points as to -- there are many ways you can do a neighborhood park that shouldn't be a city park necessarily and there are examples of that. I'm not certain this is one. It seems appropriate to leave open that door, that this remain public as well. The devil is in the details, as Mr. Nary had pointed out and I think -- and I appreciate Mrs. McKay's candor in that regard. I think the direction we have got and the input -- in particular on the block length from -- from Caleb is extremely helpful and your input on this has been extremely helpful and I think -- I thought Mrs. McKay maybe misspoke with regards to your work on this. I don't think you intended it the way it came across, but I think -- we all truly appreciate your input on this. It's helpful and this is going to help us make a good decision.

De Weerd: I think she qualified it with her shoulder comment.

Borton: I thought so, too.

De Weerd: Equating it to my headache, so --

Borton: That's what I thought. I took it that way, too.

De Weerd: But thank you. Because I agree with you on that. Anyway, we will put this off until next week and look for both applicant and staff comments on this particular item. And we continued this specifically for the lot -- or block length, so -- okay. Thank you.

E. Final Plat Continued from 06/07/2016 for Isola Creek No. 4 (H-2016-0050) by Isola Creek, LLC Located North Side of W. Road and East Side of N. Ten Mile Road

Ustick

(4) 1. Request: Final Plat Approval Consisting of Forty-Five (45) Single Family Residential Building Lots and Four Common Lots on Approximately 28.02 Acres in the R-4 Zoning District

De Weerd: Okay. Item 8-E is a final plat, continued from June 7th. This was requested to continue to June 28th and I would just note to staff that there are still a handful of issues on the park end of this and I'm not sure if that's specifically why it was continued, but we're going to make sure that the applicant knows that those need to be addressed before we will hear this item.

Beach: I believe Becky McKay is the applicant for that, so --

De Weerd: Well, then, the messenger can take that back. So --

Little Roberts: Madam Mayor? I believe that parks is hoping to get a sit down face to face prior to next week. Been going back and forth on e-mails for a while and it's time to sit down and do an in person.

De Weerd: Okay. And, again, message was received. Thank you.

Little Roberts: Thank you.

De Weerd: Okay. Item 8-F. So, are we -- what all are you here for? I think you must be here for Verado Subdivision. Council, would you -- would you support let's hearing this, so, then, after that we can take a short break. That would be nice. Okay. So, I'm going to go ahead and skip to 8-G and open up the public hearing on H-2016-0047 and ask for staff comments.

Beach: Thank you, Madam Mayor, Members of Council. This, as you noted, is the Verado Subdivision. It's an application for annexation and for preliminary plat. The site consists of 19.35 acres of land, which is currently zoned RUT in Ada County, located near the southeast corner of North Locust Grove Road and East Ustick Road. Comprehensive Plan future land use map designation for the property is medium density residential. Let me back up. So, the applicant is requesting R-8 and R-15 zoning for the property. The applicant proposes to develop 122 new single family residential attached and detached homes and 18 common lots on that 19.35 acres. The gross density for the subdivision is 6.3 dwelling units per acre, with a net density of 9.8 dwelling units per acre, with an average lot size of 4,445 square feet. The Commission did recommend approval with conditions. Summary of the Commission public hearing. Mr. Conger, the applicant, was in favor and several in opposition. Jason Brodt. Shannon Graves. Bob Jenkins. Jack Kormouch. Ben Innocent. William Kerwin. Kate McCarney. Sylvia Jenkins. Rosellen Villareal Price. And Vickie Thornton. Bruce Carmen. Chris Catherman and Justin Graves commented. Written testimony was received by the applicant Mr. Conger. I was the staff member presenting the application. Additional testimony or comments were received by Andrea Pogue of the Attorney's Office and key issues of public testimony were the increased traffic through the existing subdivisions to the south. The potential to provide a stub street to the adjacent property to the north for future development, which is this property here in the northwest corner. The density of the proposed subdivision. Size of the proposed lots. Providing the vehicular connection over the South Slough. The transition between the proposed R-15 zoning district and the existing R-8 zoning district. A two story home overshadowing the existing one story homes. Key issues of discussion by the Commission were a mixture of home types within the development. Density of the proposed development. Appropriateness of the vehicular connection over the South Slough. The Commission did modify several conditions. And I can go over those in just a second here. And, then, the outstanding issue as far as staff is concerned is this access or stub street to this northwest portion here and I will have the slide show in just a second, having said that. So, written testimony was received prior to -- or since the Commission hearing from Randy Pipal, Celina Innocent and Ben Innocent, having to do with size and number of lots that abut

the South Slough and the R-15 zoning and density of the project and the resale value of the adjoining lots in the Chamberlain Estates Subdivision. As proposed, staff has several concerns with the design of the proposed subdivision. Prior to Commission staff did recommend the following revisions of the plat. There were several more that the -- in addition to these two that the applicant did address, so the number has decreased by a few. Staff requests of the applicant to add an additional open space lot -- let me get here to the plat, so you can see what I'm talking about here. Staff did recommend that -- just find my cursor here. That the lots right here where the green dot is, be included as an open space lot for the -- the lots on the south side of the South Slough and, thus, the applicant reconfigured the northwest corner of the proposed subdivision to allow for development or redevelopment of that parcel there in the northwest corner, which is currently not part of the subdivision and currently only has access to Ustick Road. The applicant did provide a -- an opportunity to do that through -- through an easement, which I have been given a copy of and that is in the public record, which the staff is a little bit uneasy with. I wanted to make sure that this was something that we talked about right away. They have -- the applicant or Mr. Conger has proposed a potential easement from the public road across a common lot to this unplatted approximately .8 acre parcel. The easement -- the language in the easement requires that this property owner accept said easement, as well as construct the easement. As far as staff is concerned we do not want this property to continue with their access to Ustick Road upon redevelopment and the opportunity or the rejection of this cross-access we feel would be likely if the applicant -- or the owner of this property would be required to construct, as well as accept that. There is no requirement that they do so in the proposed easement from the applicant. Staff still does recommend that there be stubbed a public road to that parcel through this subdivision to provide that access. Having said that, I will move on. The proposed landscaping for the development does meet the requirements of the UDC of the total of 10.5 percent qualified open space. Our UDC does require the ten percent, so the applicant has provided in excess of that. Based on the preliminary plat, staff requires a minimum of one qualified site amenity be provided. The applicant proposed to provide a tot lot within the central common area on Lot 8, Block 3. A segment of the city's multi-use pathway along the north side of the -- an internal common lot to the north side of the South Slough and, then, as stated, staff recommends an additional open space lot be provided on Lot 32, Block 4, to provide an amenity to the lots on the south side of the South Slough. The pathway master plan, as I said, depicts a regional pathway on the site along the north side of the slough and will stub to both the east and the west sides. They are both undeveloped at this current time. The UDC requires all irrigation ditches, laterals, canals and drains to be piped unless left open as a waterway amenity as defined in UDC. City Council may waive this requirement for large capacity facilities. The applicant does request a waiver from Council to allow the South Slough to remain open due to large capacity and proposes to provide a bridge over the drain for vehicular and pedestrian crossing. The applicant has submitted some conceptual sample building elevations for the development which, as mentioned in the previous hearing, demonstrates the Homestead collection, the Village collection and the Cottage collection, which Mr. Conger had previously referenced. Because the lots that back up to East Ustick Road will be highly visible, staff recommends the rear

or sides of structures that face the street incorporate articulation through changes in material, color, modulation, and architectural elements, horizontal and vertical, to break up monotonous wall plains and roof lines. So, for per UDC 11-3A-7A7, the developer is responsible to construct fencing adjacent to micropath connections to distinguish common from private areas. Additionally the UDC requires that the South Slough is required to be fenced with an open vision fence at least six feet in height, excuse me, and having an 11 gauge two inch mesh or the construction equivalent and the ability to deter access to the waterway. With that staff will stand for any questions you may have on the application.

De Weerd: Council, any questions at this point for staff?

Bird: I have none.

De Weerd: Okay. Good evening. If you will, please, state your name and address for the record.

Conger: Good evening, Madam Mayor. Jim Conger. 4824 West Fairview Avenue. Members of the Council as well. We did submit -- the original plat had 122 home sites in it. What you have in front of you today, which we have worked through with staff prior to the Planning and Zoning Commission has 118, where our density is right around 6.0 homes per acre. We are excited to present this Verado community to you. It's a perfect blend of matching three highly sought after housing products in an amazing location, which is a great fit within East Meridian. Are you on mine, Josh? That's perfect. Thank you. Not only do we have the three housing types, which is pretty unique on a project this small in all reality, we also have -- the next slide will bring that to better life, a project that has some great public benefits. As you can see on the aerial map, Verado will be a -- contributing to the ongoing success of the Eagle Road commercial services. It's -- this type of neighborhood should be located near these core services to help continue with -- with the success of the commercial. It's also important to note that Ustick is not only a busy arterial, but was recently improved to five lanes. With this project we will be completing road frontage improvements, as well as the landscape buffer to enhance the livability along this corridor. We will utilize existing water and sewer mains that are all around us. Existing property. The sewer actually runs through this property to the Packard Estates neighborhood. That is correct. Our seller actually provided the easement to allow the existing neighbors to the south to be developed and build their homes. We will be adding a section, as Josh indicated, of the city's master plan regional pathway system that is going to be on our South Boundary of our main part of a project, which is the Finch Lateral. That will be nicely placed against that existing environment of the -- of the open Finch Lateral, which I think will be the second or third portion of that regional pathway installed with the rest of it to follow. We will -- and I guess the last item and the benefit -- the ACHD benefit was -- was big and their staff report was just the connectivity. This entire region of Packard Estates doesn't have access out to Ustick. Everything flows to -- to the west of Locust Grove. We will be providing the key links that will actually let these -- not only vehicles, but pedestrians access to Ustick and, then, straight over to Eagle

Road. I will take a quick moment -- possibly -- to share with you the wonderful housing product that we have developed for the Verado community. We have, again, three different housing types. Our first product offering is the Village collection, which is single family homes that will be located in the core -- in the center of the project. It's not -- must not be punching it right. Next we have the Cottage collection, which is our single level attached product. That will be the single level against Ustick and possibly on our east boundary as well. That is it a popular model with our empty nesters clientele. The last is our Homestead collection, which consists of 21 larger traditional estate type home sites. Typical lot depths are round 130 feet. That is the product in the south area that's -- that's adjacent to the existing homes on both sides. The next item is our amenities. Josh indicated a tot lot. We don't -- don't -- with these neighborhoods we don't do the minimum requirements of the city. Our future residents require -- require a little bit more. We have put a lot into our -- our park amenities. Josh, could you hit play? It's not letting me find a play button. This will be quick. I promise you. It comes in off Ustick. We have buffered our park with all the -- from all the traffic coming in. We have two and a half acres of open space throughout the project on 19 acres. We have also designed the half acre community park, which you are seeing here with -- secured and fenced for child safety. We did that on our previous neighborhoods as well. The turf play area, seating benches, to name a few of the smaller amenities. Also a concrete track for kids riding their big wheels and scooters and you can see the swing set and climbing dome as well. As previously noted, we will also be building that regional pathway on our south boundary on that Finch Lateral, which is not only great for our residents, but for the general public as well. As you can see we have put a lot of time and effort and eventually resources, monetarily, into our park facilities as we find they are extremely important and they serve as essential gathering spots for our 118 home -- you know, homeowners. However, we are confused about staff's recommended condition to add an additional park. Josh had indicated that's on the south side of the Finch, but, actually, it's requested to be on the north side of the Finch Lateral. It would cause us to, you know, basically create a split park scenario, which would cause us to divert some of our resources of our main master plan park into this annexed park. As equally confusing, you can see that it's, yeah, approximately -- actually, a little bit less than 150 feet away from the master planned park -- would really create an unsafe condition for our homeowners. Our scenario that keeps going through our mind is you have got a parent tending to their three year old at the tot park on one side of the public street and she's got her ten year old that's on our climbing dome that now has to be moved to the sub park. Clearly this would cause frustration with parents or any of us having our kids playing between two parks that are separated by a public roadway. We see no merit in staff's request or no betterment to the project or the public with this request from staff and we urge you to do what the Planning and Zoning Commission did as they recommended deleting that condition and not creating the split park environment in this neighborhood. I had originally thought we were -- we were done with -- with -- I thought staff and myself were on the same page with -- with the cross-access, so I apologize, I have got to run down to a side -- it's just really at the bottom of the proposal. So, the .8 acre county out-parcel -- you heard -- Josh indicated that staff is not satisfied with what we have done. What we have proposed is not putting the public

right of way against that out parcel. It's .8 acres that will have four or five lots in a best case scenario following a comp plan and following even what we have put next to them. That is you have an ordinance that allows six units to be accessed with a common driveway. We are simply proposing to provide the access for use once that becomes annexed and developed in the City of Meridian. There is no use in us providing a short, stubbed, common driveway that no one is going to maintain and -- and I think for our resident standpoint. We don't usually pull these, but we are keeping the public right of way away from this county outparcel, so we can spend a tremendous amount of money landscaping and buffering for our current neighborhoods and anybody driving down the public right of way. It currently is a fun little county parcel. It is not that fun to look at and we urge you to I guess approve the recommendation from the Planning and Zoning Commission that deleted the requirement to shove our public road up against that property boundary where we can accommodate them with this future common driveway. Josh, I got too cute. I -- everything disappeared on the left side and I tell you I'm not smart enough to put it all back.

Beach: Hang on just a second.

Conger: Yeah.

Beach: Is that what you're trying to do?

Conger: Yeah. I'm trying to go back to slide nine is fine. Thank you for helping me. So, for the last six months we have worked closely with the fire Department, the Police Department, Public Works, your Planning Department, the irrigation district, to obtain -- or get a project that's ready to obtain its approvals, as well as this project that was approved by ACHD. It was originally approved at staff level -- because they didn't have any public testimony, then, they can approve them staff level. It was then appealed by a neighbor. We actually had a public hearing at ACHD's commission two weeks ago and the appeal was denied and the original approval was upheld. We have worked continuously with city staff on the plat in front of you tonight and we do appreciate their guidance and assistance and respectfully request that you approve the Verado project in accordance with the Planning and Zoning recommended conditions of approval, which, basically, approved the staff report -- can you go to number ten, Josh, for me. This thing won't move. Number ten. Can you put up that left bar on the left side? Somehow the slides moved -- yeah.

Beach: I don't know where that bar went.

Conger: Thank you. So, with approval tonight we would request that you uphold the Planning and Zoning recommendation to you that deleted condition item 1.12C3, which is the .8 acre outparcel and the reason they deleted that is our submitted plat of 5/17, which is in front of you today, accommodates it with a future common driveway that will allow them to have six lots and they still have access if it develops on the other side of it, but they won't develop more than six lots. They're saying also they deleted condition item 1.132, which is the split park. We definitely urge you not to have us split our park

and our amenities into two different locations on opposite sides of a public street within 150 feet of each other. It just makes no sense from a master planning standpoint of our community park area. Thank you and I look forward to your approval tonight.

De Weerd: Council, any questions at this point?

Cavener: Madam Mayor?

De Weerd: Sorry, Dean. Mr. Cavener.

Cavener: Jim, the condition 1.132 your split park, can we maybe pull that slide up? I think the applicant had an image that showed that. To me that appears be a landscaped pathway. Is that what I'm seeing and what's the difference -- I guess when you're referring to split park I'm just curious as to what you mean by that.

Conger: Yeah. Madam Mayor, Council Member Cavener, what -- what that is that is the micropath location that -- that is required and we don't have any issue with to get to the regional pathway. The staff condition read that they would like one of the major amenities put in this out -- put in an additional park next to the pathway. We have two items. I think our private park doesn't need to be in the midst of the regional pathway. From an accessibility standpoint it doesn't make any sense. And, again, our park, you know, is a community parkway. It's not a -- I mean it is a pocket park on city standards, but it is the whole focal point of what this neighborhood was planned around.

Cavener: Thanks.

De Weerd: Okay. Any other questions for the applicant at this time? Okay. Thank you. I did have several people sign up. When I call your name if you would like to come forward and provide testimony. Robert Jenkins signed up against. Thank you for your patience and hanging in there with us.

Jenkins: No problem.

De Weerd: If you will, please, state your name and address for the record.

Jenkins: Robert Jenkins. 2127 East Kamay Drive in Meridian.

De Weerd: Thank you.

Jenkins: Well, we went to the Planning and Zoning and we had a petition with 150 signatures on it. We had over -- well over 30 people show up for that and, then, people got discouraged, because they felt like they -- nothing happened and they weren't listened to, but we just think the R-15 zoning is -- it's surrounded by a sea of R-4 and R-8 and they are proposing to just plop in the middle of all that R-4 and R-8 zoning an R-15, leading to more R-15 on each side of that and connecting into our

neighborhood across the canal. The Ada County Highway District estimated just for this 1,116 car trips -- vehicle trips per -- per day with only two access points, one to Ustick Road and one through our neighborhood. Then when you add the future development that is on the sides of that, we are looking at thousands of cars into our neighborhood, completely changing the character of our neighborhood and at least if it was all R-8 like Chamberlain Estates or -- Packard is R-4 and we aren't even asking for that, at least that would lessen the impact on us. During the P&Z they talked about connectivity and Mr. Conger did tonight. Frankly, from our point -- point of view all we are going to get from connectivity is four, six or eight hundred cars through our neighborhood. So, it isn't a benefit to us. So, we would just like -- if you would consider denying the R-15. If you're going to approve the R-15, then, we would like to see some conditions -- I think Andy Pipal will touch on one of them. The other one that I have talked to with people in Chamberlain Estates and Packard is requiring single -- single story elevations facing all of Chamberlain Estates. It's all single story. They are going to end up with two or three houses overlooking their backyards it doesn't seem right. So, if we could get a requirement that the -- the back elevation facing Packard or Chamberlain be required to be a single story elevation. They could still have two story homes, but the back elevation would have to be single story. I think that would mitigate some of the -- and help with the transition from the existing neighborhood into their R-15. So, that's about it.

De Weerd: Mr. Jenkins, you live on Kamay? Is that --

Jenkins: Yes.

De Weerd: -- where you said? The north side of Kamay, is that a little neighborhood pocket park?

Jenkins: That's -- that's a common area that's actually the drainage area for the road.

De Weerd: Okay. And it has a little pathway through it?

Jenkins: To Packard Estates, yes.

De Weerd: Thank you. Counsel, any questions for the citizen? Mr. Jenkins? Thank you.

Jenkins: Thank you.

De Weerd: Silva Jenkins signed up against. Lorinda Stocker signed up against. And -- okay. Derlin -- was I close enough? Okay. Signed up against. Randy Pipal signed up against.

Pipal: Madam Mayor, Members of the City Council, my name is Randy Pipal, I'm representing Packard Estates Homeowners Association. I submitted written testimony, so I'm going to blaze through this, because some of this is already -- you have already

seen – again I’m president of Packard. In my written testimony I made – there is an error. I said there were 300 plus homes in Packard. There is actually only 237. I was somewhat vague and so I apologize.

De Weerd: No problem.

Pipal: It should be 237.

De Weerd: You could have just said a lot.

Pipal: A bunch. So, we have major – our two concerns and suggestions we have – we would like to see consistency throughout the interface with Packard Estates, Packard Acres. Packard Estates is made up of a couple different versions of Packard Estates Subdivisions and Packard Acres. So, we are all one big homeowners association. The other concern we have is with the Finch Lateral, which has been referred to as the South Slough and the safety of that. This is a slide that I actually stole from the developer from his P&Z meeting. You can see that we are in this area here. It’s Packard Estates. It actually goes clear out and down. We are totally surrounded by R-8. Every entrance, every exit out of our subdivision is through an R-8 neighborhood. We do not directly exit onto any arterial street. So, this is the plat that we were looking at. It’s got some notations on it with our suggestions. What I’m going to go to now is this area here – oops. Maybe. So, this is Block 7 of the proposed application. All of these lots are zoned R-8. They are all 60 foot wide minimum. So, I will go to this area next. So, this is an interface directly with Packard Estates down here. Here is the canal and the road going across. These lots are all zoned R-8. However, they are 40 foot across here. We would like to see those changed to 60 foot minimums. We like the R-8. We would just like to see the 60 foot to keep consistency across the board. Again, going to this area and his split park thing, we would like this area to either be zoned R-8 with, again, the 60 foot requirement, all of those lots, with the exception of 12 and 13 would meet that requirement -- 12 and 13 could easily be combined. Now, I’m not – I am saying I am not a developer – I mean a surveyor, I just said from a simple standpoint you could combine those and it would meet the R-8 requirement with the 60 foot face. Finally, we are concerned – we are concerned with the Finch Lateral. Currently the pink line that you see here is a six foot high chain link fence that we maintain, including across the stub road here. The West Ada County School District estimates that there will be 98 kids living in the subdivision. School-age kids. Obviously, not all of them will be elementary school. However, all the elementary school will be in the walk zone for River Valley Elementary. The only access to River Valley Elementary is through this area across that bridge. We all know how water is a magnet for kids. So, we are concerned. That’s why we have a six foot fence in place. We would like to see -- now, I said that that we would like to see a fence. I understand that’s -- is that part of the proposal? I’m confused at this point. So, either fencing or to cover the whole thing. And I – that is all I have. So, I will stand for questions.

De Weerd: Thank you, Randy. Council, any questions? Okay. Thank you. Was there any further testimony from anyone that's here this evening? Okay.

Conger: Madam Mayor, Members of the Council, Jim Conger. 4824 West Fairview. I will jump in. I think the – I think this map will illustrate the best and kind of jump in and address the zoning and the density concerns. This zoning map identifies what you have already heard and what you have known. You have got a little pocket of R-4 and the rest is R-8 going around. What we've done is, you know, with using the guidelines of your Comprehensive Plan, working with your staff months in advance of, you know, drawing preliminary plats, with Ustick being five lanes, major arterial, as you -- with any land planning as you go into these heavier use roadways you radiate with your density. In the -- in the R-15 we have radiated with our density. Between the R-8 existing homes and R-4 existing homes you have a regional pathway, which per your own Comprehensive Plan is a very intensive use – intensive might be the wrong word. Very active corridor. So, you have the buffer of the corridor. You have their storm drain facility, which is the landscaped area, Madam Mayor, that you were indicating and, then, we did work with staff -- or, more appropriately put, staff worked with us and implied those or put on those R-8 planned areas, which are right here, to not only buffer the existing west – well, not really county neighbor, because there isn't one right there, but – but also to buffer to the south. So, from a density and zoning, we are using your comp plan and density should radiate as you go towards Ustick and getting near those busy, heavy arterial roadways. I think it is important to note our entire density is blended out at R-6. We might be near the seven in the R-15 area and we are, obviously, three and a half or four in the – in the back area where we put the larger home sites to blend with the existing houses. As far as traffic goes, you know, this project is really – what am I trying to say? Obviously, we are sympathetic to traffic. You guys hear traffic in every -- every neighborhood group that – that comes in. It's understand – I guess critical to understand that we are not creating the traffic, we are simply making the required connection at this location and at this location. Our neighbors are not -- I don't know if any of you have driven through Packard lately. Nobody is going to go out the back side of Packard unless there was a reason that Ustick Road wasn't even open I guess. So, it's – it's simply providing the connection for those homes. I understand Mr. Jenkins, he has lived on a cul-de-sac that's had two stub roads for the – for future expansion. I understand the luxury they have had at the end of this and I get that and I'm sympathetic to that. I would feel the same way. They were in the original land plan for Packard Estates and they are set to be connected and, again, the alignment of the road that we are putting across here is the sewer that was already put across this property. So, that roadway was predetermined so those individuals could have their neighborhood developed. We believe – and the traffic study in Ada County, if you read your staff report, this is actually going to ease their traffic concerns on Locust Grove, because it actually is going to open and make this whole – from a pedestrian and a vehicular standpoint flow. I guess touching back on zoning, this type of product -- this type of project on the busy road at Ustick within a stone's throw of Eagle Road and all the commercial services is what we believe your Comprehensive Plan and what smart planning is actually guiding and aiming us to do.

So, with that we are excited to move this project forward and we appreciate your approval tonight.

De Weerd: Council, any questions? I guess I would like you to address some of the comments that Mr. Pipal had in terms of the reduced density and better transition to the existing neighborhood, in particular on – on your R-8 on the east side and transition the – the larger lot into probably the more R-8 focus lots.

Conger: Madam Mayor, Members of the Council, if I'm hearing your question right, you are indicating how we transition in here? Is that the first question?

De Weerd: Uh-huh.

Conger: And, you know, we have always had -- well, this property laid itself out to have three different types of product. As I said that it's fairly unique on a project that's relatively – you know, not small, but small. We had always started our land plans and it's not changed for our first visit to the city is matching as close as we could with what would be a traditional front-loaded two and three car garage homes. If you look at our renderings some of them with three cars and some may be two, depending – depending on the product or depending on the builder. Hunting and peck. Do you think we can show the left side, Josh? The cheater bar.

Beach: So, you want me to show the –

Conger: Yeah. Yeah. Can you show what I was just – and I think from a – from a – well, I'm after the elevations.

Beach: Oh, I see.

Conger: Yeah. I'm sorry, Josh. For some reason it's not wanting to let me control it that well. I'm sure it's the operator. But what we have done – and go back one – one more -- go back one more. Sorry. There is -- I don't know what button we all hit, but it jumbled it. Never seen such a thing. Point being is the homes adjacent to us and Mr. Jenkins in particular, they are all two story homes specifically in the Packard Estates side, not on the Chamberlain side. This home here is actually Mr. Jenkins'. It is two story in parts. They actually aren't living to that side of the house. I think our new neighbors are putting backyard to backyard. These particular homes -- if I – I don't dare go back to a site plan, but you would -- you would see they're all substandard depths. So, when Packard Estates was built they actually ran out of room on these last homes and these bigger homes -- large homes and lots were all 90 and 93 feet deep, which -- but they – but they made them wider. So, you will see that we have one and a half homes to their lots and things of that nature. Well, their lots are 93 feet deep. Ours are 130 feet deep. They had to be wider lots, because they just simply ran out of real estate when they were doing their land plan. We've all done it. We've got to the end and we have 93 foot deep lots, which means you have to be super wide. So, they are super wide because they are big lots, they are super wide because they

are 93 feet deep. Again, another one of the homes that's backing up to us. So, I think, Madam Mayor, that's our justification of the 21 home sites that we are calling the traditional front loaded, three cars and two cars. I think our transition into the – if you could go to our site plan, Josh, please. Our transition to an R-15 zoning, I think we -- is always harder to hear than to realize. The R-15 zoning, everybody thinks zoning is - is really picked because of density. Well, zoning is really never picked because of density and that's what we call misconception of the zoning selection. Zoning is actually picked because R-15 is picked for the dimension standards. The lot sizes. The setbacks. The square footage and the lot widths. The – the really bi-product is the density. We are at six units per acre and possibly as you get towards Ustick we might be getting seven if you took a spot area. So, our density isn't high and everybody is looking at the R-15 – I mean, obviously, that would be 280 units or whatever it would be on the property and we have 118 on paper. So, R-15 I think is – is not the issue. We have a development agreement that will cap us at the 118 lots. It's just the way your zoning code is written – and, quite honestly, I have said this before, Boise's is the same way, so it's not your code. If you are trying to get four units per acre you're using an R-8. If you're trying to get two units per acre you get the R-4, because it's the dimensional standards. It's not the density.

De Weerd: Well, I guess what I heard the neighbors saying is – is how to transition into their side of the slough or the lateral and when you see the transition, two lots to their one, it -- it seems -- I did not hear too much in regard to the density to the north of them, it's just what abutted them and how you – our councils have always been a little sensitive to how that transition is as you do your land use and so that was more my question for you is in terms of can you look at that in terms of maybe putting work -- you had a lot of density, so it's hard to say where you can switch some of those lots, so you don't – you don't have one and a half lots per neighboring lot. You have two and that -- I would be concerned about that, too.

Conger: Madam Mayor, Members of the Council, so, again, this is a better plan to – to illustrate how we are blending in. Yes, we have basically one – one location -- we have one location and we are going to make this right, because it's going to be important to illustrate our point here to make everybody comfortable. That was the plan – that was a great plan, it just – the machine's froze up here and wouldn't write. In fact, I would take that -- that plat of the entire area again, just like you had, Josh. That was your – pretty sure that was your slide.

Beach: You want to go back to my –

Conger: Yeah. Yes. That's prefect. So, I think – what I don't understand, Josh, is why it froze it.

Beach: I'm not sure –

Conger: So, we need to be able to point at something or –

Beach: Sure. The area you're trying to point at, the –

Conger: Yeah. No. I – so, Madam Mayor, Members of the Council, so I think the area of concern -- what I'm hearing is we have two lots here and it's – it's not quite two lots, but it's close enough to call it two lots. This is where I was talking about. These are substandard depth lots. They ran out of room. These are 93 feet deep. They had to be wide, because they are a house that lives differently. We've all done it. The garages live beside the home. That's how you get a lot on a 93, 90 foot deep home site. So, they are nontraditional homes that I'm not putting two homes up to their living area, I'm putting one home up to their garage and one home up to their living area, because they had a substandard lot when they put this in. If you look where my house is right now -- now this is a sideways approach, but they have a little more than two lots against their own house on their interior and if you come to this side these are all a bit goofy, but it's one and a half or what have you, one and almost a half of their lots. So, I don't think -- and this has two lots where my mouse is right now. They have two lots backing up their one lot. They ended up putting lots every different direction and substandard depth. So, I don't think this neighborhood is – is not used to having two homes backing up to one, I have shown you two cases where it's occurred at two and one case where there was one and a half. We happen to have one particular location where we have the two lots. Everything else is one and half. This is the two backing up to theirs, but, again, these are the same two backing up to their one. So, I think the only area of question would -- in my mind that isn't matching exactly what they're doing within their own plat would be these two and, again, that is a 90 foot deep lot because of the bend and everything else, when they tried to get the additional four lots back in there where this house clearly has garage on one side and living on the other and you get – you get what I call the wide house.

De Weerd: Well, alls I'm saying is these are larger lots, they are good size homes and I can understand their concern about compatibility and transition. I think your densities to the north, while I wouldn't buy them, I – it's a road of garages, but – I don't know. I understand what they are requesting and if you have any flexibility to – to look at shifting some of those so you have better transition.

Conger: Madam Mayor, Members of the Council, all of these land plans -- I mean we've already given up four for flexibility of transition across from – from their two. We have worked hard in that middle area with what we brought in. We did not bring the -- you know, the thought of bringing in more and attempting to negotiate out, we – we brought in and were very clear up front in the neighborhood meeting what – what seemed to be the right number. These will be three car garages. Most of them will be two story. I don't know most. Half and half, possibly, facing -- you know, backing up to a two story at that same location and one of it's backing up to the garage and the other is backing up to the house. I think we blend in well with what lots were -- were coming across. They are wide. I don't know that they are necessarily big.

De Weerd: We can agree to disagree. Council, any other questions?

Conger: Thanks for your time.

De Weerd: Thank you.

Beach: Madam Mayor, if I can be quick, I don't want to kind of beat this to death, but I think that -- I wanted to make sure that we at least discuss it one more time. The -- the applicant had submitted, as I said, an easement plan for this property here and the staff isn't necessarily against the idea of having a common driveway, as well as -- going back up. We are not against the idea of having a common driveway there. A common driveway there. A common driveway allows for up to six home at .8 acres. So, I think that property could develop this way. The issue that -- that staff has with it specifically -- and maybe to back up one more time. This lot here was part of this larger piece at one point. Checking with the county it was split off prior to -- I think the date was '82 for it to be considered a legal lot and so it's its own, it's legal. We went to the county and checked all that out. So, having said that, we want this lot to be able to connect internally to some subdivision. Now, as you know, there is a -- this lot -- this large lot here is undeveloped, but we don't know how that's going to develop in the future or what's going to happen and I think because this is part of this larger lot or part of this larger lot, we would like to see some ability to include this and remove the access to Ustick Road and have this property take access from this development and it can be from a common lot, like I said. The issue staff has is this specific ingress-egress easement and the wording that requires this developer to accept the cross-access and to construct it themselves. I think -- if we are going to go this route our staff's recommendation is that the applicant reword this so that it's a cross-access and that the applicant be responsible for constructing a stub -- that would be a common drive, but stub that so that there is the opportunity to require that property owner to use that in the future. The way it's worded now it's a bit clunky and it doesn't -- there is no teeth there to require this property owner to use that, if that makes sense. So, I just -- I just wanted to throw that out one more time for discussion to think about that, so --

De Weerd: Well, I appreciate you look at that, but I wouldn't want that property going through my subdivision either. Thanks.

Hood: Madam Mayor, if I can just clarify, it wouldn't be an existing condition, it would be upon redevelopment and that is in the agreement that they have drafted as far as upon annexation of the city and approval by the Council that's when this can be access for that property. Not -- not today.

Nary: Madam Mayor?

De Weerd: Mr. Nary.

Nary: Madam Mayor, Members of the Council, it would be unusual, to say the least, to not require a cross-access and not require the developer put it in and not leave it to the next property owner to opt for it or not. I can't think of any development that we have ever done that. I mean if it doesn't exist the highway district won't have any way to

require to use it. So, if it exists, the highway district, when they redevelop, will have a means to require to use it. If you look at a larger aerial map of this area, currently this property doesn't have any access to Ustick. It's access is to Locust Grove, so -- but if there is no cross-access through this direction, then, the highway district is sort of left in a quandary, because there is only one access onto Locust and that's a fairly good size property to have only one access out. So, I think that's why the staff is suggesting one. It's fairly common to require cross-access. It's almost always required that the developer build it and provided it, not necessarily to put it on the next person to have to accept it and build it on their property. So, I think that's really the consistency I thought we were looking for.

De Weerd: I normally agree with you on the cross-access, but it's a real awkward access and it goes into a real high density development that you almost force a high density use on that piece of property to -- to be compatible, so -- that would be my concern. Council, do you need any further information from the applicant, staff or any of the neighbors?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Hearing none, I take it, Council, we are ready to close the public hearing?

De Weerd: Well, you can give it a try.

Bird: I will give it a try and see if it comes back up. I move we close the public hearing on H-2016-0047.

Borton: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor. So, if I made the motion to do that, how would I have to word that? That the future developer of the other lot accept in -- or do we just leave that out and we will just waive the condition to have to construct the driveway? How should the motion read? Anybody?

Hood: Madam Mayor? Councilman Palmer, not -- so just to clarify, right now the Planning and Zoning Commission struck out the requirement to move the public street

over and provide access to that point acre -- .8 acre parcel. There isn't a condition, as currently written, about shifting that over. So, that's -- if you do nothing there will be no connectivity.

Palmer: Okay. So, the only condition, then, that we would be looking to waive would be the park on the southern end of the property? Or well -- yeah. So, if you look at 1.1.32, that's another condition that the planning and zoning struck out, was that that lot be provided for another common lot.

Palmer: So, it's all good. All right. Madam Mayor, I move that we approve H-2016-0047 as presented.

Bird: Second.

De Weerd: I have a motion and a second to approve this item. Discussion from Council?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: While I seconded it I'm not sure I'm going to support it. I -- the density in this is -- is unreal. The R-15 is the density and I don't know why we keep getting it coming through here, but we do. So, I -- I think -- I think we need to make the -- excuse me -- the density -- start looking at our densities a lot more than just letting a lot of high density come in. I understand the neighbors. I mean R-8 is -- it's enough.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Madam Mayor, on that point, looking at an aerial view on Google Earth it was showing that, you know, on one of the properties that will be adjacent to this development, there is actually three homes overlooking one of the -- that already exist. There are three homes overlooking it and they are all two stories overlooking another property. You know, given the funky -- the configuration of the existing homes there and as I -- it's certainly -- I mean I think you mentioned that they would allow up to 200 and some odd properties go with the development agreement being that 118 was going to be the limit, it's -- it's not that dense, even though we have this scary R-15 as you pointed out -- is not throwing in as much as he possibly could, he's going for the configuration of the lots. But the density makes sense to me. Especially being up against an arterial. Period.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Just for clarification, did the maker of the motion, then, include the removal of condition 1.12C and 1.13?

De Weerd: He -- his motion was to approve the recommendation from Planning and Zoning. Okay. Is there any further discussion? Madam Clerk, will you call roll.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

De Weerd: Okay. Item 8-F is --

Cavener: Take a break?

De Weerd: Oh, yes. I'm sorry, we made you guys wait all this time, but -- thank you. We need to take a break. We have been here since 6:00. Well, so have you. But we are going to take a ten minute break.

(Recess.)

F. Public Hearing for Rainier Villas (H-2016-0041) by Aaron Elton Located West of N. Meridian Road and South of E. Franklin Road

- (23)
- 1. Request: Preliminary Plat Approval of Twenty-Three Residential Lots and Four (4) Common Lots on 5.354 in an Existing C-G Zoning District**
 - 2. Request: Conditional Use Permit Approval for Ninety-Two (92) MultiFamily Dwelling Units on Approximately 5.354 Acres in an Existing C-G Zoning District**

De Weerd: -- the next item for -- thank you bearing with us and letting us take a break. You will be happier that we were able to. So, Item 8-F is a public hearing for H-2016-0041. I will ask for staff comments at this time.

Beach: Madam Mayor, Members of the Council, this is an application for a conditional use permit and for a preliminary plat. The site consists of 5.35 acres of land -- bear with me one second here. So, C-G located west of South Meridian Road on the north side of West Corporate Drive between South Meridian Road and Southwest 5th Avenue. In 2008 the property was platted as part of the Trade Plaza preliminary plat. The previous plat has since expired and this is a remnant parcel that must be

subdivided in order to be eligible for a building permit. One of the reasons why they are a preliminary plat. The Comprehensive Plan future land use map designation for this piece is commercial. The proposed preliminary plat consists of 15 -- excuse me -- 15 multi-family residential building lots and five common lots on approximately 5.35 acres of land in an existing C-G zoning district. The average lot size for the proposed development is 7,500 square feet. The UDC does not require a minimum lot size in the C-G zoning district. The multi-family residential development is proposed to consist of 92 dwelling units within 11 two story structures and four three story structures. Again, approximately 5.35 acres of land. The units will consist of two and three bedrooms, with a minimum size of 850 square feet. The applicant has proposed a pool, a sports court, a public art or statue and a grassy area, which is 50 by 100 feet in size as an amenity. The Commission did recommend approval of this conditional use permit and preliminary plat. Summary of the public hearing. The applicant's representative Shannon Robnet and Aaron Nelson were in favor of the application. There was none in opposition. Both Aaron Nelson and Shannon Robnet commented on the application. Did not receive any written testimony. I was the staff presenting the application. There were no other staff commenting. Key issues of discussion by the Commission were the amount of open space for the development. Number and type of amenities appropriate for a multi-family development of this size and access to the development and whether to require a cross-access or provide two access points onto Corporate Drive. Key Commission changes to staff recommendations were a modified condition number 1.1.3E. Instead of removing the building located on Lot 7, Block 1, and constructing a separate clubhouse, the Commission required that the applicant convert one of the units into a fitness facility and one into a property management office. They modified condition number 1.1.7. With the conversion of the two units from residential to a property management office and fitness facility the unit count went from 92 units to 90 units. They modified condition number 1.1.3I. Commission did not require a clubhouse as an amenity for the development. They removed condition number 1.1.4C. Condition did not require that Lot 7, Block 1, be removed for the development -- from the development. Outstanding issues for City Council. The applicant is requesting approval for an additional access to West Corporate Drive. Condition 1.1.3G reflects that request. Commission made a recommendation to allow the second access to Corporate Drive in lieu of a cross-access to the property to the east. We have not received any written testimony since the Commission hearing. So, as you see on the plat here, access to the development is proposed from an extension of Southwest 3rd Street -- or, excuse me, Southwest 3rd Avenue here into a cul-de-sac and from Corporate Drive the applicant is proposing two access points to Corporate Drive here where my -- both locations here where my mouse is. Corporate Drive is a -- is a collector roadway, so in order to get approval for a second access the applicant needs to -- has asked for permission from Council to grant that. There is an existing cross-access here to the Trade Winds Subdivision is this currently undeveloped lot, so that would not be something that would be utilized at this point, it would have to be upon development of that parcel. If you go further to the east the bank there is on the corner of Meridian Road and Corporate Drive, so there is not a ton of opportunity right now for a cross-access, but staff, knowing that this is a collector roadway, has added the condition and the applicant has requested that they

be granted a second access to Corporate Drive. The applicant will have to actually get a reciprocal cross-access and shared parking agreement between all the lots within the subdivision to insure that they will have access to local streets and the applicant must include a note on the face of the final plat that details the requirement of -- of requiring that reciprocal cross-access. The UDC requires detached sidewalks to be constructed along all collector streets. The applicant is also proposing two construction a five foot wide attached sidewalk adjacent to Southwest 3rd Avenue and a five foot wide detached sidewalk along Corporate Drive. Staff recommends that the applicant provide sidewalks along both sides of the drive aisle from the entrance off of Southwest 3rd Street. So, staff is recommending that both on the east and on the west side the applicant provide an attached sidewalk. Conditional use permit is requested for the development for a multi-family residential development. As I said, that is a requirement in the UDC for the conditional -- or for the C-G zone. The site develops with amenities and open space in commensurate with the size of the development. Staff recommends that the site develop with no more than 88 dwelling units and staff is recommending that the applicant remove one of the buildings to provide some additional open space. Having said that, the applicant, based on the analysis of the open space, has provided the required square footage of open space, even when they include a 50 by 100 area as an amenity, they can't be counted -- you can't double dip. So, it's either -- it's either an amenity or it counts towards your open space. But having said that, the applicant does meet that requirement. They have provided about 23,000 square feet of open space -- or is required to provide 23,000. They are providing about 38,000 square feet of open space. Moving back to the amenities. Developments 20 units or more are to provide a property management office, a maintenance storage area, and a central mailbox location. The applicant has provided those things. Four amenities are required for the development and, as I said, the applicant's proposing an open grassy area of 50 by 100 feet in size of a swimming pool, a public art or statue and a sports court. The design of the 12-plex structures as proposed by the applicant does not meet the current standards of the architectural standards, so the applicant will need to work with staff in meeting those requirements. And with that I will stand for any questions you may have on the application.

De Weerd: Council, any questions?

Bird: I have none.

De Weerd: Okay. Would the applicant like to comment?

Elton: Madam Mayor --

De Weerd: Good evening.

Elton: Oh, my name? Aaron Elton. Office address is listed -- as listed in the application is 2949 East Copperpoint, Suite 125, Meridian. Also I'm a Meridian resident. I feel like I'm kind of building a kindship here. I didn't think it was going to be this late, but thank you so much for spending time. I thought it would be kind of fun

with no audience, other than people that I know here, maybe I could present in the form of one of our presidential candidates or something like that, but -- have a little fun with it this late at night.

De Weerd: May as well.

Elton: Right. There are three primary issues that were raised that I would just kind of -- I want to try to make this as painless as possible and as quick as possible and open up for questions. The first is the open space. I'm glad Josh outlined that. We are required for the 23,000. We have got 38,000 proposed and even if you take the 5,000 out for that one open space amenity it still -- we are still 145 percent compliant. We feel like we are well overcompliant. Same with parking. We are overcompliant. The amenities -- the discussions -- I want to point out that there has -- I think there was a miscommunication in Planning and Zoning and that is that we would need two units for -- for the fitness center and the clubhouse. We don't need that space and it's my recollection that we didn't necessarily go into detail and that at the end they moved for two units to be for that. So, what I would request of Council tonight is to change it from -- to moving down from '90 to '91. We will use a unit. What we want to do -- if you're familiar with the -- I'm sorry. Let me back up and explain what the four-plexes look like. If you're familiar with the pinwheel floor plan, which is the -- a number of them have been built in Meridian. We know that folks love that floor plan. We love it. It's a desired product and we feel like this is a great place to put it and it's close -- you know, in walking distance to shopping and restaurants and other things like that. We feel like this is a good location that that won't disrupt other residents either. So, the pinwheel floor plan has -- essentially you all have -- instead of a typical floor plan -- four-plex where you walk in and you have, you know, stairs to go up, this floor plan has your own door on the first floor of all four sides of the building. So, you have -- it kind of feels like you're walking into your unit more than walking into an open space or floor. That presents a challenge when we are trying to convert some of these units into a -- into two things, into an office and a fitness center. So, what we want to do is take the four-plex and, essentially, we will tweak one of them for the floor -- the bottom floor to be both -- sorry. Two units that will be changed into -- we will have a living unit above and, then, the office will be combined with the -- you know, combining those two units below with the fitness center. So, we will have both of those. That's -- that's the first piece that we would ask council tonight is that I think a communication error was made with Planning and Zoning, but we do generally agree with what they -- what they came out with. On the amenities side, we are -- we feel like we are overcompliant as well, because, like Josh said, with the number of units we have got here we are required to have four. If you count each of ours we need to have quality of life. We need to have open space and recreation. We have covered each of those. Quality of life would be the fitness center. Open space, we have got that -- the 60 by 100 piece that we talked about. And, then, with the recreation -- with this number of units it's hard to justify sometimes, especially with demand and how the whole thing comes together to put what I would call a normal size pool in there. But the pool is, essentially, the most expensive amenity that we would add. We agree with staff that that's probably the most desirable thing that we would add to this, even with what I feel is a pretty low

number of units to throw a pool in there along with all these other amenities. We are agreeable to that. It's expensive, but I think it's the right thing to do. It will make the place nice and it will -- you know, that helps us, because it will make the units more desirable. So, having given the -- the rec -- the pool and the recreation piece, we are also going to have some walking paths. We had proposed a sport court, but I think both staff and Planning and Zoning agreed that the sport court, a basketball court, isn't necessary there, so we are willing to pull that out. So, we are covered on amenities. And, then, the last one we talked about the -- the cross-access. We feel strongly and Planning and Zoning agreed in their motion, that the cross-access to the east appears to be totally unnecessary and, actually, I think it hinders it if you look at how it would go. If you look at the -- the map -- I guess we are on a different slide here, but on the site plan here -- could I use this pen? Will it point? But it would -- yeah. There we go. We would have to be -- being approximate here, but the cross-access would come through the east side here and come down and still connect to Corporate. We have still got to connect to Corporate. Now, this would be a future piece, but what we are saying is coming right here on the east side of our property just makes a lot more sense for multiple reasons and I think even for safety reasons it's good to have that other access here now, rather than cutting this part off and having future cross-access with that eastern parcel. So, we are trying to have another access point and I think it benefits everybody, including safety, but also the tenants will like that better, the residents there. So, those are the key pieces that I have and would open up to questions.

De Weerd: Council, any questions? Is this under one management group or are you going to sell them off individually or --

Elton: We are trying to keep that option open, but we plan to hold it as one piece. But as you can see it's -- the plat -- the plan is that we could sell units individually.

De Weerd: Council, any questions?

Bird: I have none.

De Weerd: Anyone want to provide testimony? Good evening.

Robnet: It is late in the evening, isn't it? My name is Shannon Robnet. 5103 Zamora. I'm development partners with Aaron Elton. A couple things I wanted to bring up. In our CC&Rs, regardless of whether we manage this as a whole or sell it off, it will be managed by one entity. So, we will have a -- we will have a manager. We will have it just like it's an apartment complex. So, if you want to buy a four-plex that's great, I mean, you know, everybody wants to own something; right? But you're still going to be -- you're not going to be the guy. You're going to have someone like Park Place does a great job. There is several other great people in town that do that kind of thing that's not going to make it a lot less here. The second thing I want to point out that I think Josh did was that the Trade Winds deal to the east, that preliminary plat expired, so there was a cross-access easement written, but it expired. So, what are we tied to?

And, then, the last point is that the Trade Winds piece is less than four acres -- less than three acres -- less than two acres and you're going to funnel all of our traffic through their undeveloped piece for what they decide to do in the future, instead of doing it the reverse? Any questions?

De Weerd: Council, any questions?

Bird: I have none.

Robnet: It's good to see you, Keith.

Bird: Good to see you, Shannon.

De Weerd: Do you have anything left to say? Do you want to answer his question?

Elton: I don't have anything further to add. Thank you.

De Weerd: Thank you.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearing on H-2016-0041.

Palmer: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Bird: Madam Mayor?

De Weerd: I wanted to ask what the statue was of. I forgot. I guess I will have to wait until it's built. Mr. Bird.

Bird: Madam Mayor, I move that we approve H-2016-0041, and don't require the stub street to the east and include all staff, applicant, and public testimony.

Palmer: Second.

Beach: Mr. Bird, just to clarify, were you allowing for the second access to Corporate Drive?

Bird: Yes.

Beach: Okay. I just wanted to make sure that was clear.

De Weerd: Okay. Any discussion by Council? Madam Clerk, will you call roll.

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

De Weerd: And, Mr. Bird, just to clarify, you did change that from the -- the 90 to 91 units?

Bird: Yes.

De Weerd: Per testimony.

Bird: I'm sorry, Tammy.

De Weerd: Okay. Just wanted to verify.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Item 9: Department Reports

- Devices City**
- A. City Council: Discussion Regarding the Use of Mobile and Social Media During City Council Meetings and By Councilmembers**
 - B. Parks and Recreation Department: Bellano Creek Neighborhood Park Design and Naming Request**
 - C. Parks and Recreation Department: Bainbridge Neighborhood Park Design**
 - D. Community Development: Transportation Projects Update - Discuss Transportation Related Studies, Plans and Projects Including: Ustick Road, Franklin Road and Idaho**

Avenue

De Weerd: Okay. Thank you. Thank you for lasting this out. We are under Item 9 under Department Reports. We are going to move A, B and C to -- and D to the next council meeting on the 28th.

Hood: Sorry.

De Weerd: Do you need something immediate?

Hood: I don't, Madam Mayor, but I -- I mean typically I do this day in and day out, but I am taking my family on vacation and I will not be here for the next ten days, so I can't -- I can't attend. Everything I have regarding D is actually in the memo, so we can either do it in two weeks when I get back, but I can't do it next week or, again, most of everything is in the memo you have in your packet, so I was just going to kind of supplement that and stand for any questions you have on the memo. But next Tuesday will not work well for D.

De Weerd: Okay. We will do it -- we will put you on the first week of July and -- for any questions that Council may have.

Hood: I actually get back on the 5th, so I will work with the clerk on getting it on the 12th, so --

De Weerd: Geez.

Hood: I know.

E. Police Department: Approval of Budget Amendment for Records Lead Position Elevated to Records Supervisor Position, Not to Exceed \$20,894.00

De Weerd: Okay. Thank you. Who gave you that much time off? Item 8-E is under the Police Department, so I will turn this over to Lieutenant Colaianni.

Colaianni: Madam Mayor, Council, thank you. I wanted to so bad say good morning, but we didn't quite make it.

De Weerd: Oh, thank God.

Colaianni: But I do want to thank you for putting us in front of Legal, because that means I'm not completely last, that there is somebody behind me. The lateness of the hour I'm going to be as brief as I can. I'm coming to you tonight to ask for a budget amendment. I know that there is a lot of consternation when it comes to budget amendments, especially this late in the game, but I wouldn't be asking for it if it wasn't important and if it wasn't something we needed now. We have a situation where we have a position within the department -- within the records department is a record lead and data lead position and in the last month the -- the lady that was in that position stepped down from it. She doesn't feel like she has the skills and the ability to continue to do that and the leadership. Luckily for me we had had a retirement within the unit, so she can kind of just move into a position that's vacated right now. So, that still leaves me with this open position. It is a budgeted FTE, a full-time FTE, and what I'm wanting to do is to elevate that position from a data -- senior data clerk to a records supervisor. By doing that and working with Human Resources and Finance it does elevate the pay band, which is the reason I'm here. Strategically we need this. I need this. We are getting ready to start the process of migrating and copying over data from

the New World project from Boise City over to Meridian here in the next few months. Quite honestly, the workload in records with the public records requests increasing, the public records request with body worn videos, the technology trying to go paperless, there is just a lot of things going on there that I think it's going to lend better for us by having that be a supervisor position, rather than a lead position. I can't turn to my other records staff for it, because I have one person that's been there a year and two people that have been there about six months. I have had two people retire and I have had one person go to the code enforcement unit and one person go to analytical services, so I'm starting from the ground. So, I need a leader in there, I need someone with some experience at managing people. I need someone that has a background in running that technology to make it paperless. I need somebody with that -- that strength and that, obviously, requires someone with knowledge, skills and abilities that this current position doesn't have. So, by changing it it allows me to bring somebody in -- or at least start that process that has a higher level of education, higher level abilities to mentor, coach and kind of bring this over all at the same time. It would be -- it would be strategically a good move for us. I can't wait, because government being government, this is going to take months to do. I have to rewrite some stuff, get with HR, we have to post it, we have to do background -- or, excuse me, we have to do screening, interviews, backgrounds, all sorts of stuff. If I -- if I got this done before Halloween I will be doing handstands. So, what I'm asking for from you tonight is to allow me, with this amendment, to -- to upgrade this position from a lead to a records supervisor, so I can begin working on that and I will stand for any questions.

De Weerd: Council, any questions?

Bird: I have none.

De Weerd: You know our Council liaison is home sick today. Okay. Mr. Bird.

Bird: Madam Mayor. I would move that we approve the budget amendment for records lead position elevated to records supervisor position, not to exceed 20,894 dollars.

Palmer: Second.

De Weerd: I have a motion and a second to approve Item 8-D. Any discussion by Council? Madam Clerk, will you, please, call roll.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Colaianni: Thank you very much. I appreciate it.

**F. Legal Department: Budget Amendment for Legal Services for
A Not-toExceed amount \$60,000.00**

De Weerd: Thank you, Scott. Item 8-F is under our Legal department.

Nary: Thank you, Madam Mayor, Members of the Council. I will be a lot more brief than Lieutenant Colaianni. Each year we have a -- we have a set line item for outside legal expenses. Over the last five years, other than the courthouse case, we haven't had much need for that, but because our courthouse case is still ongoing and the fact, as all of you know, we have submitted our proposal to the district court, we are anticipating a hearing sometime between now and the end of the year, I don't know whether it will be in the next three months or the next six months, but we will be doing a lot of preparation during that time, so I contacted our outside counsel, had them give me an estimate. I kind of inflate that a tiny bit just to make sure we have enough budgeted dollars for the remainder of this fiscal year, because we have already exceeded the 10,000 dollar line item we already have. So, this is our best guestimate and my discussion with Finance and with our outside Counsel, that an additional 60,000 -- most years we haven't even exceeded what I have requested, I don't -- so I don't know if it will be -- it won't be more than 60,000. I don't know if it will be -- how much less it will be. But this will at least give us a cushion to get all the work done that's needed on this case before the end of the fiscal year and even then the next year we will talk about that then. Any questions?

Bird: I have none.

De Weerd: Questions?

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: This is a night --

De Weerd: Of firsts.

Palmer: -- of historical proportion. For doing budget amendments. I move we approve the budget amendment for legal services for an amount not to exceed 60,000 dollars.

Little Roberts: Second.

Bird: Get that on tape.

De Weerd: Can we have that printed out in black and white next -- tomorrow morning.

Cavener: If you need a budget amendment, go see Councilman Palmer.

De Weerd: I have a motion and a second. Any discussion? Madam Clerk.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Item 10: Ordinances

B. Ordinance No. Proposed # 16-1697: An Ordinance (Kenners Subdivision H- 2016-0018) of the Mayor and City Council of the City of Meridian for the Annexation and Rezone of a Parcel of Land being a Portion of the NE ¼ of the SW ¼ of Section 5, Township 3 North, Range 1 East, Boise Meridian, Ada County, Idaho, as Described in Establishing and Determining the Land Use Classification of said .932 acres of Land from RUT to R-8 (Medium Density Residential) District in the Meridian City Code; and Providing for a Summary of the Ordinance; and Providing an Effective Date

De Weerd: Item 10-B is Ordinance 16-1697. Madam Clerk, will you, please, read this by title.

Jones: Thank you, Madam Mayor. An Ordinance H-2016-0018, Kenners Subdivision, for annexation and rezone of a parcel of land being a portion of the northeast quarter of the southwest quarter of Section 5, Township 3 North, Range 1 East, Boise meridian, Ada County, Idaho, as described in Attachment A and annexing certain lands and territories situated in Ada County, Idaho, and adjacent and contiguous to the corporate limits of the City of Meridian, as requested by the City of Meridian, establishing and determining the land use zoning classification of said lands from RUT to R-8, Medium Density Residential District, in the Meridian City Code. Providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission as required by law, and providing for a summary of the ordinance and providing for a waiver of the reading rules and providing an effect date.

De Weerd: Thank you. I don't see anyone who would want it read in its entirety. So, do I have a motion?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move that we approve Ordinance No. 16-1697 with suspension of rules.

Borton: Second.

De Weerd: I have a motion and a second -- and a second to approve Item 10-B. Madam Clerk -- see, when I get rummy I get stupid, so -- Madam Clerk, will you call roll.

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

De Weerd: All ayes.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Item 11: Future Meeting Topics

De Weerd: Council, anything under 11? Hearing none, do I have a motion to adjourn?

Bird: So moved.

Palmer: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 11:11 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)


MAYOR TAMMY DE WEERD

7 / 5 / 2016
DATE APPROVED

ATTEST:


JACY JONES, CITY CLERK

