

A meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, September 27, 2016, by Mayor Tammy de Weerd.

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

Members Absent: Mayor Tammy de Weerd.

Others Present: Bill Nary, C.Jay Coles, , Bruce Chatterton, Sonya Allen, Josh Beach, Kyle Radek Warren, Tracy Basterrechea, Joe Bongiorno, and Dean Willis.

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

Roll call.

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

Bird: I'd like to call this meeting of September 27th City Council -- regular City Council meeting to order. Welcome, everybody here. It's nice to have an audience out there for us and we will start with roll call attendance.

**Item 2: Pledge of Allegiance**

Bird: If you would all stand now for our Pledge of Allegiance.

(Pledge of Allegiance recited.)

**Item 3: Community Invocation by Senior Pastor, Steve Moore, Ten Mile Christian Church**

Bird: Pastor Moore, I seen you come in. We will invite you up here for the community invocation or take this as a time to reflect.

Moore: Heavenly Father, speaking for myself, all too frequently I make assumptions about what my day will be like and we can be pretty arrogant we humans about our life and what we ultimately have control over. So, tonight I pray, God, that the spirit of our city leaders will be one of humility and I just appreciate the fact that -- that they put their life on the line, they have chosen to serve our community and -- and receive criticism. They have got decisions to make in the few hours that affect lives and it's an awesome responsibility. So, we ask for your wisdom to be in theirs. I pray, God, that you will continue to

bless his community. It seems like we have been spared so many tragedies that now when we turn on the news every day -- every day it's -- it's just discouraging. I pray for our police officers, as far as the ones I know, they are -- they are the kind of people that really do care about this city. I pray for our firefighters and -- and the servants, that we can, again, take for granted, just like we take you for granted, God. Their presence is all around us, so bless them for that. I pray for America and where we are at as a nation. I pray, God, that -- that we would remember that we do have a creator and we make decisions based on that. In the name of Jesus I pray, amen.

**Item 4: Adoption of the Agenda**

Bird: Thank you, pastor. Appreciate that. Next Item No. 4 is the adoption of the agenda.

Borton: Mr. President?

Bird: Mr. Borton.

Borton: We need to add an Item 5, a proclamation for Huntington's Disease Awareness Month. Item 6-F to remove to the October 4th, 2016, meeting. Item 6-I will also be moved to October 4th, 2016. Item 8-A the applicant has requested that matter to continue to October 4th, 2016. And with those amendments, Mr. President, I move we adopt the amended agenda.

Palmer: Second.

Bird: Okay. We got a motion and a second to adopt the amended agenda. All in favor say aye. Any opposed?

MOTION CARRIED: ALL AYES.

**Item 5: Amended Onto Agenda: Proclamation for Huntington's Disease Awareness Month**

Bird: Okay. Council, with your permission I will go down and we will have the proclamation. I have got a proclamation here for Huntington's disease for the month of October. Huntington's disease is an inherited neurological disorder, typically affecting people in their 30s or 40s and it is estimated that one in every 10,000 people -- nearly 30,000 in the United States have Huntington's disease and Huntington's disease is an autosomal dominant disease. If one parent has the disease each child has a 50 percent chance of inheriting the defective Huntington's disease gene and at the present time there is no effective treatment or cure for Huntington's disease and it is critical to raise awareness, so the advancement of research and support services can continue. To the southern Idaho affiliate of the Huntington's Disease Society of America, support and

services are provided to families throughout Idaho. I, Mayor Tammy de Weerd, do hereby proclaim the month of October to be Huntington's Disease Awareness month in the City of Meridian and call upon the community to join me in raising awareness for this worthy cause. Signed by Mayor Tammy. Thank you very much. Like to say a few words, sir?

Representative: We do appreciate the City of Meridian acknowledging this and we do welcome anyone who was -- is interested in learning more about it to go to [hdsa.org](http://hdsa.org) and we are having an activity on October 8th at Veteran's Memorial Park in Boise where we will be having a walk to raise funds for Huntington's Disease Society of America. So, you're all welcome.

Bird: Thank you very much. Council, the next item, Item No. 6, the Consent Agenda.

Borton: Mr. President?

Bird: Mr. Borton.

**Item 6: Consent Agenda**

- A. Approve Minutes of September 13, 2016 City Council Workshop Meeting**
- B. Approval of AIA A133 & A201 Construction Management as General Contractor Agreements to The Russell Corporation for the "BAINBRIDGE PARK" project. The Not-To-Exceed amount for Pre-Construction Services will be \$17,350.**
- C. Approval of Deductive Change Order No. 3 UV Disinfection Improvements to CH2M HILL ENGINEERS for the "WRRF UV DISINFECTION SYSTEM EXPANSION – CONSTRUCTION SUPPORT SERVICES" project for the Not To-Exceed Deductive Amount of -\$300,609.72.**
- D. Approval of Change Order No. 8 UV Disinfection Improvements t Performance Systems, Inc. for the "UV Disinfection Improvements" project for the Not-To-Exceed amount of \$295,106.82.**
- E. Approval of AIA A133 & A201 Construction Management as General Contractor Agreements to Engineered Structures, Inc. for the "RETA HUSKEY PARK" project. The Not-To-Exceed amount for Pre-Construction Services will be \$15,000.**

- G Collaboration Agreement for the new Housing and Urban Development (HUD) Assessment of Fair Housing (AFH)**
- H. License Agreement with Intermountain Gas Company for Attachment of Automated Meter Reading Equipment to Street Lights for the Annual Sum of \$50.00 Per Pole To Be Paid To The City**
- J. Lift Station Lease Agreement with New Oaks, LLC**
- K. Final Order for Howry Lane Subdivision No 1 (H-2016-0106) by M3 Acquisitions, LLC Located at 5220 S Howry Lane**
- L. Final Order for Biltmore Estates Subdivision No. 3 (H-2016-0107) by Oakwood Estates, LLC Located South of W. Victory Road and West of S. Meridian Road**
- M. Final Plat for Swindell Subdivision (H-2016-0109) by Volante Investments, LLLP Located at Northwest Corner of East Overland Road and South Locust Grove Road Request: Final Plat Consisting of Seven (7) Building Lots, One (1) Common Lot and One (1) Other Lot on 20.03 Acres of Land in the C-C and C-G Zoning Districts.**
- N. Final Plat for Bancroft Square (H-2016-0110) by Schultz Development Located at 2750 S Eagle Road Request: A Final Plat Consisting of ThirtyThree (33) Building Lots and Five (5) Common Lots on 5.41 Acres of Land in the R-8 Zoning District**

Borton: With the amendment of Item 6-F and 6-I, both of which are being moved to the October 4th, 2016, meeting, I would move that we approve the Consent Agenda and for the President to sign and in the Clerk to attest on all necessary papers.

Palmer: Second.

Bird: We got a motion and a second to approve. Any comment? Mr. Clerk.

Hood: Mr. President?

Bird: Yes.

Hood: I'm sorry. Our 6-F, the Hill Century project, is the agenda amended? I'm sorry, I just wanted to make sure that it's the right projects that are being --

Bird: Yes.

Borton: Mr. President, 6-F is the acceptance agreement, Main Street --

Hood: Okay. Not seven. I apologize. Thank you.

Bird: Mr. Clerk.

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

MOTION CARRIED: ALL AYES.

**Item 7: Items Moved From the Consent Agenda**

Bird: Okay. Item No. 7 we had nothing moved from the Consent Agenda.

**Item 8: Action Items**

**A. Public Hearing for Hill's Century Farm Commercial (H-2016-0092) by Martin Hill Located 3625 E. Amity Road**

- 1. Request: Preliminary Plat Approval Consisting of Twenty (20) Building Lots on 19.73 Acres of Land in a C-N Zoning District**
- 2. Request: Modification to the Development Agreement to Include a Detailed Site Plan and Modification of Certain Provisions**

Bird: So, we go into, 8 Action items. 8-A is a public hearing for H-2016-0092 and the applicant has requested to continue to October 4th, 2016. Is there a reason why they did, Josh, or -- here comes the applicant. He can --

Wardle: Mr. President, Council Members, Mike Wardle of Brighton Corporation. This is a complaint about the speed and efficiency of the clerk's office. The day that we got to the notice of the hearing was a day that we were going over calendars and Mr. Turnbull is out of the country and would like to be here for the hearing. So, we asked for the one week and we did it the same day that we -- we received the notice from the clerk, but that was my only issue is just the speed and efficiency of the clerk's office caught us off guard.

Bird: Thank you. What's your pleasure? Is there anybody here that would like to testify on that?

Borton: Mr. President?

Bird: Mr. Borton.

Borton: I would move that we move Item 8-A, H-2016-0092, to October 4th, 2016.

Palmer: Second.

Bird: I have got a motion and a second to move Item 8-A to October 4th, 2016. All in favor say aye. Opposed? None.

MOTION CARRIED: ALL AYES.

**B. Final Plat for Avebury Subdivision (H-2016-0108) By Avebury Development, LLC located North Side of East Pine Avenue and the West of North Locust Grove Road**

- 1. Request: Final Plat Consisting of Fourteen (14) Single Family Residential Lots and Four (4) Common Lots on Approximately Three (3) Acres in the R-15 Zoning District**

Bird: 8-B is Avebury Subdivision, H-2016-0180. Josh, is that you?

Beach: That is.

Bird: Thank you.

Beach: President, Members of the Council, this is an application for a final plat, located at -- on the north side of East Pine Avenue, west of North -- North Locust Grove, for 14 single-family residential lots and four common lots on three acres in the R-15 zoning district. The applicant and staff have been working through a couple of concerns up until about 3:00 o'clock today. At that time we -- we resolved those concerns and those issues have been resolved. So, my understanding is that the applicant is in agreement with the staff report. The applicant is in the building, so you can ask the applicant, but staff doesn't have any concerns with the application.

Bird: Would the applicant like to testify? Okay. Council, what's your pleasure? Got any questions for the applicant? Seeing none --

Milam: Mr. President?

Bird: Mrs. Milam.

Milam: I move that we approve H-2016-0108.

Cavener: Second.

Bird: I have got a motion and a second to approve H-2016-0108. Any discussion? Hearing none, Mr. Clerk.

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

MOTION CARRIED: ALL AYES.

### **C. Public Hearing for CDBG PY 2015 Substantial Amendment (Public Service)**

Bird: Okay. Item 8-C is a public hearing for CDBG fiscal year 2015 amendment and I will open the public hearing and turn it over to Caleb.

Hood: Thank you, Mr. President, Members of the Council. Just a quick refresher. I'm pinch-hitting for Sean Kelly. He is under the weather this evening. But on the 23rd of August he was here and told you about the potential reallocation of funds as CATCH was not going to be able to expend those in a timely manner and the Meridian Food Bank would be able to use a good chunk of that money. So, in the program year 2015 action plan for the CDBG program, there is 13,200 dollars budgeted for -- again for CATCH for case management. They are having difficulty spending those funds and, again, the Meridian Food Bank can absorb a good chunk of them. So, we are asking that you hold the public hearing right now. We have not had any comments to date to mention. Once you close the public hearing, though, the next item on your agenda tonight would be to approve the substantial amendment to reallocate those funds to the Meridian Food Bank and with that I would stand for any questions you may have.

Bird: Thank you, Caleb. Any questions for staff?

Cavener: Mr. President?

Bird: Mr. -- Luke.

Cavener: And I know you're pinch-hitting, but maybe just some further discussion about the proposed staff recommendation. Why keep 3,200 dollars set aside for CATCH? Maybe just some further discussion about what their intention is to use those funds for.

Hood: Mr. President, Council Member Cavener, so part of the issue is just the number of families that are eligible for the -- basically it's a counseling service is what the 3,200 dollars that's left will go towards, is to counsel families that are within Meridian to get them back on their feet, whether it be assistance with managing money or for substance or whatever. But they do have some eligible families, they are just not able to find enough families that are eligible by the federal definition of being homeless to spend it. So, they are doing what they can with the families that qualify. So, they are still doing some of that program, just not to this level.

Cavener: Thank you.

Bird: Any other questions for staff? This is a public hearing. Is there anybody that would like to testify from the public? Seeing none, Council?

Cavener: Mr. President?

Bird: Mr. Cavener.

Cavener: Seeing none, I move we close the public hearing on the CDBG fiscal year 2015 substantial amendment.

Milam: Second.

Bird: Okay. We have got a motion and a second to closed the public hearing on CDBG 2015 Amendment. All in favor say aye. Opposed? None.

MOTION CARRIED: ALL AYES.

**D. CDBG PY 2015 Substantial Amendment (Public Service)  
to the Action Plan**

Bird: Okay. With that we will move to Item 8-D, which is the approval of the amendment for the amount of 13,200 dollars. Council?

Cavener: Mr. President?

Bird: Mr. Cavener.

Cavener: In light of the staff's recommendation, I move we accept the CDBG fiscal year 2015 substantial amendment.

Milam: Second.

Bird: Motion to accept and a second. Any discussion?

Palmer: Mr. President?

Bird: Mr. Palmer.

Palmer: Given that people are in the room, I just wanted to -- before I look like a completely cold-hearted person when I vote no on it, explain that, once again, when it comes to federal dollars I always vote against accepting or spending any of them, because they don't have any. Thanks.

Bird: Thank you. Any other comments? Mr. Clerk, if you would --

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

MOTION CARRIED: FIVE AYES. ONE NAY.

- E. Public Hearing for 2016 City of Meridian Comprehensive Plan Map and Text Amendment (H-2016-0098) by City of Meridian**
  - 1. Request: Amend the Future Land Use Map (FLUM) and Text of the City of Meridian Comprehensive Plan as Follows: 1) Update the Future Land Use Map (FLUM) So That it Represents the Built Environment and Existing Land uses; and 2) Update Various Text Through-Out the Document and the Goals, Objectives and Action Items**

Bird: Item 8-E 80 is a public hearing on H-2016-0098, the Meridian Comprehensive Map and Text Amendment. I will open the public hearing and -- Brian, are you going to do the presentation?

McClure: Mr. President, I am.

Bird: Thank you.

McClure: Mr. President and Members of the City Council, I'm here before you tonight to discuss a number of proposed changes to the future land use map and to the city's Comprehensive Plan. A little history for you. The previous Comprehensive Plan was reformatted and refreshed and adopted on April 19th, 2011. Since that time staff has done yearly reviews of policy statements in coordination with other departments and those have resulted in several text amendments. This is the first city-initiated map amendment since 2012 when we did the South Meridian map update. All other map amendments have been development driven. Broadly speaking, this comp plan application includes three types of changes, all of which staff considers to be for the most part clean up.

The first type of changes are those to the text of the Comprehensive Plan. Most of these are minor updates to names, references, or to inform of status of efforts -- current efforts. The second type of changes are to the policy statements in the Comprehensive Plan, the goals, objectives, and action items. Again, these are considered to be mostly clean up or status updates. Lastly, staff has proposed a number of future land use changes. Some of these are rather significant, at least in terms of their aerial on the map, but they are still clean up in terms of what the intent is. For example, a number of school and park sites have been changed due to civic land use from residential or commercial for consistency. Most of the older park and school sites in this city are also civic, so it makes sense just to be consistent in that regard. It's also important for land use analysis. I do not plan on going through all these changes. There is a lot. So, I will go through a selection of them and, then, if you have any specific questions feel free to interject or ask those at the end. This slide shows a few proposed changes to the text of the Comprehensive Plan. Green underlined text is new. Red strike-through text is removed. The first item here is just to show the city has adopted a strategic plan since the Comprehensive Plan was last adopted and that's important, so we are referencing it in the plan. The second item here is just to show you an example of what a lot of these revisions are, which is minor and reflect changes in the last five years. In this case the Meridian School District is now the West Ada School District and so this change has been cascaded throughout the document. This slide shows a few proposed changes to the policy statements in the Comprehensive Plan. The first item here is just a name change. The architectural standards manual has already been implemented and this is just for consistency. The second related item is an example of something that was added from the old design manual. When we were before you for the architectural standards manual we told you that a number of the design manual elements weren't appropriate for the new architectural standards manual and that those will be going to the UDC or to the Comprehensive Plan. This is an example of one where we have -- actually, the only one where we have pulled into the Comprehensive Plan. The third item is just another example of a simple clean up. And the fourth is just to show in some cases that the only change is who is responsible. In this case the Finance Department now has the arts and culture specialist, instead of the Mayor's office, so it's just handing off of the baton. This slide shows a few sample land use changes. The red outlined areas are those areas that have been removed from the area of city impact. The green areas are those areas that have been added to the area of city impact. And the blue areas represent changes to existing land uses. The red areas -- and in all cases these were because Ada County has already processed the change or removed this from our area of city impact or because an area that was removed made it difficult to service an area that was adjacent to it. The green -- same thing, but the opposite for the green outlined areas. These are areas that the county has already processed a change to our area of city impact and so we are just assigning the adjacent land use to that new area. The blue outlined areas, as I mentioned, are where there have been land use changes and as I also mentioned, most of these are for schools, parks, things like, where we are

changing it to civic. There is a number of other examples, such as changing an area where there is a planned unit development that allowed, for example, office in residential areas. So, we are just changing the office on that -- on that development to represent what is actually there. In all cases these changes reflect what is currently there and there aren't any impacts to the existing property. We have also added a number of elements in a map. We have changed some of the future sites for parks, fire, and these were done in coordination with those departments and we have also added the future State Highway 16 as a future road to this map. On September 1st the Planning and Zoning Commission recommended this application for approval to you. Tonight city staff are here asking for approval of this -- of this comp plan and land use map change. Moving forward we will do our annual review of policy statements next year and, then, we are also planning to do an update to the existing conditions report. With that I'm happy to answer any specific questions you may have. Again, there is a lot of changes that I did not go over. So, I will stand for questions.

Bird: Council, any questions for Brian?

Cavener: Mr. President?

Bird: Mr. Cavener.

Cavener: Brian, were there any comments or -- I guess comments that came from the Planning and Zoning when you presented this to them?

McClure: Council President -- or Council President -- or Council Member Cavener, no, there weren't any changes -- or there weren't any comments or recommended changes from Planning and Zoning Commission.

Cavener: Okay.

Bird: Pretty nice. This is a public hearing. Is there anybody in the public that would like to testify on this? Seeing none, Council, what's your pleasure?

Cavener: Mr. President?

Bird: Mr. Cavener.

Cavener: I move that we close the public hearing on the 2016 City of Meridian Comp Plan map and text amendment -- I guess that's H-2016-0098.

Milam: Second.

Bird: Council, we have got a motion and a second to close the public hearing on H-2016-0098. Those in favor say aye. Any opposed?

MOTION CARRIED: ALL AYES.

Bird: Hearing none, what's your pleasure?

Cavener: Mr. President?

Bird: Mr. Cavener.

Cavener: First just a comment. My appreciation to staff. Brian, I know that this is a very short presentation, but there is a significant amount of work that goes into this on an annual basis. I appreciate you coming and bringing this presentation to us tonight. I move that we accept the amended request -- or the requested amendments to the Meridian Comp Plan map, including the text amendments. That's H-2016-0098.

Milam: Second.

Bird: Council, we have got a motion and second to approve the text amendment. Any discussion? Seeing none, Mr. Clerk.

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

MOTION CARRIED: ALL AYES.

**F: Public Hearing for Maddyn Village (H-2016-0075) by A Team Land Consultants Located West Side of N. Meridian Road, South of E. Ustick Road, North of W. Sedgewick Drive**

- 1. Request: Annexation and Zoning of Approximately 10.398 Acres from the RUT Zoning District to the R-8 Zoning District Meridian City Council Meeting Agenda Tuesday, September 27, 2016 – Page 4 of 4 All materials presented at public meetings shall become property of the City of Meridian. Anyone desiring accommodation for disabilities related to documents and/or hearing, please contact the City Clerk's Office at 888-4433 at least 48 hours prior to the public meeting. (Approximately 6.874 Acres) to the R-15 Zoning District (Approximately 3.524 Acres)**
- 2. Request: Preliminary Plat Approval Consisting of Twenty-Nine (29) Single-Family Residential Lots, Ten (10) Multi-Family Residential Lots and Five (5) Common**

## **Lots on Approximately 10.398 Acres in the Proposed R-8 and R-15 Zoning Districts**

### **3. Request: Conditional Use Permit for a Multi-Family Development Consisting of Forty-Eight (48) Dwelling Units in the Proposed R-15 Zoning Districts**

Bird: Okay. Item 8-F is a public hearing on H-2016-0075 and is that you, too, Josh? I will turn it over to staff.

Beach: Very good, Mr. President, Members of the Council. This, as you said, is an application for Maddyn Village. It's an application for annexation and zoning, for a preliminary plat, and for a conditional-use permit. The site consists of approximately 10.4 acres of land, which is zoned RUT in Ada county, located at 2975 and 3001 North Meridian Road. To the north we have the Parkview Christian Church and Spring Creek Assisted Living facility, which are zoned I-O. To the east we have Meridian Road and single-family residential properties, which are zoned R-8. To the south we have single-family residential properties in the Salisbury Lane Subdivision, which are zoned R-4. And to the west are single-family residential properties in the Parkway Subdivision, which are also zoned R-4. As you said, this is an annexation, so there is no current history in the City of Meridian. The Comprehensive Plan future land use map designation for the piece is medium density residential. The applicant has submitted an application for annexation and zoning of approximately 10.4 acres of land, 6.9 acres of which they are proposing an R-8 zoning district and 3.5 acres of which they are proposing an R-15 zoning district, as well as a preliminary plat that consists of 29 single-family residential lots and ten multi-family residential lots and six common lots in the proposed R-8 and R-15 zoning districts. The conditional use permit for the multi-family development will consist of 48 dwelling units, which are eight four-plex structures and two eight-plex structures in the proposal R-15 zoning district as you see here on the plat. The project is subject to the specific use standards we have for multi-family developments. There are two existing homes and associated outbuildings on the site that are proposed to remain as Lots 16 and 31 of Block 1. All existing structures that are proposed to remain with the subdivision must comply with the setback standards of the R-8 zoning district or be removed prior to the engineer's signature on the final plat. Additionally, staff recommends that the existing homes connect to city utilities and terminate their access to North Meridian Road with the first phase of development. Since the existing homes will no longer have access to north Meridian Road, the property owner will have to coordinate with the city's addressing specialist in obtaining new street addresses from the adjacent local street, which is Elsinore Way. There is an existing outbuilding on Lot 31, Block 1, that will be located within the required street yard with the subdividing of the property. The UDC restricts detached accessory buildings from -- from being located in this setback and the applicant is requesting that the City Council allow the accessory building to remain on the property in its current location. Staff

recommends that the structure be removed with the development of the first phase, unless approved to remain by City Council. The applicant has provided - - move to the slides here. The applicant has provided several photos of the existing -- calling it an RV garage that's located currently behind his home, but with the subdivision of the property and the realignment of the road as you see in the plat, the structure is going to be located -- currently is located right here, which would be considered, then, his front yard. We received a formal phasing plan and the applicant has indicated that the multi-family portion of the site will be phase one and the single-family portion will be phase two. Access is proposed for the site via one access from North Meridian Road to the proposed multi-family portion of the project and the extension of existing stub street from Salisbury Lane Subdivision, which is North Springwater Street for the single-family development. The highway district is supportive of the access to North Meridian Road and the applicant is seeking Council waiver to allow the access in accord with the UDC. If Council does not approve the access to North Meridian Road, the applicant will have to redesign the site so the proposed development could take access from Elsinore Way, which is the future local street. The applicant is proposing one common driveway in the project. The common driveway should comply with the standards listed in the UDC. Staff has reviewed the dimensions and the common drive for compliance with UDC standard. Unless limited by significant geographic feature or separated by a minimum of five foot wide landscape common area, all properties that abut a common driveway shall take access from that common driveway. The applicant is proposing a 25 foot wide street buffer along North Meridian Road. Staff recommends this buffer and the detached sidewalk be constructed with the first phase of development. The applicant has provided the required open space or 10.4 acres -- excuse me -- they are required to provide 1.04 acres based on their acreage of 10.4 for the project and a total of 1.59 acres or 15.3 percent of qualified open space is proposed, consisting of half a street buffer along North Meridian Road. Internal pathway that connects the multi-family portion of the site to the single-family portion. A micropath lot and internal common open space, which appear to comply with the requirements and the applicant is proposing to share the open space between the multi-family and single-family developments. The applicant is providing one qualified site amenity, which is required and they are providing a bocce ball court and, as I said, internal pathway, a gazebo or plaza, community garden and internal grassy area that's at least 50 by 100 feet in size. The applicant, Mr. Steve Arnold, did provide notice that they are in agreement with staff's recommendations. The Commission did recommend approval with conditions. Summary of the Commission are as follows: The applicant Steve Arnold, Kyle Enzler and Todd Tucker were in favor. Commenting were Mike Grossman, Todd Tucker, Jim Lewis, Clay Hitchcock, John Carver, Jeanette Drouillard, Joe Simunich, Nick Thomas, Wayne Brown and Janice Steiger. Written testimony was received by Ted Williams. I was the staff that presented the application. Bill Parsons also commented. Key issues of public testimony were the increased traffic onto Meridian Road from the proposed multi-family development. Increased traffic through the surrounding subdivisions that provide

access to the proposed single family development. Adequacy of the number of parking spaces proposed for the multi-family development. Adequacy of the proposed amenities for the development should amenities be provided at all due to the proximity to Settlers Park. There have been issues with irrigation water on the subject property in the past. Direct access to Ustick Road from a single family development. The impact of road construction on the proposed entrance to the multi-family project. Key issues of discussion by the Commission were the price point for both the rent for the multi-family and prices for the homes. Does the parking meet the UDC requirement for the multi-family portion. Transition from the surrounding R-4 with the proposed R-8 and R-15 zoning districts. Pedestrian pathway to the northern property and its appropriateness. Transition between the proposed R-8 and R-15 portions of the project. Direct access to Meridian Road from the multi-family portion. Appropriateness of the overall proposed density. One of the existing homes has an outbuilding that will not meet the setback requirements once the property is subdivided. The Commission agreed with the staff that the building should be removed. Duration of the road construction at the intersection of Ustick and Meridian and the impact that will have on the proposed entrance to the multi-family portion of the project. Commission did not change any of staff's recommendations. And the only outstanding issue for Council is the proposed -- the outbuilding that the applicant is proposing to keep that does not meet the -- the UDC requirements. With that I will stand for any questions.

Bird: Council, any questions for staff at this time? Is the applicant here? State your name and address, please.

Enzler: Kyle Enzler. 3001 North Meridian Road in Meridian. Thank you, Mr. President and City Council, for your time this evening. Steve Arnold is the applicant. He's also my land planner and I got notice not long ago that he's in the hospital getting a gallbladder removed. So, forgive me if I refer to my notes here a little bit. As -- as Josh mentioned the annexation and zoning, preliminary plat and conditional use permit of probably 10.4 acres is currently in the Comprehensive Plan for future land use designates this site as medium density residential, with gross densities of three to eight dwelling units per acre. Our overall proposed density is 7.41 units per acre and, first of all, I'd just like to -- to thank -- acknowledge the staff's help on this project. Both Josh and Bill have been very helpful and very responsive throughout this process and I feel like we are able to work together to make changes that they recommended to align the city's vision with ours and I have a lot of facts here on the -- on my notes and details that Steve was planning on sharing tonight, but in his absence I'd like to kind of share with you what our vision was coming into this project. I'm the developer. I'm also the homeowner. I live in 3001 North Meridian Road with my family and three children and a little selfishly at first we were looking to find a project in this area where we could create the kind of neighborhood that we would want to live in. We -- we love this area. We go to church in this area. My girls play PAL soccer. My wife and I play in a coed softball league. River Valley

Elementary School last year, their library flooded. We organized a non-profit event at the Kleiner Park to raise funds for the library. So, this is our community. We love it here and we want to protect and improve that community and -- and I mention this just to say how involved we are in the community and our intention coming into this was creating a plan or subdivision that both that we would be proud to live in, but also that would meet or exceed the city's goals and plans as well. And so if you look at the preliminary plan, at first it's a little bit -- it looks a little bit strange at first because of the placement of the two existing homes. It kind of made a little bit of a challenge for planning because of how they initially situated those homes when they develop -- when they first built them and prior to us coming into this project, this property was under contract by another developer that had planned on demoing those two homes and really maximizing the development potential and -- and we looked at it and, of course, that was a consideration at first, but considering that we -- you know, we first looked at and estimated that that would add about 250 tons of trash to the landfill per building and that also by keeping these units that we could create a natural buffer between -- and a good progression between -- from the single-family to the multi-family. So, if you look at -- on -- we are pretty close to Meridian and Ustick there. On the northeast we have two major arterials. On the corner the church is zoned out and the retirement home -- both zoned L-O and the multi-family you're proposing out on Meridian Road, we felt creates a -- kind of a natural transitional use for a more intense use transitioning with the existing structures and more open space down to the residential density of 4.22. Also doing this, that required us to create more open space in between these houses and throughout the project and, as Josh mentioned, that we ended up with about 15 percent of open space, well above the ten percent that was required. In designing the multi-family, some of the feedback that we got from the community initially was the concern of the traffic going out on Sedgewick, with Ustick already being the two private uses there their on Ustick, our only access was on to -- from North Spring Water, that stub street, onto Sedgewick Drive and some of the neighbors expressed concern of the traffic there and so we really tried to push the multi-family towards Meridian Road for both the reasons I already mentioned, but also to alleviate some of that traffic through the subdivision. ACHD has given us full access both directions onto Meridian Road and -- and we felt that it -- it helped to alleviate the pressure onto Sedgewick. Our multi-family project that we have developed was designed by New Design. They have an office in Meridian and we really -- this is a pinwheel design. You may have seen this on other projects where the units -- each unit is -- has an upstairs and a downstairs. So, these resemble more of a townhome look. The elevations and the heights are very similar to single-family. So, really trying to provide a -- more of an upscale multi-family project. Rents in this range estimated at 900 to 1,100 per unit and as you can see a lot of hips and valleys and colors that we felt would add to the existing community. I mentioned some of the concerns expressed by neighbors as traffic, especially through Sedgewick. We -- Sedgewick currently has about 200 trips per day and we would be adding about 290. ACHD's threshold for this road is 2,000 and our -- our feedback from ACHD was since it was so far below their

threshold that they would not request a traffic survey. However, we did conduct our traffic analysis and determine that even at peak hour we would have less than one trip every two minutes at maximum capacity. Meridian Road at peak is currently 14,000, but as you know they are currently widening Meridian to five Lanes, which will increase the threshold to approximately 33,000 and we would only be adding about 331 trips a day onto Meridian. And, as I mentioned, ACHD has granted us full access onto Meridian Road in both directions. So, hopefully, you can see we have -- we have put a lot of thought into this community. We are not out of state developers trying to push through. We -- we care about the neighborhood. We care about the neighbors' concerns and we really feel like this will be a great addition to the community. We appreciate staff's support and approval. We have been agreeable to all of the recommendations. We are only proposing one variance to staff's recommendation and that is the existing shop, which is currently to the west of 2975 that staff has recommended removing unless approved by Council to remain and, Josh, would you mind pulling up a picture of that? So, we didn't -- unfortunately, we didn't have this picture in -- in Planning and Zoning and I feel like this better illustrates the situation. This is not -- you can see a -- kind of an old run-down little shed on the side of it. That's, obviously, not what we are talking about. That would remove. But this is -- we have estimated the -- the replacement of this shop is about 120,000. It's 16 by 40 and it was built after the homes. As you can see, the lap siding is consistent with currently used building materials and I believe that if the colors matched the colors of the ACC for the subdivision that we could also create a landscape buffer to the west and it would be well incorporated into the subdivision. Also the current tenant of this property intends to purchase this home and so there would be considerable financial burden on him or loss if it was demolished and, of course, the demolition of that building would add about 25 tons of trash to the landfill. So, in our opinion it makes sense that even though it's different from what the existing neighborhood would be, that since it is an existing structure that there would be a variance granted in this case. Any questions?

Bird: Council, any questions for the applicant at this time?

Borton: Mr. President?

Bird: Mr. Borton.

Borton: Can you -- using this photo can you orient us in relation to the -- the proposed street? Is it running adjacent to the picture on the left and how far is the -- approximately the sidewalk and street from the door?

Enzler: It's -- it's about 15 feet. So, it's actually the opposite side of the red door. The street is on the opposite side of that. So, the shed that you see in the back there, that would remove and it's about 15 feet and so there would be landscape in there, a sidewalk, and, then, the road.

Borton: Mr. President? Do you have a photograph that shows the other side of this building, facing the street?

Enzler: No, I did not. It is the exact mirror of the one that you can see, minus the door. So, there is -- there is two windows -- or there is one window and no door. Sorry. He is the tenant that's concerned about this and I think he's going to speak as well. So, he's correcting me. There is two windows on the opposite side.

Borton: And approximately 15 feet from building structure to the sidewalk or the street? I believe it's to the sidewalk.

Borton: Okay.

Bird: Any other questions?

Milam: Mr. President?

Bird: Mrs. Milam.

Milam: So I noticed there is no play structure or -- almost 80 homes and I'm assuming that's because of the proximity to the park.

Enzler: Yes, ma'am.

Milam: Can you tell me the exact distance on that?

Enzler: It's less than a quarter mile. It's -- it's about two blocks. We walk there almost every day, so -- I don't know the exact distance, but my two year old walks the playground there every day. Actually, that came up -- Josh mentioned that as one of the notes of whether or not amenities were even necessary here given the proximity to the park. As you can see, we -- we actually have five amenities, not a playground structure, but I believe the proposed amount of amenities was three. So, we did want to keep consistent -- number one, we had more -- five percent more open space and so I wanted to find a way to -- to utilize that, which that lent itself to those additional amenities. But in terms of which amenities we chose, yes, ma'am, we certainly took an account of Settlers Park.

Milam: Thank you. Mr. President?

Bird: Mrs. Milam.

Milam: I also had a question -- and I don't know if it was covered or not. There is so many items on here. But earlier as I was reading there was a -- I don't know if this is for you or staff, but I guess you would probably answer it is there was an issue regarding the management office. Has all of that been taken care of?

Enzler: Yes, ma'am. Yeah. What we discussed was creating -- taking one of the units and we can trade a -- a management office out of one of the units or a replacement of one of the units in the building and so we are prepared to follow all staff's recommendations on that request.

Milam: Okay. So, you're planning on maintaining ownership of all of these buildings?

Enzler: Yes. Initially I am. Uh-huh.

Milam: Initially --

Enzler: Well, we -- I want to keep at least two or three of the buildings. We are individually platting them. There is somebody here. I don't know if he's planning on speaking. But he's intending on purchasing one of the buildings. We are individually platting them, so that -- what I really like about the four-plexes is you can live in a unit and get a residential loan on a building and live in it as your home and rent out the other units and so I have a couple people like that that are wanting to both live here that they want that to be their home and, then, obviously, get some additional rental income as a result of those. So, they are individually platted for that purpose, so that they can sell individually, but there is a governing HOA that maintains the exteriors and keeps up the property. We talked about that with staff. And so, you know, obviously, my ability to keep all of them depends on -- I'm not sure I could afford that financially. But I would love to. We do plan on keeping two or three of them and so, you know, we are very vested in it.

Milam: Follow up, Mr. President? But the main reason I asked -- and -- so, you will have a management office and regardless of ownership would all apartments be under the same management and have the same rules? Because I know that in situations where that isn't the case is where we have problems with law enforcement and --

Enzler: Right.

Milam: -- other kinds of issues.

Enzler: Yeah. So, the -- yes. Yes, ma'am, the HOA or the management office that manages the grounds, which is everything on the exterior and the property, that is unified throughout the whole subdivision regardless of the owners of the property. Legally we cannot force any owners to use that management company to manage the interiors of the buildings, just the exterior grounds, the maintenance, the keep up of the neighborhood HOA.

Milam: How about the leasing?

Enzler: Leasing is contracted for the first two years to a leasing company and, then, beyond that, because I enter into that contract with them beyond that, we cannot dictate the interior leasing of the properties.

Milam: Thank you.

Bird: Any other questions for the applicant?

Enzler: Thank you.

Bird: Okay. We had quite a few sign up. Jim Lewis is against and would like to testify. If he would come forward.

Lewis: Thank you, Mr. President, Council Members.

Bird: Name and address, please.

Lewis: My name is Jim Lewis. My address is 101 West Sedgewick Drive. I reside in Salisbury Lane Subdivision, just south of this project. I'd like all of you just to suppose for a minute that this was your neighborhood, because the main arterial road, Meridian Road, as you're all aware, is undergoing expansion to five lanes. While they have started with the Ustick-Meridian Road intersection, that entire length all the way down to Cherry Lane is going to be under construction until 2019. So, a fairly considerable amount of time on this project and the developer is requesting, obviously, to -- to develop this property in two phases, but -- so, we are going to have existing construction vehicles, you know, on that road and, then, the ones for developing this project, you know, accessing the multi-family off Meridian Road and, then, eventually punching through my subdivision to do the other phase for these single family residential. Salisbury Lane has about 40 residences currently. You know, once it's -- so, it's got -- first of all, we are going to have construction chaos with these ongoing projects kind of overlaying, but -- with the ACHD project. Secondly, once it is completed, then, we are going to have, you know, Sedgewick -- West Sedgewick Drive, instead of being the access for 40 residents -- 40 houses out to Meridian Road, it's going to be 69. And, then, what Mr. Enzler did not direct to you is the -- because the current access to the two residential houses is adjacent to where ACHD is going to do a U-turn -- a proposed U-turn as part of their proposal, the driveway that is going to be accessed for the multi-family is going to be 140 feet closer to Sedgewick Drive and contrary to Mr. Enzler's assertion, ACHD is only providing temporary full access, which means ACHD is reserving the right to make that, based on traffic patterns in the future, right-in, right-out, in which case they would dump traffic back onto my driveway -- I mean back onto Sedgewick Drive and I reside in the first cul-de-sac. So, those people are going to do U-turns to turn left if they need to head north. This project is the wrong project. The multi-family -- it's not an appropriate place. I know that City of Meridian is trying to develop

multi-family and I'm responsive to that. I don't think this is the right area. I think the level of congestion is going to be much more significant than what is initially conceived of, both by ACHD and the City of Meridian. So, I urge you to reject this project accordingly. Send him -- send Mr. Enzler back to the drawing board. You know, that we are not saying that -- don't develop this project, but it's -- as currently conceived it's not appropriate for the area. Thank you for your time.

Bird: Any questions?

Milam: Mr. President?

Bird: Mrs. Milam.

Milam: So, what do you think is inappropriate about this? Just the multi-family portion?

Lewis: Well, I think that you have to access through the stub street. Having 29 residences, those are -- have currently -- can see the lot sizes are considerably smaller than the adjoining lot sizes on Salisbury Lane. So, I think that's a lot of congestion and it's accessing Sedgewick Drive about halfway up, which means if you're on the eastern part West Sedgewick Drive, that little portion is going to be -- have a considerable amount of traffic. I think the number of -- I think the number of units for having multi-family there is excessive and I think the number of single-family residences could be reduced from the -- from the current 27 proposed on -- in addition to the two residences that are going to remain.

Milam: Mr. President?

Bird: Mrs. Milam.

Milam: Sorry. Not to be redundant, but -- so, you're against the Meridian Road access and you're against them using Salisbury Lane. Something is going -- or Sedgewick. Sorry. Yes. I mean something is going to develop here. How would you recommend that they access?

Lewis: Well, I think that it could easily be zoned for, you know, something akin to light industrial or -- you know, that whole section of Meridian Road all the way -- you know, has -- has other different, you know, business uses or even a commercial lot there or something I think would be more appropriate or just, you know, something akin to an office complex. There is a senior care center just -- just north of there. What would be wrong with having, you know, kind of a low-grade commercial or business office complex there? That would seem to be more appropriate and a lot less traffic being dumped out onto Meridian Road.

Milam: Thank you.

Lewis: Anyone else?

Bird: Thank you.

Lewis: Thank you.

Bird: Heather Shively. She is for, but she didn't want to testify. Benjamin Shively was for, but did not want to testify. John Williams is against and would like to testify.

Williams: Hi. I'm John Williams. 126 West Sedgewick Drive. And I get kind of nervous. I'm not really good at public speaking, so you guys will have to --

Bird: We aren't either.

Williams: So, Mr. Enzler talked about the transition from the multi-family to the single family home and where my lot is there is no transition. There is just multi-family two stories abutting my backyard, which I understand that, you know, when you're developing there could be a single-family house that's two stories high, too, but the difference is is those people have stake in the game. When you put multi-family housing or basically the equivalent of an apartment complex, these people have no long-term stake in the game of developing the area, making sure that they are doing the things that are appropriate and will help the community be peaceful and flourish. It's all -- it's about home values, too. Property values. I'm concerned about mine lowering because of the multi-family housing and that includes the noise that comes with it. They are talking about the burden of extra trash. I mean -- but all these multi-family housing units right there and there is trash that goes into the landfill that follows. The traffic, forcing it right in there between Sedgewick and Ustick, I mean that just seems excessive to me already. I mean it's a challenge to even get out of the neighborhood and go north during -- whether it's in the morning or in the afternoon peak traffic hours, it's a challenge for me to even take a left into my neighborhood off of Sedgewick. I mean the traffic is stopped at the stoplight and I understand they are doing the road widening project, but I don't see that really helping more multi -- when you put multi-family housing in there I don't see like a couple extra roads really benefiting that at all or making it easier, less impactful. Please bear with me. My brain is going a thousand miles a minutes here. The dumpsters -- multi-family housing, I'm concerned about possible smells from open air dumpsters. Goes along with that. I certainly -- you know, my dream wasn't to purchase my house and, then, have apartments go up behind it. I don't know a lot of people who say, you know what, my perfect scenario is to buy a house and, then, make sure and build 20 apartments around it, unless, you know, they like strange company and I don't think that the other people living on Sedgewick with their backs to that multi-family housing -- or near the vicinity of it, you know, had that idea either. We want -- I feel that if you develop it and you put some single-family housing there, I think that's perfect. I think it adds to the existing

neighborhood. I think that's a burden of traffic. We would be fine with that versus a multi-family housing and -- that was my time on there; right? Thank you.

Bird: Any questions?

Cavener: Mr. President, I have a question.

Bird: Mr. Cavener.

Cavener: Mr. Williams, how many of your -- I guess you and your neighbors the rear of your homes would face this multi-family development?

Williams: From the backyard?

Cavener: Uh-huh. So, is it -- are we talking about -- is it one? Is it three? Is it ten? I mean how many of the homes in your neighborhood would back up against a multi-family?

Williams: I think it's -- it's two right now.

Cavener: Two?

Williams: But, then, you start -- you also take into account the view that we have of the mountains that these things would block. I mean we are worried about putting up trees to block the view of Meridian Road, but, you know, I have these multi-family dwellings going up to block the view of the mountains that I have right now currently, you know. Two houses matter; right? Just as much as -- as the other ones that have, you know, a single-family house backing up to it. Anybody else?

Bird: Thank you. Don Farley. He is neutral, but --

Farley: Hi. My name is Don Farley and I live at 2683 North Richter Road and we are right around the corner from Sedgewick, by the way. As a matter of fact, right at the corner of Sedgewick and Richter is where my house is, so you know where I am. I have some problems that I want to talk about tonight. One of the things is multi-family dwellings -- multi-family dwellings with no age discrimination at all, opens up to more law enforcement problems there in a multi-family dwelling area. I have seen it happen time and time and time again every place that I have ever seen multi-family family houses go in there has been an increase in that. The other thing is that we were talking about traffic. Right now the traffic backs up down to -- all the way down almost to Albertsons down there. In fact, I have seen it down there a couple times. There is a lot of traffic. To try to think you're going to move all that traffic with adding two more lanes -- I don't think we are being really realistic. You have got a huge intersection that is going to be

there for Ustick and Meridian and the minute that that starts going into reconstruction and gets really into it -- Ustick is going to pretty well close, for any intents and purposes. If that happens -- I'm a member of the church that's there and that church is going to lose people coming to church time and time again and it's not going to be an easy situation. It's going to be a long-term situation. I appreciate the opportunity the people have to develop the property and I certainly would not be the one that would want to stand in his way. I do have a problem and the problems are as I mentioned and I think we need to try to come up with some other way to solve that problem for the people that are -- the other thing is I was told by the ADA -- city -- the council -- I don't know. Anyway, it's the construction up there on Ustick, the church has a single entrance and exit right now and we want to go down to -- about a hundred feet further and put another one in -- another driveway. We make it really advantageous for the city, because all we have to do is put a little place up there to go in and out. I'm proposing that we make the one that's on the east side of the church, that exit -- the exit out of the middle of the church, that that exit would be a right turn only and when you get down to the other end of it, down to the west end, you may get a left turn only. Why? Because the time that it takes for a car to start as the red light change at Ustick and Meridian, all the way down to where we have the left turn, I could turn five, six cars that would not be jammed up because of here and that would take care of a lot of our problems that I see that will happen and it doesn't cost the city anything. We will take care of it. It doesn't cost us anything but a signature on a line that says approve this. They will put it in after the road is laid, so it will blend perfectly into the roads. So, basically, have access to there. Think a little bit more about what we can do to take care of the situation on Sedgewick and the development.

Bird: Sir, would you summarize up, please.

Farley: I will try to. Basically, the situation I'm concerned about, the fact that the multi-occupancy dwellings and I'm concerned about traffic and what we are going to have coming in for the people on a regular basis. We have rentals right behind our house right now and the Fourth of July, we had to dogs down the street and those are apartments right there. Don't have that where we live. The other thing is -- is that gives you basically enough information to summarize that. Basically the other side of it is we have a problem with turning in and out of the church. I would like to have the city look at that. We just had a -- they said, no, we don't want to do that. Who doesn't want to do that. That -- and the city told them that they didn't want to do it and I don't believe that's true, because all you have to do is look at it and it makes sense.

Bird: Sir, a lot of -- we can do some recommendations on stuff that like, but it has to come through ACHD is the ones that determine the roads and the entrances and the exits.

Milam: Mr. President? Oh. Sorry. Sir, we have no jurisdiction over the roadways. Ada County Highway District is the one that makes those decisions. We do not make roadway decisions --

Farley: Okay.

Milam: -- at all.

Farley: I wonder why I was told this?

Milam: So, the only reason that we have a decision on this particular one is because they already -- they did approve it for the -- for the Meridian Road access, but we don't have -- we have nothing over that. No decision making.

Farley: For the driveway area --

Milam: For the drive -- yeah. If it goes out onto a road, like Ustick Road, we are not the decision making body for that. Ada County Highway are the people that you need to speak with.

Farley: Okay.

Milam: Okay.

Farley: We are also looking at a really -- and that's a problem to get our people to church. Thank you.

Milam: Totally understandable. Thank you.

Bird: Thank you very much. Elaine Lewis is for. Did not want to testify. Todd Tucker is for and, yes, would like to testify.

Tucker: Thank you, Council President and Council. My name is Todd Tucker. I live at 2857 North Fairglen Avenue here in Meridian, which is just about a half a mile to the -- to the west of this in the Crossfield Subdivision. So, just to preface this, I do work as a city planner for city of Boise and have for -- for quite some time now and I am in full support of this project. I think this is exactly what we need here in Meridian, especially at this -- in this location, it's at the -- it's on an arterial road very clear -- or close to the intersection of another arterial road, very close to a regional park, to commercial services. This is exactly where we need multi-family development, where there is access and where there is close proximity to -- to regional uses for these -- for these -- these tenants. I was going to go into the design a little bit, but Mr. Enzler covered that pretty good. I just think it's a well-designed project. The four-plexes with the pinwheel design, we see them quite a bit and it's nice, because it does put a door on every side and it puts eyes on the street and their close proximity to -- to Meridian Road. I'd like to

see them a little bit closer to the road, but I understand the setback that City of Meridian has there on Meridian Road. I think there is good pedestrian connectivity. I think there is a good connection between the multi-family and the single-family portion of this project. This is a good mixed-use project between multi-family and single-family and I think mixing those -- those uses of a multi-family and single-family makes for the community. Like I said, I live in the Crossfield Subdivision, which is -- has single-family development homes in it, it also has multi-family homes in it. I always tell the story of when I came home one day and they started building the apartments in Crossfield and I had to have the same discussion with my wife that I do every day with people that come into city hall that, no, our property values aren't going to be diminished, crime is not going to rise, our neighborhood is not going to go to pot just because there is some multi-family. It makes for a good community to mix -- to mix those uses. The density is not very high, as it sits under eight units per acre. In Boise City would consider this low density residential, not medium density residential. I think that's just about it. You know, one of the -- the main reasons that I support this project is the -- the need for transit in the area. I know it's going to be quite a while down the road, but if we don't get density in these areas specifically on arterial roadways, we are never going to get transit and I want to be able to ride the bus to work and not have to drive so far and the way that that is driven is through -- through density. When there is more density in areas, then, that's when transit is going to come. I know it's going to be a while, but, still, if we don't get it now it will never come. So, that's the main reason why I'm supporting this project is -- is the need for -- for transit in this area and I think this is going to help lead to that.

Bird: Any questions for Mr. Tucker?

Milam: Mr. President?

Bird: Mrs. Milam.

Milam: Are you the one that was purchasing one of the units?

Tucker: No. That's not me.

Milam: Oh. Okay. So, you don't have any personal interest in this?

Tucker: I do not. No.

Milam: Thank you.

Tucker: Thank you.

Bird: Mike Grossman is neutral and would like to testify.

Grossman: Thank you, Mr. President, Council. I am also a rookie at this. My first attempt --

Bird: Name and address, please.

Grossman: Oh, I'm sorry. See what I mean. Mike Grossman. 3056 Northwest 3rd, Meridian, Idaho. I did have my initiation in front of Planning and Zoning, so I will try not to mess this up too much. Three of the things that have been addressed -- I have some notes and I will try not to go past my limit here. But three of the things that have been brought up that I'd like to clarify. On the outbuilding situation, that was somewhat discouraged by staff because no one else in that single level area is going to be able to have an outbuilding. So, that's the only thing I would like to address about that. The multi-family is just a real tough situation. It's just not a right situation and I'm sure if you ask the police officers and the people that have to govern that, would they like to contact ten people -- if it was under one management roof, then, maybe it's different, but if you have ten units and I own one and Joe owns one and dah, ta dah, ta dah, it's - it's just -- it's a terrible situation. The transit -- and I don't want to be disrespectful, but the transit subject that was just brought up is I think somewhat very invalid. You know, city of Boise can't even get that under a situation or the whole, let alone one little area in Meridian to make transit more appealing. So, I would like to say on the other notes, Planning and Zoning, when we went before them, I didn't quite, me being a rookie, understand how that two out of the five voiced their opinions -- and I don't know if you have those opinions, but they voiced opinions that they felt very uncomfortable with this project and they voiced both of them separately and, then, I don't know if it was peer pressure or what, all of a sudden they went ahead and voted to pass it. So, there is some issues here. One of the issues is -- sorry and I got out of order here. Let me look here. I think it will somewhat -- not to say -- I'm not so much against a single level, although I would have liked to have seen some pictures from this developer as to the quality of his homes and that. I think it could bring down the property values, because the majority of the area you have to understand -- and if you don't live over there I know it's probably hard to visualize, but the majority of the area over there is R-4. So, we want to go from an R-4 density to an R-15 density and, oh, yeah, well, we come up with an average of R-7. Now, okay, that's really impressive and doesn't mean a lot to me, so -- I would like -- my suggestion is the multi-family area, I would rather it be zoned commercial like it is right down the street. Less traffic, less trips and also the fact that I want you to understand that you're getting on ACHD and we know they never make mistakes, but that road survey is from 2010. Now, nothing's happened since 2010 in Meridian, Idaho. Oh, by the way they are taking houses out at my intersection. So, I got two more quick things if you will let me. I'm sorry. The other concern I have about the multi if you move forward, it wants to be the first phase. I'm a little -- little nervous, that, okay, we build the first phase and, then, all of a sudden we really don't want to do singles, so let's try to rezone it for more multi's or let's leave town or whatever. So, if you're going to zone it rezone it for all single-level.

It helps on the traffic and the poor people at Sedgewick, if any of you go by -- down Meridian Road north to Ustick, there is a sub -- an apartment building called Heron Village. ACHD evidently approved that or it wouldn't have happened. If you go by that now, look at the streets, Blue Heron and that street has become a commercial parking lot for that development and that's what's going to happen to Sedgewick and I know everybody says, oh, it will never happen, but it will happen, because there is not enough places for people to visit those multi-plexes. I appreciate you letting me go over.

Bird: If you can summarize --

Grossman: Any questions?

Bird: Any questions for him? Thank you very much.

Grossman: Okay. Thank you.

Bird: Nick Thomas is for and he would like to testify.

Thomas: Nick Thomas. I reside at 2975 North Meridian Road. The second home in question here. Mr. President, Council, I do have personal interest in this project. I think Mr. Enzler, even though I have not -- I have not known him for a very long time, I know he has a good interest in our community and in the project itself. Personally I have been in the homebuilding industry for over 15 years. I work for a local homebuilder. I understand and appreciate growing up on a farm, on a dairy farm, my grandfather's farm was just a stone's throw to the northwest of this that is now houses. I understand what happens with urban sprawl and with growth, but that is life. So, I have come to embrace, so why not be a part of it. I appreciate that Mr. Enzler is maintaining the integrity of what's existing and not being wasteful. There are a few reputable builders in town that try to maintain this in keeping existing structures and -- as a part of the community. My only request -- my biggest request, the RV garage is a nice building, it would be impossible to duplicate. I understand and appreciate concerns that others in the community do not have one, but in 20 years if I plan to move south where it's warm they are more than welcome to buy the property from me, so the opportunity will be there. As Mr. Enzler stated, the cost of this structure to demolish it, not only due the waste, but the value of the property and the community would decrease. I would just request that we consider -- that you guys, the Council, Mr. President, consider deeply the waste that would be taken into effect if it's demolished. As an architectural designer I have great appreciation for structures and making sure they look good. Even though the building is not very old, according to the CC&Rs and ACC approval, I have plans to dress it up and make it look as an integral part of the community. Thank you.

Bird: Any questions? Okay. Kyle Jones is for. He didn't want to testify. Craig Chidley is for, but did not want to testify. This is a public hearing. Is there anybody that would like to testify? Come forward.

Haas: Thank you. I'm Shane Haas. I live at 115 West Sedgewick. I don't have a whole lot to say. I think Mr. Tucker said it best. I do think, you know, living on Sedgewick, I think this is a perfect spot for multi-family housing, as well as to increase the subdivision. My primary reasons for that is I work at St. Al's as a physician assistant and I have a lot of school debt from that and I would like to be able to afford a nice place to live where I'm at now and I could buy a house and I could take on more debt, but I would rather not and I just want to be smart with my money and with my family, I have two young kids, and I think this provides an opportunity for people who are fiscally responsible to live in a great area next to what I think is the crown jewel of Meridian, which is Settlers Park. So, for me personally I think this is a great opportunity to afford a house and they say -- you know, they keep referring to renters and renters and renters and, you know, we can't classify everybody the same. There are some great renters. I have been a renter for a long time, all through school, and I took care of my properties and I think renters loved me and, you know, tried to keep me around, you know, when I thought about moving on and so I don't think renters are a bad thing and I honestly think if you drive down Sedgewick Road there is some houses that could use an HOA that kept up their property as well as the HOA will keep up this multi-level housing. I think the exterior will be more beautiful than some of those houses on Sedgewick, so I don't think it's a concern of looks. I understand the traffic burden and I think, you know, that's not going to be as severe as some people think. But me personally I think this is a great place for multi-level housing and I think it will turn out to be a good thing for the community and I wish that we would stop classifying all renters as, you know, pedophile sex offenders or whatever we think they are, because they are not. So, that's all I have to say.

Bird: Thank you. Any questions?

Milam: Mr. President? Not really a question, but more of a comment. I am a landlord --

Haas: Sure.

Milam: -- so I -- I have some amazing renters, so just so you know, we don't --

Haas: Yes.

Milam: -- sit up here and judge and think poorly of -- of --

Haas: Of course. Yes. Yeah. Thank you.

Milam: -- anybody who rents a home, so --

Haas: I appreciate that.

Milam: -- I have some that I really try not to let go.

Haas: So you know that renters aren't necessarily a bad thing.

Milam: Absolutely.

Haas: So -- all right.

Bird: Thank you very much. Public hearing. Anybody else that would like to testify? If not, Kyle, you got the last word.

Enzler: Thank you, Mr. President, Council. Just a couple points that were brought up by members of the community that I wanted to address. In terms of multi-family backing up to housing, part of the reason that we pushed as far as we could the multi-family to the front was to avoid that. So, there is actually one - - only one residence -- one or two that has -- and it's not even a direct, but has a partial -- partially abuts to the multi-family. The heights -- the elevations for the subdivision are 35 feet. Our elevations are 28. So, again, we took that into consideration when planning these and the fact that the pinwheel design -- I think for those that don't understand multi-family, I may have not explained that well, but the way it works is there is a center point and there is a building on each corner. So, there is a door on each side of the house, which in this case -- and there is an upstairs and a downstairs. So, there is not a balcony for the four-plex that backs up to the one single family. It's no different than having a single family home behind you. In fact, it's actually -- it's actually less obtrusive, because it's not the same height, there is no balcony looking down into your yard, there is just the one front door on that side. In terms of the dumpsters, of course, we plan those to be as far away from the single family as we can. One thing that was brought up that the church to the north of the property contacted us and asked us for connectivity to the church and in talking to Josh and Bill, we thought that that was a great idea to, again, incorporate that community feel. So, we have -- we do -- based on that request have created a pedestrian path and connectivity to the church lot as well. In terms of parking, two units -- or two parking stalls per unit is required, which is a total of 96 parking stalls. We have 101. And, of course, based on City of Meridian requirements will be a significant landscape buffer between Meridian Road and the complex, as well as a fence. Lastly, I don't feel like I -- I properly addressed the concern that was brought up in terms of who is managing these properties. As I stated, there is -- very, very similar to a single-family neighborhood. You know, an HOA can govern the entire neighborhood and if they have strict HOA guidelines and a community that cares about it, they can maintain the exteriors and the look of the neighborhood and feel of the neighborhood, but they don't have a right to govern who is in the house and I think that Shane coming up here speaking is a great example of the

potential of what we have with individually parceling these properties, where you have somebody like that who is treating this as both his primary residence and also eventually will be managing the rest of the units and I think that that provides a great mix of community and I think it will provide for a great product and I don't see any additional issues with that. But I think that covers all the additional remarks. Any other questions?

Bird: Any questions of the applicant?

Milam: Mr. President?

Bird: Mrs. Milam.

Milam: Regarding your -- your management, I guess what I had in mind was a lot of these complexes with multiple four-plexes that are individually owned, do you have authority to -- for leasing terms, so that they are -- the rents are the same, the screening is the same, so that when it is sold to some out-of-state owner, who doesn't really care and just, you know, takes an application over the phone or whatever and -- the point is have uniformity and make sure that everybody in that whole neighborhood remains in a -- a good space, a safe place.

Enzler: Yeah. Yes. I -- and to the extent that we can legally do that, of course, that's our intention. We have already talked to a management company -- a good management company in town, have them on board, and, you know, like I said, I plan on owning them. So, just from an investor standpoint as well I want to maintain the integrity of these buildings and the community as well. So, to the extent that we can legally do that we will do everything we can to keep that conformity.

Bird: Thank you. Any other questions? Thank you, Kyle.

Enzler: Thank you.

Bird: Council?

Cavener: Mr. President.

Bird: Any questions we need? Mr. Cavener.

Cavener: I have a couple questions for Justin, if he --

Bird: Okay. We will ask Mr. -- Justin up here. He's sitting on the wrong side. I didn't seem him.

Lucas: Mr. President, sorry about that. I should have sat in my normal spot.

Bird: Yes.

Lucas: For the record, Justin Lucas representing Ada County Highway District. Business address is 3775 Adams Street in Garden City, Idaho.

Cavener: Mr. President. Justin, one of the members of the public that testified talked about an ACHD U-turn project. I was hoping you could maybe provide us with a little more context about that proposed project, where it would be, what it would entail. I think in light of this development it's very pertinent.

Lucas: Certainly, Mr. President, Members of the Council. As you're aware, the Ustick and Meridian intersection is currently under construction. They are doing a lot of utility work and other things out there right now. In association with that project we are rebuilding and widening the sections of Ustick between Locust Grove-Meridian and Meridian and Linder. So, it's a two-mile project with an intersection between. Also in short order we are planning to widen Meridian Road between Fairview, Cherry, and this new intersection. That will be completed by 2019. I think that was already stated. So, as part of that intersection project -- and in the ACHD staff report I believe there is an exhibit, if you would like to look at that, if you can access that in your pocket. When you head south on Meridian Road there will be a U-turn opportunity, which is like a protected U-turn, there will be a -- kind of a little median area where you can go in and turn around. So, you could head northbound on Meridian Road and I believe it's on page -- let's see here. Page seven of the ACHD staff report that kind of indicates how that is laid out and the -- the issue with that was that the applicant's proposed driveway was basically directly adjacent to this U-turn pocket, so that would prohibit them from getting any left -- left out access onto Meridian Road and that's why in the staff report it recommends moving that driveway location for the multi-family section of the development further south. It recommends about 140 feet south. I still believe that's over -- it's about 346 feet north of the Sedgewick Drive access, though. So, there is still about a football field between the -- the -- to the driveway and the -- the existing Sedgewick Drive. And look at this, we have got it up here in front of us and we are going to go down the page. That right there. There you go. Thank you very much. So, you can see the proposed driveway, the U-turn access. The project terminus. And so the -- this -- the applicant is proposing to use this kind of existing location for the driveway and ACHD asked them to move it down. That is not an exact location where I just drew that, but that is an indication of the further south. Does that help clarify that a little bit? I could certainly stand for any other questions.

Cavener: Mr. President?

Bird: Mr. Cavener.

Cavener: Justin, a couple other questions. Ridge Haven Way, which is I guess maybe a quarter of a mile west of this -- the adjacent homeowners association of Sedgewick, do you know is -- and maybe staff can pull it up on a map so you can see. I just was curious if you knew what the future plans were for -- for that particular road, if it's slated to connect out to Ustick or if it's set to terminate where it is?

Lucas: Ridge Haven Way.

Cavener: Ridge Haven Way. So, if you follow Sedgewick all the way to the end, I believe that would follow the -- my eyes are --

Luas: So, certainly, if you -- just zoom out a little bit, Josh. You know, connectivity in this area I would call it a challenge for the residents of Indian Rocks, Claire and Sedgewick. This developed portion of Meridian has developed, you know, all the way through about a half mile deep, but has no way else out, except back onto Meridian Road. Now, in the future there will certainly be opportunities to access Ustick from this area. One of those opportunities is going to happen at some point through this connection here, because you will have 3rd Street. Venable Lane at some point in the future --whether it's Venable or some other adjacent access point, the idea is to have connectivity up there at the half mile and it's very likely that you could see another connection point onto Ustick Road at some point in the future. All of that would be determined through the development process and the platting process. You would have an opportunity to see how that plays out and certainly connectivity in and through this area is critical in the future.

Cavener: Mr. President, one last question.

Bird: Mr. Cavener.

Cavener: Justin, I remember as a kid growing up in my neighborhood there was -- the street ended and there was this big yellow and orange like fence with a sign that said this road to be extended in the future and that sign sat in my neighborhood for the whole time that I lived there as a kid. My question is do those signs still exist and when I see it at Sedgewick and it looks like Spring Water, which is one more street -- correct. Right where the arrow is. On streets like that does ACHD place that same type of a fence and a sign that says this road to be -- well, there is an easy way to find the answer to that.

Lucas: Josh is hitting home runs tonight.

Cavener: He is.

Lucas: I have got to get him on the payroll. Mr. President -- or Councilman Cavener, as you can see there is that barricade that's placed there. I think it's a

relatively standard at ACC requirement that the barricade goes up and the sign goes up that says this road will be extended in the future. Now, how long that sign might last and how long that barricade may be there, ACHD has no policing policy related to that and so it's very likely that those signs go up -- I can almost guarantee they go up when the subdivision is completed. How long they stay is a completely different situation.

Bird: Thank you. Any other questions for Justin?

Milam: Mr. President?

Bird: Mrs. Milam.

Milam: This may have already been answered, but, Justin, from the access point for this project, what is the distance to Ustick?

Lucas: That is a good question, Mr. President, Councilman Milam. I'm looking here in my report to see if I have a distance from Ustick on that driveway. Ustick-Meridian intersection.

Bird: The existing one?

Milam: It looks like 640 feet.

Lucas: Yeah. I believe the existing one is over 600 feet.

Bird: Yeah.

Lucas: The proposed driveway, which is required to be moved, would be an additional 140 feet south. So, you're looking -- yes. Yes. Exactly. And thank you for pointing that out. There was no -- there was no modification to ACHD standard policy as part of this application.

Milam: Thank you.

Bird: Any other questions for Justin? Again, thank you very much, Justin.

Cavener: Thanks, Justin.

Lucas: Thank you very much.

Bird: Council, any other questions or answers we need while the public hearing is open?

Borton: Mr. President?

Bird: Mr. Borton.

Borton: Are the two existing homes that are remaining to be included into -- with CC&Rs with the rest of the single family?

Beach: Correct. Typically we don't -- staff doesn't typically have that as a requirement that there be an HOA, but that's just typically how the developers do things. With a subdivision like this I would imagine that that's what they would want to do is to have them included in the existing -- I mean as far as -- as far as an HOA goes it seems like that's what they would want to do, as opposed to removing two homes from a development, but that's a question for the applicant for sure.

Borton: And, Mr. President, the reason I ask is -- and the applicant might comment on this -- is the utilization of that might permit some landscaping requirements if the -- if the shed were to remain adjacent to the public street and there is going to be a commitment to landscape it in some fashion, if it were to remain, that the CC&Rs would enable the residential new homeowners to ensure that continues.

Bird: Mr. Borton, would you like the applicant to come forward?

Borton: I think he wants to.

Bird: Kyle, would you come forward, please.

Enzler: A long way to come for a yes, but, yes, sir, we -- it is actually in the reports that we talk about the HOA for the residential, as well as the multi-family, and the fact that the two residential existing homes will be incorporated into that and a part of that HOA, which is why I was making the comment about the existing lap siding and making it cohesive with the architectural control standards for that subdivision.

Borton: Okay.

Enzler: So, yes, sir.

Borton: Mr. President?

Bird: Mr. Borton.

Borton: I thought you had made it to some -- I don't know if there is a landscaping commitment. Do you have ideas on what you would intend should that remain? And the reason I ask is the minutes from Planning and Zoning don't really reflect the real robust discussion about the shed. The hearing was closed and, then, there is discussion about it should be removed as it's noncompliant

with code, but it didn't seem like there was -- and maybe because the picture wasn't available, but there wasn't a lot of discussion on if it were to remain what would you anticipate being the best way to ensure landscaping is maintained?

Enzler: Yes, sir. So, that side -- if we look at that picture again, you know, I think that it's not -- this isn't something that's a complete eye sore that we are trying to hide completely. I think just following the standard guidelines of the -- what we are -- what we are land -- proposing the landscape throughout the subdivision, just following that same thing along the side of that will provide enough of a buffer, but we would certainly be open to staff's recommendations on, you know, what -- what we should do there to make it appease the city.

Borton: Okay.

Enzler: You know, I personally -- part of the -- part of the reason it doesn't fall within the setback is because of where the street is, they are calling that the front of the house. While there is still -- there still a front of the house where you walk to the front of the house, it's just being called the front of the house because of how it's situated a little bit oddly and so that's -- your access -- the driveway access actually -- and if we pull up a different plan. It actually curves in front of that around to the front of -- what I would consider the front of the house. So, I don't think that this will be a whole lot different than say the lot to the west and, you know, driving in, looking at the side of their house, which backs up to the community gardens there to the east. It's not going to be a whole lot different than viewing that side of the property and so I think that in that case, you know, there be no landscape requirements for them to, you know -- what's the word I'm looking for? In front of their side. So, I think anything that we do is going to be additional. I think even if you didn't do anything I don't think it would look weird or awkward, I think it would still blend in the community, but I am certainly prepared to do more than that.

Borton: Okay. Thank you.

Enzler: Yes.

Bird: Any other questions for the applicant while we have got him up here?  
Thank you, Kyle.

Enzler: Thank you.

Beach: Mr. President? Quickly, if I may. So, in discussing this with staff and with the legal, staff's recommendation, as you see in the staff report, is that that be removed. Having said that, it doesn't meet the UDC and because this is annexation typically we are a little bit more strict as far as staff goes with making sure that anything coming into the city meets current code. The mechanism -- and I'm not sure of their -- the difficulty with this is the applicant has mentioned a

variance to allow the outbuilding to remain. That's not really a mechanism that we -- or that the applicant has applied for. It would be that the findings that staff has to make is that there is a -- there is a harm -- there is a hardship with the application. In this case it's a self-inflicted hardship, because they are designing the project so this building that's existing doesn't meet the standards of the UDC. Likely there is a way to design this so that there is not an issue in keeping the building, but the way that they have done it means that it doesn't meet the standards. You mentioned a lot to the west and depending on how these proposed homes would be designed, this would still be the front yard setback, even if the home faced east, if that makes sense. And, then, this would still be the side yard setback. So, they would not be allowed to put a building out here, even if -- even if technically it's the side of their home. So, I'm sure you understood that, but I just wanted to make sure you understood staff's kind of thought process behind requesting that that be removed.

Borton: Okay.

Chatterton: And, Mr. President, Council Members, just maybe to add to that a little bit. The issue with the shed is not aesthetics. I think it's fine looking. It's where it would be located. In the front of the yard does not, as Josh said, meet code. We don't have a variance application, as Josh said, that -- you know, let's fast forward on this a little bit and not hold out false hope. We don't know how a hardship could be demonstrated. So, we just want to clarify that, that that's really the reason why staff and P&Z recommended that that building be removed. Perhaps there is a cure, so that this structure could end up not being in the front yard. That would require going back to the drawing board on design.

Borton: Mr. President?

Bird: Mr. Borton.

Borton: So, it's -- that makes it sound like we don't have the authority with what's in front of us, because there is no variance application to grant the request, even if we wanted to. That --

Chatterton: Mr. President, Council Member Borton, if Mr. Nary wants to weigh in, but I don't believe that you do have the authority.

Bird: I don't think we do.

Nary: Mr. President, Members of the Council, Council Member Borton, you know, we talked about this and -- and Mr. Chatterton and Josh are right, that a variance doesn't apply. The state code is very specific about when variances can be done and they are required to be a hardship that is based on the topography of the -- of the property, not because it's expensive and not because it's inconvenient. So, that's -- that's the problem is -- as Bruce said, fast forward,

even on the variance, there is no logical reason why you can make that finding, because they have designed it this way. It's unfortunate Mr. Arnold isn't here, because my assumption is he's the designer and I don't know if he has looked at variations of this property and other options of how it could be laid out and not to, then, put this building in the front yard adjacent to the street, which we don't allow anyone else to do. And we have had many occasions over the years that people have built structures of this type in their front or side yard setbacks and we have required they be removed after they have been built. So, it isn't unusual for us to run into this problem, but they have come and asked and they have asked this Council to grant a variance, because they didn't realize they built into the wrong place, they didn't realize that it was too close, or it was in the front yard setback because, again, it isn't the location of the house -- of the front door, it's the location of the property in relation to the street and each time the Council has denied it, because, again, it's the hardship they have created, not the hardship that the land's created and the state statute is crystal clear on that.

Borton: Mr. President?

Bird: Mr. Borton.

Borton: A procedural question then. If that's the case, this would be something that I would have anticipated would be discussed and presented to the applicant well before P&Z, but if there is -- I didn't see that -- I didn't -- I believe I missed --

Beach: There was a staff condition that they remove the outbuilding, because it doesn't meet the UDC standards and they were aware of that at the pre-application meaning.

Borton: Not necessarily that, but the only path, were it to go forward, is you have to have a parallel variance application. Whether or not it would be granted, they could at least always make an application to at least get it before us. Whether the findings could be made is another question. But to, then, give us the authority to even grant the request -- so, procedurally, it sounds like with what's before us we couldn't grant it if we wanted to, when it would necessitate that application to come along with this, and if that's the case, I hope the applicant was told that.

Chatterton: Well, Mr. President, Council Member Borton, we always counsel applicants on ways to achieve what they want to, even if perhaps staff isn't in agreement with that. In this case that would not have been something we would have counseled, because we didn't see a success at the end of the road for them. I mean that would have been perhaps laying out a false hope. I mean we could have done a variance application, perhaps that should have been done. You would be able to on this application condition I believe -- Josh and Bill, correct me if I'm wrong -- condition that either they apply for and receive a variance in the future, obviously, past this hearing, or remove the structure.

Nary: Mr. President, Council Member Borton, I mean Bruce is right, I mean certainly if -- if -- if that's an issue you can make that a condition of the final plat, that the building either be removed or they apply for a variance, because it doesn't qualify.

Bird: We have done that before, I believe.

Nary: We have.

Bird: Am I not right, Bill? We have done that before?

Nary: Yes, we have.

Bird: Mr. Palmer.

Palmer: Yeah. Mr. President, I -- correct me if I'm wrong, but, Josh, in your initial presentation when you mentioned the building the first time, didn't you say unless Council grants a waiver?

Beach: Correct. But that does not give me the authority to say you can grant a waiver. That's a legal question. So, that's Mr. Nary to answer that and we never really have.

Palmer: Unless Council can -- or unless Council does, but I'm not saying if you can. Okay. I'm wondering if the applicant -- you heard this before just now.

Enzler: Yes. Thank you. I guess I'm a little confused, because I was in that -- that meeting and I -- of course, we were told that because of the requirements staff has to say -- that they do not approve of that structure, but that we could take it to Planning and Zoning and City Council and that they could make a decision otherwise and so I'm looking at page nine here. Staff recommends that the structure be removed with the development of the first plat -- or first phase unless approved to remain by City Council. So, it was always our understanding -- and, in fact, off the record there was a comment made that quite often that happens. I'm a little confused by what was just said. It sounds like this never happens and it's never approved and that possibly City Council doesn't even have the authority to approve it -- to approve that, which is very confusing to me given that it says on here at page nine -- unless approved to remain by Council. So, I'm confused why it would even be a part of our application this evening or in planning and zoning if that were the case.

Nary: Mr. President, Members of the Council -- so, the only other alternative we could think of in looking at this, because it's an annexation application, not an existing parcel within the city, is we have occasionally been able to annex properties with existing uses and allowed them to remain for a period of time.

The applicant, from the testimony, wants it to remain forever. That has not been commonly accepted. There has usually been a sunset of when that can remain or that it cannot expand. If it is removed it has to -- once it's removed it's removed forever or there is some sunset to when it has to be moved to another location or removed entirely. So, you could condition that in a development agreement as to a sunset, but it hasn't been common and you have had people ask for a -- not a variance, but an acceptance of a nonconforming use on a property when it generally has an expiration to it and the applicant has said they don't want to ever remove it. So, I guess that's the conundrum that we are at as to -- the only mechanism you could choose that we could create into the development agreement will still have a requirement that it be removed at some point in time. I don't know what that is, but that's something you could discuss and make that a condition.

Palmer: Mr. President? Mr. President, Mr. Nary, could we set that sunset for 2116?

Nary: As long as you're willing to do that for any other person that asks.

Bird: Mr. Nary, thinking back, we have -- and I don't know whether we can do this with a building or not, so -- but we have grandfathered things in that -- that was on the existing property and, then, if they have it damaged and they want to add -- or if they want to add on or something like that, at that point, then, it goes away. We've done that -- I think we have done it with buildings, but maybe some of you guys -- the rest of you guys can help me with that. But I think we have done that, but if you -- if you modify it or add to it or anything else, then, it's -- the original is gone. We have done that before. Is that legal?

Nary: Mr. President, Members of the Council, that's as I was saying, is that's something you could put into a development agreement, but commonly that's -- what you just said, Mr. President, is one of the conditions. Normally it can't be rebuilt, even if it burns down it's gone, it doesn't get -- it doesn't get rebuilt. If they want to change it, expand it or anything like that, they are not allowed to do that and there is a sunset clause at some point in time that it either needs to be removed or -- or it needs to be relocated on the property. So, those are the normal conditions that you have had in those types of things. Again, a variance wouldn't apply in this situation, but you can at annexation make that determination, it's just providing some path as to when that non-conforming use goes away, because you will get other people saying they have it in the front yard, I want to put mine in the front yard, and we have not allowed that in other places, so --

Bird: And that -- that would be attached right to the plat -- right on the plat.

Nary: Not on the plat. It would be in the development agreement.

Bird: In the development agreement. Okay.

Nary: Yeah.

Milam: Mr. President?

Bird: Mrs. Milam.

Milam: I have a question. Bill, so what would be an appropriate sunset on something like this? If it's not a hundred years, what is it? Five years? Fifteen years? What --

Nary: Mr. President, Members of the Council, Council Member Milam, I mean it really is -- most of them have been -- and this is a small phase development. So, many times those been based on the phases in the phasing plan, based on a number of years. Five or ten years has normally been about the number the Council has chosen, but many of those are large-scale developments that plan to develop over a five or ten year period. So, it's usually before the final phase that that has to be removed. That's probably not practical in this particular instance. So, it really is up to the Council on how long you want a nonconforming use to -- because what happens is -- for example, you set it at ten years. The property owner now sells it in two. Now, it's in the development agreement, they should know at eight years they are going to remove it, but they are part of this conversation. So, that becomes the code issue and the enforcement issue that we have to deal with in the future. So, I would suggest not extending it very far out, because it does make it problematic to enforce at a later time, because it may be someone else that's standing in front of you.

Palmer: Mr. President?

Bird: Mr. Palmer.

Palmer: Mr. President, I think should Council decide it would be appropriate for the building to stay that we should word it however we have to or decide to to let him keep it, given that we would for anyone else in a very similar situation where it's not right up against Meridian Road, it's facing properties that don't exist yet, that somebody goes to build a house they're going to know it's there and so it's not that they won't even build one or there is already a bunch of houses around it, it's his property to begin with, if somebody wants to -- to buy the property move in, build a house, they're going to know it's there, it exists, that it's going to be there and that it's -- it's not going to surprise anybody. And so this -- I think this would be a very uncommon situation for us to encounter, but that if we did in the future it's one that makes sense.

Bird: Any other discussion? Thank you again, Kyle. Council, any other discussion before we close the public hearing?

Mr. Palmer: Mr. President, I'm curious to hear the -- if he has any comments, the guy that would like to hold onto it, given the new light on the situation.

Thomas: I'm always welcome to talk. Mr. President, Council, as I stated earlier, I believe I'm under the firm belief that if something isn't doing any harm to anybody and if it was put there for a reason for use, what -- why -- because someone comes up with a law -- no offense. Laws are there for a reason, but -- or a variance or a code or something just for the sake of compliance, I find that to be truly wasteful. In this instance the garage will be utilized not -- not just --not as a project or a warehouse or a place of business or anything, but it will be used as a garage to store a vehicle and I don't -- a recreational vehicle due to its size, which, as you will find throughout the city, throughout the county, most communities are requiring these vehicles to be within a structure. This would comply with those. Just the size of this community and the size of the homes isn't going to allow it. Nobody's going to come and say we want to build a garage in the front yard. It's not going to be possible. This one just happens to exist.

Bird: Thank you. Any questions?

Borton: Mr. President?

Bird: Mr. Borton.

Borton: You make great points. The applicant makes great points as to this issue. The -- the reason the variance question comes up is you're making a great argument in support of a variance application, right, which is not before us and the reason we have that particular carved out rule is to ensure if there is going to be something uniquely done, that perhaps the conditions -- you know, or an emergency circumstance or unique circumstance, the findings that -- that Council has addressed that we can make those findings to warrant justifying not complying with the existing code. It sounds like if that application were in front of us, it very well might be granted and one of the comments that one of the paths to a solution that legal counsel identified is the idea of -- and I think the staff report kind of hints at that, is it can stay if permitted by Council and I don't know if -- you made a comment about it's either -- it's removed or a variance is obtained prior to final plat as perhaps one solution. That might be something that allows an application like this to go forward. The catch is a variance application would still need to be filed and run through and if the support for it and those unique circumstances with the geography and limited access points all exist, perhaps the variance would be warranted and the building stays and you don't have to monkey around with the DA and sunset clauses and things like that. I don't know the timing of the project and if -- if, you know, that type of condition is even acceptable for something like this, that a variance be approved or it's removed prior to final plat.

Nary: Mr. President? Mr. President, Members of the Council, Council Member Borton, maybe add onto that -- and I'm not trying to say this is the same type of thing, but we did -- you know, we did annex -- we did approve an annexation for the Maverick property at Locust Grove and Fairview with nonconforming uses of those billboards and we set a sunset clause. They can always ask for a variance. Doesn't mean -- it doesn't have to be tied to the final plat if you don't want it to be. You can set a sunset clause -- I think in that one it's 15 years or is it ten? Ten. So, that one is ten years. The Maverick can come in at five years and ask for a variance and they can still do that. So, I mean you can tie it to final plat or you can advise them that the furthest out we have set any sunset was ten years. We have a few minor structures that we have allowed where people have, for lack of a better term, lean-to garages to their house and we have basically put sunset clauses or we have put the -- they can't be replaced in that location, they have to be relocated. So, I mean there is a couple of variations you could do to allow this to remain for a period of time to be consistent with your other applications and not put -- put future councils at some more difficult to manage time period of 25 years or 50 years or something like that.

Bird: Thank you.

Borton: Mr. President?

Bird: Mr. Borton.

Borton: The reason I asked the question, one, rules matter. As long as you follow those consistently, but it sounds like a structure with those conditions as part of the CC&Rs, it seems fine me to stick around. I just want to make sure that it's done properly and if it requires a variance that that gets done.

Bird: Mr. Borton, I think that we did with the Maverick -- you know, we give them a ten year to come back and get a variance if they wanted to up to ten years, so we have got a precedence out there and I think we have also done it some other ways, too, but I'm like you, I want to do it right. I will say that I have been in this garage -- if you want to call it that. It's an awful nice garage shop and it is a very -- it isn't some shabby thing that would take away from the development, so I -- and I understand with that house I mean -- or with the property, I would definitely want it myself. But, anyway, going on with the meeting, do we need any more while the public hearing is open? If not, I would entertain a motion to close the public hearing on H-2016-0075.

Borton: Mr. President?

Bird: Mr. Borton.

Borton: Before I make a motion -- and maybe this is just a comment. I don't know if staff has what they need, planning and legal, to help us articulate which

route to go. The project in my eyes I'm supportive of and want to approve and if the dreadful one week continuance would be merely to make sure we have got language to capture what the Council wants to do if we were to approve it, so I -- I can move to close the public hearing. I'm not so sure how to articulate which path the motion would go to be approved.

Nary: Mr. President?

Bird: Mr. Nary.

Nary: I don't know that Council is hesitant to want to continue things. I don't know if Mr. Arnold would be available a week from now. I guess that's the missing piece. I mean Mr. Arnold may be able to provide you -- he's a very experienced planner and he -- he may have considered other alternatives that we aren't aware of and staff isn't aware of and that might be compelling enough for you say this is reasonable, this is the most reasonable design. It's the only way it fits. Again, I'm not a planner, but -- and I don't know if Mr. Arnold would be available in a week, but that might be enough information for you to, then, feel more comfortable in crafting an exception to allow it to remain based on those -- that testimony with some buffering or some -- some screening or something else that would give you a comfort level that we are not creating something that we are going to have to reproduce other places, so that might be of value. I don't know if it impacts the project severely.

Bird: Kyle.

Enzler: Part of the challenge was the way that this house was situated. So, we couldn't really find any other way to design the house without the building being in, quote, the front yard. You know, I guess one suggestion that I might ask for is if we had maybe a condition of the final plan to include a variance, so that we are not held up approval to the condition of the final plat, a portion -- you know, had that condition for the variance in the final plat stage, instead of -- so that a decision could be made tonight, rather than just, you know, postponing to the next meeting.

Borton: Mr. President?

Bird: Mr. Borton.

Borton: Is that your preference to go that route?

Enzler: Yeah. I would prefer not to -- I'd like to keep things moving forward and it seems like it's a little bit -- there is some gray area here and so I -- you know, if we could make that variance -- if it's -- if it's a variance -- I guess that's a part of the confusion, too. It's -- we keep saying variance, but it seems like what Council is saying is that City Council can approve it with some sunset clause and -- and

the variance can be a part of it or not. The variance can be applied for at any time; is that correct, Council?

Nary: So, Mr. President, Members of the Council, to help clarify. Because this is an annexation application, the Council does have the ability to annex their properties in nonconforming uses located on the property. Generally in most cases and with a very rare exception, there has been conditions upon that and those conditions would be, again, it can't be expanded, it can't be -- it can't be rebuilt, it can't be -- again, if it burns down it's gone. And usually there is a sunset clause of some period of time in which that nonconforming use needs to go away. It's more commonly used when there are nonconforming signs or nonconforming businesses types on properties, but that's -- that's the rationale that we are talking about. So, we can -- the Council can allow it and they have generally required it to sunset at some point in time. To get away from the sunset provision, the variance is another method to use under the Land Use Planning Act and if the Council grants the variance, then, it can remain forever.

Enzler: Right.

Nary: So, that's a method, but there is real specific findings and what staff was saying --

Enzler: Right.

Nary: -- is under the code they couldn't make that recommendation, the Council would have to make specific findings that the code requires that may be challenging. It doesn't mean you can't get it or they won't find that, but right now that's not what's before them is the variance application, with the appropriate analysis and testimony regarding that.

Enzler: So, aside from the variance --

Nary: Kind of an interim way to move it forward --

Enzler: Yes, sir.

Nary: -- with the understanding that there may -- the Council may decide there is some reasonable time period that that building should be removed, unless they cure it in a different context.

Enzler: So, if we went in the direction of Council approving it with some sort of sunset clause, who determines the language for that clause? Is that -- is that determined here in this meeting or would that be staff or staff with council?

Nary: The Council would -- would make the determination what language they would like and, then, we would fashion that between both planning staff and my

staff and that would be part of a development agreement and if -- if you felt the language wasn't consistent with the Council, then, we would have that discussion with the Council.

Enzler: So, if we -- if we approved it and moved forward, that that could be incorporated in the development agreement and part of the final plat agreeing on that language.

Nary: Yes.

Enzler: Okay. Thank you.

Milam: Mr. President?

Bird: Mrs. Milam.

Milam: I guess one thing to consider would be -- since there are no guarantees on a variance or whether or not you might lose this building, before we close the public hearing and make a decision, do you want Steve to look at this again and see if there is any kind of change that he can make?

Enzler: You know, we -- we have -- I really think we have explored those options. It's just -- if you -- if you look at the way the two houses are, they face each other, so there is really no way to create -- I think we have explored those options. Thank you for suggesting that. I appreciate it. Any other questions?

Bird: Any other questions?

Borton: Yeah. Mr. President?

Bird: Mr. Borton.

Borton: You weren't texting Steve right there, were you?

Enzler: Yes, I was.

Borton: He's recovering --

Enzler: No. He's got surgery tomorrow.

Borton: Oh. Okay.

Enzler: So, I was reading his text to me. He's watching. So he said we could have them condition the final plan on that. That's where I came up with that. I'm not that smart.

Borton: Okay.

Palmer: Mr. President?

Bird: Mr. Palmer.

Palmer: And before -- just before -- before before. At least a couple of us up here are thinking we do that with a sunset and, then, you come with a variance whenever you want within that time period and whatever that -- to Council, whether it's now eight years from now or next -- or a month -- okay.

Enzler: Thank you.

Bird: Thank you, Kyle, again. Council, do we need to keep it open or are we ready to close it?

Borton: Mr. President?

Bird: Mr. Borton.

Borton: Move we close Item 8-F, H-2016-0075.

Palmer: Second.

Bird: Got a motion and a second to close H-2016-0075. All in favor say aye. Any opposed?

MOTION CARRIED: ALL AYES.

Bird: Okay. Council what's your pleasure? Need some discussion?

Borton: Mr. President?

Bird: Mr. Borton.

Borton: We will find out. I move that we approve Item 8-F, H-2016-0075, and as a condition of the annexation that the accessory detached structure must either be removed or the applicant have been granted a variance prior to issuance of the final plat.

Bird: Okay. Got a second?

Cavener: Second.

Bird: Got a second. Okay. Any discussion? Mr. Clerk.

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

MOTION CARRIED: ALL AYES.

**G. Public Hearing for Gemtone Center No. 5 (H-2016-0105)  
by The Land Group, Inc. Located 2425, 2463, 2501 E.  
State Street**

- 1. Request: Vacate the 5-Foot Wide Property Drainage, Utility Construction and Maintenance Easement Along the Shared Side Lot Lines Between Lots 2 and 3 and Lots 3 and 4, Block 5, Gemtone Center Subdivision No. 5**

Bird: Okay. Moving on. 8-G. Public hearing for Gemtone Center, H-2016-0105. Is that you, Sonya?

Allen: It is.

Bird: Thank you.

Allen: President Bird, Councilman. The next application before you is a request for a vacation. This site is located at 2425, 2463 and 2501 East State Avenue on the north side of East Pine Avenue just west of North Hickory Avenue. This property was platted as Gemtone Center No. 5. A property boundary adjustment was recently tentatively approved to consolidate the subject lots. Final approval is contingent upon approval of the subject vacation application. The applicant is requesting approval to vacate the five foot wide property drainage utility construction and maintenance easements along the shared side lot lines between Lots 2 and 3 and 3 and 4, Block 5, as shown there on the highlighted area on the diagram on the right. These easements were created by the plat for this subdivision. There are no utilities within these easements. The applicant has received approval from all of the applicable public utilities, Idaho Power, Centurylink, Cable ONE, Intermountain Gas, Nampa-Meridian Irrigation District and Settlers Irrigation District to vacate the easement. Approval of the subject application will allow the applicant to obtain final approval of the property boundary adjustment application to consolidate these lots and construct a building on this site. Written testimony was received from Jason Densmer in agreement with the staff report. Staff is recommending approval and will stand for any questions.

Bird: Any questions for Sonya at this time? Is the applicant represented?

Densmer: Thank you, sir. My name is Jason Densmer with The Land Group. Our address is 462 East Shore Drive in Eagle. Sonya's summary of the

application and our agreement with the -- with the staff report is correct. I don't have anything to add, unless you have specific questions for me.

Bird: Any questions for the applicant? Thank you.

Densmer: Thank you.

Bird: This is a public hearing. Is there anybody in the public that would like to testify? Seeing none, Council, do we need to have any more questions answered or anything before we closed the public hearing?

Milam: Mr. President?

Bird: Mrs. Milam.

Milam: I move that we close the public hearing on H-2016-0105.

Little Roberts: Second.

Bird: I have got a motion and a second to close the public hearing on H2016-0105. All in favor say aye. Any opposed?

MOTION CARRIED: ALL AYES.

Milam: Mr. President?

Bird: Mrs. Milam.

Milam: I move that we approve H-2016-0105.

Little Roberts: Second.

Bird: I have got a motion and a second to approve it. Any discussion? Seeing none, Mr. Clerk.

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

MOTION CARRIED: ALL AYES.

**H. Public Hearing for Laurels Townhouses (H-2016-0065)  
by Northside Management Located at 2116 S Accolade  
Avenue**

- 1. Request: Rezone of Approximately 1.87 Acres of Land from the TN-R Zoning District to the R-15 Zoning District**
- 2. Request: Preliminary Plat Consisting of Twenty (20) Building Lots and Eight (8) Common Lots on 1.38 Acres of Land in the TN-R Zoning District**
- 3. Request: Modification to the Development Agreement to Change the Use and Building Elevations from Live/Work Units to Solely Living Units**

Bird: Okay. The next one Item 8-H, public hearing for Laurels Townhouses, H-2016-0065. Sonya, that's you, too?

Allen: Why it is. Thank you, President and Councilmen. The next application is a request for a rezone, preliminary plat, and development agreement modification. This site consists of 1.38 acres of land. It's zone TN-R and located at 2116 South Accolade Avenue, south of East Overland Road and west of South Eagle Road. This property was annexed back in 2006 with an R-15 zoning district and the requirement of a development agreement along with the preliminary plat for Kenai Subdivision. A modification to the agreement was approved in 2007, along with a rezone for R-15 to TN-R and a new preliminary plat for Gramercy Subdivision. The property is currently designated on the future land use map as mixed-use regional. The applicant has submitted a request to City Council, as you're hearing tonight, for a modification to the existing development agreement to change the land use and building elevations from live-work units to solely living units. The Brownstone elevations on your left there where the live-work units that were previously proposed and included in the development agreement. The ones on the right are what are proposed with this application, but just strictly living units. A rezone of 1.87 acres of land is proposed for the TN-R to the R-15 zoning district consistent with the mixed-use regional future land use map designation. The rezone will facilitate the development of 20 townhome units on this site. A preliminary plat is also proposed on the left there consisting of 20 building lots & seven common lots on 1.38 acres of land in a proposed R-15 zoning district. A north-south local street is proposed along the east boundary and a public alley is proposed off the local street for access to the proposed townhomes. A north-south pedestrian pathway is proposed mid-block within the development. Written testimony has been received from Scott Noriyuki, the applicant, in agreement with the staff report. The Commission did recommend approval of the subject rezone and preliminary plat applications. Scott Noriyuki testified at the public hearing in favor. No one testified in opposition or commented. Written testimony from Scott Noriyuki, the applicant, in agreement with the staff report. The only key issue of discussion by the Commission was they were in favor of the mix of housing types this project

will provide adjacent to the approved multi-family residential units. The Commission did not change any of staff's recommendation and there are no outstanding issues for Council. Written testimony since the Commission hearing was received from Scott Noriyuki, the applicant, in agreement with the Commission recommendation. Staff will stand for any questions.

Bird: Any questions for Sonya? Okay. Scott.

Noriyuki: Mr. President, Council. Scott Noriyuki, Northside Management, 6010 Fairhill Place, Boise, Idaho. Have don't have anything to add. Sony's done a great job and as you can tell I have already agreed with the conditions of approval. With that I will stand for any questions.

Bird: Any questions for Scott? Thanks, Scott. Appreciate it.

Noriyuki: Thank you.

Bird: This is a public hearing. Is there anybody in the public that would like to testify? Seeing none, Scott, you don't need to reply then. Council, what's your pleasure?

Borton: Mr. President?

Bird: Mr. Borton.

Borton: Move to close the public hearing on item H-2016-0065.

Milam: Second.

Bird: Got a motion and a second to close the public hearing on Laurels Townhouses. All in favor say aye. Any opposed? Pass.

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

MOTION CARRIED: ALL AYES.

Borton: Move that we approve Item 8-H. H-2016-0064.

Milam: Second.

Little Roberts: Second.

Bird: Got a motion and a second to approve H-2016-0065. Any discussion? Seeing none, Mr. Clerk.

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

MOTION CARRIED: ALL AYES.

**Item 9: Executive Session Per Idaho State Code 74-206A (1)(a): A Governing Body or Its Designated Representatives May Hold an Executive Session for the Specific Purpose of: (a) Considering a Labor Contract Offer or to Formulate a Counteroffer**

Bird: That takes care our action items. We go to Number 9, which is an Executive Session as per Idaho State Code. I need a motion.

Cavener: Mr. President?

Bird: Mr. Bird.

Cavener: I move we move into Executive Session per Idaho State Code 74-206-A, 1(a).

Little Roberts: Second.

Bird: I have a motion and a second to move into Idaho State Code Executive Session. Mr. Clerk.

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

MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION: (8:20 p.m. to 9:13 p.m.)

Bird: I would entertain a motion to come out of Executive Session.

Milam: So moved.

Cavener: Second.

Bird: All in favor?

MOTION CARRIED: ALL AYES.

Bird: I'd entertain a motion to adjourn.

Milam: So moved.

Cavener: Second.

Bird: All in favor.

MOTION CARRIED: ALL AYES.

Bird: We are adjourned.

**Item 10: Future Meeting Topics**

MEETING ADJOURNED AT 9:14 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

  
\_\_\_\_\_  
PRESIDENT KEITH BIRD

10 / 11 / 2016  
DATE APPROVED

ATTEST:  
  
\_\_\_\_\_  
C. JAY COLES, CITY CLERK

