

A meeting of the Meridian City Council was called to order at 6:00 p.m., Tuesday, August 16, 2016, by Mayor Tammy de Weerd.

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

Others Present: Bill Nary, C.Jay Coles, Jaycee Holman, Caleb Hood, Josh Beach, Kyle Radek, Jeff, Lavie, Jamie Leslie, Kevin Fedrizzi, and Dean Willis.

Item 1: Roll-call Attendance:

Roll call.

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

De Weerd: Welcome to tonight's City Council meeting. We always enjoy having people join us for these meetings and certainly appreciate our men and women in blue and welcome to our Police Department. For the record it is August 16th. It's 6:00 p.m. We will start with roll call attendance, Mr. Clerk.

De Weerd: I'm going to have to work on that one. And I'm here, too.

Coles: And Mayor de Weerd.

Item 2: Pledge of Allegiance

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

(Pledge of Allegiance recited.)

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

De Weerd: Item No. 3 is our community invocation. Tonight we will be led by Pastor Troy Drake with Calvary Chapel and welcome. If you will all join us in the invocation or take this as an opportunity for a moment of reflection. It's always nice seeing you.

Drake: Madam Mayor, Council Members. Let us pray. God in Heaven, I just want to acknowledge, first of all, that you're Lord over all things and you care about all things and every person and we just thank you for this free country that

we have and this great city that we get to live in and pursue where we want to live and what we want to do and we just appreciate that more and more as we see the things around the world play out, Lord, so we thank you for this place and, God, we are praying for our safety for our city tonight, that there would be peace in Meridian and we pray for the -- the police officers, the firefighters, the paramedics, all those who are emergency responders and we appreciate them and just ask that you would keep them safe and that our community would be peaceful. And, lastly, God, we just pray for these folks here who serve our city, our elected officials, and that you would give them a great amount of wisdom in all the matters of the city that they have to attend to tonight and we appreciate them, Lord, and we just pray that you would give them great grace and knowledge about what they are supposed to do, even in small things. And so bless them, God, and bless our time here in this gathering and it's in Jesus' name we pray, amen. Thank you.

Item 4: Adoption of the Agenda

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

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: On Item 5-E the resolution number is 16-1157. On 8-A that application has been asked -- requested by applicant to continue to 9/6/2016 and with that I move we approve the amended agenda.

Borton: Second.

De Weerd: I have a motion and a second to approve the amendment -- or amended agenda. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Item 5: Consent Agenda

- A. Sanitary Sewer and Water Main Easement and Partial Vacation of Water and Sewer Easement between the City of Meridian and Pawn 1, Inc. within McNelis Subdivision**
- B. Water Main Easement between the City of Meridian and Heartland Town Homes Property Management LLC within Brinegar Prairie Subdivision No. 1**
- C. Approval of Award of Bid and Agreement to STAR CONSTRUCTION LLC. for the ELM STREET WATERLINE**

REPLACEMENT project for a Not-To-Exceed amount of \$109,577.00

- D. Settlement Agreement between the United States of America and City of Meridian under the Americans with Disabilities Act**
- E. Resolution No.: 16-1157: A Resolution of the Mayor and City Council of the City of Meridian Authorizing the City Clerk to Destroy Certain Semi-Permanent and Temporary Records of the Human Resources Department; and Providing an Effective Date.**

De Weerd: Item 5 is our Consent Agenda.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: As stated earlier, 5-E, the resolution number is 16-1157 and with that I move we approve the Consent Agenda and the Mayor to sign and the Clerk to attest.

Borton: Second.

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

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Item 6: Community Items/Presentations

- A. Police Department: Chief Lavey to Swear in 3 New Police Officers - Tavita Messenger, Brandon Esparza, Scott Frazier**

De Weerd: Item 6-A is under our Police Department and so I will turn this over to Chief Lavey. You can smile.

Lavey: It's been a long day. Madam Mayor, Council, I'd like to thank you for the opportunity to speak first today. With our growing city one of the things that we

often do is add new employees and probably the greatest pleasure I have is recognizing new employees for the Police Department and, then, introducing them to you all and into the community as well. So, what I would like to do is ask our three newest officers to come forward and stand over here to my left and, then, what we are going to do is give a small introduction. They were instructed that they had to prepare a speech for ten minutes each, but I guess I should tell them now that they don't have to and, then, we are going to do the swearing-in ceremony and, then, we would like to open it up for any pictures that their family have to take pictures. Come stand right up in front. Don't be bashful. Get the best pictures that you can. We will take the time to make that happen. So, with that being said I would like to introduce our three newest officers and as you know or I have told you in the past, we hire both lateral officers and new recruits and we kind of alternate back and forth. This time these three officers are lateral officers and they came from other cities. I will tell you what cities those are so the Mayor's of those cities --

De Weerd: So I can give my apologies; right?

Lavey: But I'd like to introduce Tavita Messenger. He is a two year police officer. He comes from the city of Twin Falls. And Brandon Esparza. Brandon comes to us with five years of law enforcement experience and he comes from the city of Caldwell. And Scott Frazier, who has two years of law enforcement experience, and he comes from the city of Mountain Home. And we are also, just to let you know, in the process of hiring five more officers to fill the open positions that we have. With that being said, I would like for the officers to raise their right hand and repeat after me. I, state your name, do solemnly swear or affirm that I will support the Constitution of the United States and the constitution and laws of the state of Idaho and the laws and ordinances of the City of Meridian, that I will abide by the Law Enforcement Code of Ethics and the policies and procedures of the Meridian police. That I will obey all lawful orders from those appointed over me and that I will, to the best of my ability, faithfully discharge all the duties of police officer in and for the City of Meridian, state of Idaho, so help me God.

(Repeated by the officers.)

Lavey: Congratulations, gentlemen. Madam Mayor and Council, that's all I have. If there is any comments or questions I will stand for those now.

De Weerd: Chief, I guess I would love to hear from each of the officers and if you have -- if you have family here if you would introduce your family.

Lavey: We can make that happen. I will just step right out of the way.

Messenger: I am Tavita Messenger. I have with me my wife Jenny and my three children. Also my father, my uncle, and my brother.

Frasier: I am Scott Frasier. It's a pleasure and an honor to work for the City of Meridian. With me I have my sister Mackenzie and my dad Randy. My mother Sandy couldn't make it, she's out of town.

Esparza: Councilmen and Mayor, my name is Brandon Esparza. I have with me my wife, my two sons, my dad and a really great friend of mine. So, they are here to enjoy this day.

De Weerd: Thank you. Well, I would like to welcome you to the City of Meridian. You have joined a premier police department and family. I would like to -- to speak to your families. We appreciate that you're sharing your loved one. We want to assure you that -- that we take the safety of our officers very serious. They keep our -- our streets safe and, in return, we want to make sure they return safely home. So, thank you for sharing your loved one with us. We greatly appreciate it. Like I said, we truly believe that we have the best police force in not only the state of Idaho, but in the nation and certainly it's one of the reasons that our community has been recognized as the best place to live. It's because we are a safe place and I get numerous comments, e-mails and messages about the respect that our citizens get from our police force. We take that very serious and we welcome you to our team and thank you for what service you're going to give to our community. So, thank you so much. Council, any comments? Thank you again and our heartfelt thanks to those that are here to support you, because they will need your support.

Lavey: Madam Mayor and Council, I don't know if we are the best in the nation --

De Weerd: Yes, we are.

Lavey: -- but -- there is a but -- but if you don't believe it it will never happen. So, we do believe it. Thank you, gentlemen.

De Weerd: Thank you. And to the families, you really don't have to sit through the rest of our meeting.

Item 7: Items Moved From the Consent Agenda

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

Item 8: Action Items

A. Final Plat for Biltmore Estates Subdivision No 3 (H-2016-0086) Located at W. Victory Road and West of South Meridian Road

1. Request: Final Plat for Thirty One (31) Single Family Residential Building Lots and Six (6)

Common Lots on Approximately 11.91 Acres in
the R-4 Zoning District by Oakwood Estates LLC.

De Weerd: So, we will move right into Item 8 under Action Items. Item 8-A has been requested by the applicant to continue to September 6th. Council, I would appreciate a motion on this request.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we continue H-2016-0086 to September 6th, 2016.

Milam: Second.

De Weerd: I have a motion and a second to continue Item 8-A until September 6th. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

B. Public Hearing for Velvet Point Subdivision (H-2016-0068) by Mussell Construction Located East of S. Locust Grove Road Between E. Time Zone Drive and E. Lake Street

1. Request: Combined Preliminary/Final Plat Approval Consisting of One (1) Building Lot on 0.19 of an Acre in the R-4 Zoning District

De Weerd: Item 8-B is a public hearing for H-2016-0068. I will open this public hearing with staff comment.

Beach: Good evening, Madam Mayor, Members of the Council. This is a -- an application for preliminary and final plat combination. The site consists of approximately 0.19 acres -- of an acre of land. It's currently zoned R-4 and is located at 2795 South Velvet Falls Way. The property is located within the Salmon Rapids Subdivision No. 4 and is surrounded by single family residential properties, which are also zoned R-4. The preliminary plat for Salmon Rapids Subdivision was approved in 1994 and the Salmon Rapids No. 4 final plat was approved in 1995. This -- the Comprehensive Plan future land use map designation for this piece is medium density residential. The combined preliminary/final plat is proposed consisting of one building lot on, as I said, .19 of an acre of land in the R-4 zoning district. The proposed subdivision is a resubdivision of Lot 5, Block 7, of the Salmon Rapids Subdivision No. 4. The lot in question is dedicated as -- as a common lot. However, it was never counted as part of -- of the required open space for the subdivision -- for the Salmon

Rapids Subdivision. The proposed plat complies with the dimension standards of the R-4 district and access is proposed via existing local streets. Future structures on these building lots are required to comply with the current UDC standards. Since the Commission hearing did receive public comment from Eric and Kimberly Shaner. I believe they are a neighbor adjacent to this property who actually did comment in the previous hearing. So, a summary of the Commission -- of the Commission public hearing. The applicant Kent Mussell was in favor. In opposition and commenting are, as I said, Eric Shaner. Written testimony for that meeting -- none was received. I was the staff member presenting that application, as well as Bill -- Bill Parsons. Key issues of public testimony on that were losing what the applicants were calling open space for the existing -- or, excuse me, the neighbors were calling open space for the existing development. Key issues of discussion by the Commission were height of the proposed house. Whether one story or two stories. Commission changes to the staff recommendation -- that the applicant shall comply with the submitted elevation. There are no outstanding issues for Council. With that I will stand for any questions you have.

De Weerd: Thank you, Josh. Council, any questions for staff? Okay. Is the applicant here this evening? Good evening. If you will, please, state your name and address for the record.

Mussell: Yes. My name is Kent Mussell. I'm here representing Mussell Construction. My address is 320 11th Avenue South in Nampa. We are also -- we are the developer for the plat and we also have the purchase of the property under contract. In fact, tomorrow is the closing date pending the result of this hearing. So, I would just like to quickly introduce the project and explain a bit about the peculiarities of the parcel. Explain why we are trying to replat an existing lot within the subdivision. My ultimate intent is to build a personal residence for my wife and I. The home that we plan to build is going to be a 1,750 square foot single level home about 19 feet tall. The design of the home is created with the intent to be consistent with the surrounding homes in the existing Salmon Rapids Subdivision. So, I would also like to talk about the unique history of this property, which is why this plat is being requested. As Josh mentioned, it was platted as common area. The reason for that was it originally housed an irrigation well and pump that served the Salmon Rapids Subdivision when it was originally created about 20 years ago and as a result the -- the plat was restricted -- restricted this lot as common area to be owned and maintained by the homeowners association. But although the plat said that the well was to be owned by the homeowners association, it was deeded to Nampa-Meridian Irrigation District, who is the only owner who has ever existed for this parcel. When the irrigation company abandoned the -- the well and pump that was on the lot, the lot was no longer needed and Nampa-Meridian Irrigation District began the process to sell the property. The first choice was to sell the property to the homeowners association, but because no agreement was reached and the property was listed for sale. As I mentioned before, the property is now under

contract to be sold to Mussell Construction. There has been one reasonable concern that's come up as the -- one of the concerns that Eric Shaner from the past hearing brought up and I don't see him here today, so I will try to represent that the best that I can. The primary concern with him, as well as other homeowners around this property, have been that creating a new plat for this parcel would create an independent subdivision that was not accountable to the Salmon Rapids Association and because I am sympathetic to that concern, I have come to an agreement with the homeowners association. Over the next few weeks we are going to be conducting a vote with the members to annex this property into their subdivision and because this is in their best interest I don't anticipate that being a problem. I think that the vote would be for approval of the annexation, but we also have a fallback plan in case that -- in case they vote not to annex the subdivision and in that case I will create CC&Rs to mirror the Salmon Rapids CC&Rs that would give enforcement authority to their association, as well as include dues to be paid along with the property matching the other homeowners in the subdivision. My wife and I are very excited to get this project started and to be a part of the Salmon Rapids Community. So, thank you for your time and consideration. Let me know if you have any questions.

De Weerd: Thank you. I would just like to say I appreciate the work that you've done in working with the HOA, with your neighbors and trying to fit into a pre-existing neighborhood and I guess what struck me is you're trying to join an HOA. Most people are trying to get out of them.

Mussell: Right.

De Weerd: So, I just want to thank you for going above and beyond. I greatly appreciate that.

Mussell: Thank you.

De Weerd: Council, any questions?

Bird: I have none.

De Weerd: Okay. Thank you. Is there anyone here who would like to offer testimony on this application? Okay. If the applicant has any further comment -- Council, any further questions for staff? If not I would entertain a motion to close the public hearing.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearing on H-2016-0068.

Milam: Second.

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

MOTION CARRIED: ALL AYES.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we approve H-2016-0068 and include all staff, applicant and written testimony.

Milam: Second.

De Weerd: I have a motion and a second to approve Item 8-B. If there is no discussion by Council, Mr. Clerk, will you call roll.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

C. Public Hearing for Settlers Square Subdivision (H-2016-0074) by Seagle Three, LLC Located 870 W. Ustick Road

1. Request: Development Agreement Modification to Change the Internal Public Roads to Private Driveways and Allow for Temporary Vehicle Access to Ustick Road

De Weerd: Thank you. Item 8-C is a public hearing on H-2016-0074. I will open this public hearing with staff comments.

Beach: Mayor, Members of the Council, this is an application for a development agreement modification. The site consists of approximately nine acres of land, which is zoned C-C and located at 870 West Ustick Road. The applicant is requesting to amend the recorded development agreement approved with the annexation of the property back in 2007. In that development agreement that was signed in 2008, the applicant was granted direct access to Ustick Road. Due to policy changes at ACHD and city code changes, direct access to Ustick Road is no longer desired by both parties. In working with the applicant, city staff and ACHD are supportive of an interim access to Ustick Road until such time that

a public street and/or shared driveway are constructed with the development of the property to the west. To insure the interim access is terminated in the future, staff requires the applicant to submit a revised concept plan with a concurrent development agreement modification application prior to adopting of the findings by City Council. The provided concept plan was to provide details on how the site would be designed after the removal of the temporary access to Ustick Road and I will show you those here. This is the approved concept plan and this is how that will be -- the access will be -- will be terminated in the future when the access to Ustick Road goes away and it will become parking and some -- some open space here. So, in general, staff is supportive of the requested changes to the DA to move forward with the development of the site as proposed by the applicant. Staff recommends the following development agreement provisions. They read: Except for the two access points noted on the plat it, no lot shall have direct access to Ustick Road or Venable Avenue. Place a note on the face of the final plat prohibiting a direct lot access to Ustick Road and Venable Avenue. The sign/slash temporary access to Ustick Road shall be terminated at the time the property to the west constructs an access to Ustick Road that aligns with North Blairmore Way and, B, a cross-access easement agreement shall be recorded for all commercial lots within the subdivision. All lots within the subdivision shall have access to the public street via private drive aisles. This agreement shall be recorded and a copy of said agreement submitted to the city prior to the city engineer's signature on the final plat or a note shall be added to the face of the final plat granting said cross-access. I did not receive any written testimony on this application. Staff is recommending approval and I will stand for any questions you have.

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

Bird: I have none at this time.

De Weerd: Okay. Would the applicant like to make comment? Good evening. Thank you for joining us. If you will state your name and address for the record.

Warnick: Thank you very much. My name is Lance Warnick, professional engineer with Aspen Engineers. Business address is 485 West Main or P.O. Box 205, Kuna. 83634.

De Weerd: Thank you.

Warnick: Here tonight representing the owners Eagle Tree, LLC. I want to thank staff. Josh did a good job introducing the project. Essentially, what we did is -- oh, eight to ten years ago we started platting the property. The goal at that time was to create a series of lots that could be sold. The property was, essentially, divided into quadrants with one road kind of in the midpoint going north-south, would connect from the subdivision to the north down to Ustick on the south and, then, the public road extending east-west. As staff has stated, we submitted a --

resubmitted a plat last fall pretty just having the same configuration. ACHD, as you know, was in the process of pursuing a widening to Ustick Road and in compliance with their new design and policies they were trying to limit the number of access points to Ustick Road. So, they had suggested that we do not have public roads inside the development, that, instead, we use private drives and so we have spent the last many months negotiating with ACHD. We finally have a set of conditions and things were signed and so we are able to -- to now present the mod for your consideration. You know, as Josh has stated, the access to Ustick is -- is considered temporary. We have full access on that and, then, when we get some connection over on the west that connection to Ustick will go away. So, we are in agreement with staff conditions and ask for your approval and I would stand for any questions. Thank you.

De Weerd: Thank you. Council, any questions?

Bird: I have none.

De Weerd: Okay. Thank you very much.

Warnick: Thank you.

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

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we close the public hearing on H-2016-0074.

Milam: Second.

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

MOTION CARRIED: ALL AYES.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move that we approve H-2016-0074 and to include staff and applicant comments.

Milam: Second.

De Weerd: I have a motion and a second to approve Item 8-C. If there is no discussion by Council, Mr. Clerk, will you call roll.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

D. Public Hearing for Creason Creek No. 1 (H-2016-0087) by ULC Management, LLC Located Near the Southeast Corner of N. Linder Road and W. Ustick Road

1. Request: Modification to the Development Agreement to Allow the Developer to Receive Four (4) Building Permits Prior to Recording a Final Plat

E. Final Plat Approval for Creason Creek No. 1 (H-2016-0087) by ULC Management, LLC Located Near the Southeast Corner of N. Linder Road and W. Ustick Road

1. Request: Modification to the Final Plat to Alter the Number of Buildable and Common Lots and to Move the Multi-Use Pedestrian Pathway Out of the Nampa Meridian Irrigation District's Easement and Into a Common Lot and to Update the Landscape Plan, Plat and Open Space Calculations

De Weerd: Item 8-D is a public hearing for Creason Creek No. 1. Item H-2016-0087. I will open this public hearing with staff comments.

Beach: Thank you, Madam Mayor, Members of the Council. Just -- just so you're aware, this is noticed on the agenda as two separate items, but my presentation -- that one single item. It was one application, so that's how my presentation will proceed, just so that we are -- so, that were not too confused. So, this is for a development agreement modification and a final plat modification. The site consists of approximately 15.75 acres of land, zoned R-8 and is located near the southeast corner of North Linder and West Ustick Roads. The applicant is requesting to amend the recorded development agreement approved with the annexation of -- of the subject property that was recorded as Instrument No. 2016- 019362. Additionally, the applicant requests approval to modify the Crimson Creek No. 1 final plat to convert Lot 4, Block 1, to a common lot or drainage lot and to relocate the proposed pathway outside of the Nampa-Meridian Irrigation District due to their requirements. The sight consists of four legal parcels. The applicant would like to start construction on four houses, one

on each parcel. I have a diagram here that shows how the applicant proposes to do that and, therefore, the applicant requests a new development agreement provision to be included that would allow the applicant to obtain approval of those four building permits prior to the property being subdivided, provided that access to the building site meets the Fire Department standards and any other applicable life safety requirements, staff does not object to the applicant commencing construction of these four structures. The structures should be located so that they comply with the setbacks of the R-8 zoning district for the future platted lots. Prior to issuance of a certificate of zoning -- certificate of occupancy, rather, for these structures the final plat should be recorded and all improvements completed. So, I just -- some small details here. As you see on the left here, this is the approved final plat. The configuration of the path going -- going along the -- the edge of the lot. The proposed final plat moves the pathway, as you see here on the landscape plan, through what used to be a billable lot and is now -- now a common lot. So, the plat changes in that regard and that's -- the pathway will, then, be moved outside of the irrigation district easement and along the common lot there. So, the conditions governing the development agreement -- this is a 5-1-C are the -- the conditions that the staff recommends that we modify in order to make this function as it should. The applicant shall be granted approval to obtain four building permits prior to the recordation of the final plat. The applicant shall not, however, be granted any certificates of occupancy until such time as the plat is recorded and all site improvements are accepted by the city. The issuance of these four building permits shall be after the satisfactory completion of the following prerequisite items: A domestic water system shall be installed, tested, and activated so that the fire hydrants are available during construction. A sanitary sewer system shall be installed and tested. At a minimum a compacted gravel road base shall be in place that will support the weight of a fire apparatus, 75,000 pounds, and at a minimum temporary street signs will need to be in place. The proposed changes to the final plat are as follows: One, plat note number seven. Currently this plat does not indicate that Lot 4, Block 1, is a common lot for the subdivision. That would need to be changed. And, two, modify condition 5-B to read as follows: Lot 4, Block 1, shall be designed to include a ten foot wide multi-use pathway and landscape standard set forth in the UDC 3-A-8 and UDC 3-B-11 -- or 12-C. The developer shall provide a minimum 14 foot wide recreational pathway easement covering the pathway route for City Council approval and recordation. To make four foot tall bollard lighting or other appropriate lighting source along all the pathways through common areas that are not visible from the public street as set forth in UDC 11-3-8H. This number two is a modification of a current condition for that final plat. With that staff stands for any questions you have and we are recommending approval of these changes.

De Weerd: Council, any questions at this time? Is the applicant here? Good evening. If you will, please, state your name and address.

Unger: Mayor and Council, my name is Bob Unger. I'm with ULC Management, 6104 North Gary Lane, Boise, Idaho. 83714. And I represent CS2, LLC, who is the owner and developer.

De Weerd: Thank you.

Unger: If I might, can I address both items?

De Weerd: Yes.

Unger: Okay. Thank you. First of all, on the plat amendment we have no issues or anything. I think staff did a great job of -- or reviewing the -- you know, what we needed and the basis for it and we have no issues with the staff report on that or the conditions of approval. On the development agreement modification, I think staff did another, you know, excellent job of being accurate with their report and -- and our request. The only issue that we have with -- with staff's report is the -- the conditions -- this is on the development agreement. The conditions governing development of the subject property, 5.1C and sub items A, B, C and D. And I will try to make this brief. As far as the domestic water being installed, tested, activated and hydrants available for the construction, in order for us to accomplish that Joint Trench as to complete their work. Joint Trench are -- they are the -- the utility company that puts in all of the gas, power, cable, phone, et cetera, and at this point we are at least six to eight weeks out from them starting and completing their work. On the sanitary sewer system being installed and tested, the sewer cannot be approved until such time as the roads are paved and the concrete collars have been poured and everything is sealed, because you have to do a pressure test and it has to hold the pressure for a certain length of time. So, certainly that's ten to 12 weeks out at best and as far as the signs, which is under D, there is a sign at the intersection of Cobblestone and 12th Avenue, which is directly north and east -- it's in the northeast corner of our project. I was fortunate enough -- I got the staff report very late on Friday afternoon. Didn't have a chance to really discuss it with anybody. The first thing Monday morning I contacted the Fire Department and I was fortunate enough to meet Rick Jackson with the Fire Department or their representative on the site to review the project. And, Josh, can you pull that map of for me, please? So, this map shows that we are -- the four lots that we are requesting the early starts on, it's Lot 14-15 of Block 2 and Lots 2 and 3 of Block 3. And as you can see, Pebblestone Drive is the stub street into our project. So, when I met with Rick Jackson we discussed these specific requirements and if you -- at the intersection of Ustick and West 12th Drive there is an existing fire hydrant that is operating correctly and is charged. The distance from that to the end of the current stub street of Pebblestone is 165 feet and he indicated that that -- that was sufficient room for them to connect to the fire hydrant and get their -- provide fire protection and water to these four lots. In addition, he had no idea why sewer would need to be in and installed and approved as far as getting the building permits -- at least four an early start and then -- so, the more we

discussed it we realized -- and he agreed with us -- that if we were to put in the base at least 170 feet into our project on Pebblestone Drive, that would support their vehicle, then, they would be able to access these four lots for fire protective services, because each lot would be less than 150 feet from the truck and so -- and we have done this before on other projects and so I was a little bit surprised when Josh required these specific items. So, what we would be asking of Council is to modify this particular condition of approval to remove sub item A, B and D and change Item C to read that at a minimum a compacted road base shall be in place a minimum of 170 feet on West Pebblestone Drive in compliance with Meridian Fire Department. So, that -- that's what we are requesting at this time and I believe we -- the representative here is aware of our request on this and I would hope that he would comment.

De Weerd: Okay. Do you have any other comments?

Unger: No, I believe that covers it.

De Weerd: Council, any questions for the applicant? Chief Fedrizzi -- Kevin.

Fedrizzi: Thank you, Madam Mayor. It's Chief Fedrizzi from the Meridian Fire Department representing. I -- I also read the report from Rick and I also talked to Chief Niemeyer before he left town and he -- he was of the same opinion that that -- that hydrant would be sufficient to -- for those four lots to give us adequate fire flow and I also agree with that the 170 feet into the -- 170 feet compacted into the property -- is that correct?

Unger: Yes.

Fedrizzi: As long as we also included that it's 20 feet wide into that, that way we can get more than one vehicle in there if we have to, but with everything else I agree. The signage is there. The fire flow in the hydrant is there. And so we have identification and serviceable hydrant, so we should be good to go with his suggested changes.

De Weerd: Okay. Thank you. Any concerns from Public Works? You know, Kyle, every once in a while we have to throw you a question.

Radek: Madam Mayor, I talked to Warren Stewart, city engineer, about this. Quite frankly, we don't support it. I'm not sure why we would do this. We have processes for developing property and there is a reason for the processes and when we don't follow them we sometimes end up with things we don't -- we don't like, we wish we wouldn't have, like houses without sewer or without water. So, it would be my preference -- and I think Warren's preference, to have this project go through the normal process.

De Weerd: Okay. Thank you. Council, any questions at this point? Thank you. This is a public hearing on Item 8-D. Is there any member of the public who would like to provide testimony on this item? Okay. Council?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Did we open D and E?

Bird: Yes.

De Weerd: Yes. I opened by number.

Borton: Okay.

De Weerd: The public hearing was for Item D, but it also applies to the application under E. Please.

Unger: Once again, Bob Unger. I just wanted to comment. I understand Public Works' concerns, but I think it's also important to understand that we cannot get a C of O on any of these structures until such time as the plat is recorded, sewer is installed and these buildings are connected. So, if for some reason the plat never gets recorded, we are doing this at risk and we understand that, that if for some reason that plat didn't get recorded, that these buildings cannot be occupied. So, I -- I mean I don't -- I don't think that we are -- you know, that the city would be sticking their neck out real far on this in that the plat has to be recorded to get the C of O's.

De Weerd: So, are you going to keep it open trenches, then, for the period until you have a finished product? I mean there is various levels of inspection points and I -- I, frankly, don't understand the timing and the -- how that process would work.

Unger: Madam Mayor, actually, we -- right now the sewer and water are installed. They are already in place. We have had inspections as we have gone along. We are waiting for Joint Trench come in and do their part and, then, we will come back and we will put down our road base and our curbs, gutters, sidewalks, et cetera. So, there won't be any open trenches. I mean they are --

De Weerd: To the homes?

Unger: Pardon?

De Weerd: To the -- to the residents? There won't?

Unger: No.

De Weerd: How do you extend sewer to it? So, you have --

Unger: Well, there are -- there are sewer stubs from the sewer line into the lot, approximately -- approximately 15 feet into the lot itself. That's the sewer stub. And when you build the house they connect the sewer to that stub. So, it's already there. So, just like any other subdivision that is platted and recorded, a guy gets his building permit, he comes in, he digs down, he connects to the sewer and runs --

De Weerd: I understand that. I built my house. So -- but I also know that part of that the -- the pipe was damaged and later on -- we didn't find it until later on. So, how -- how do those things avoid not having any?

Unger: At each sewer stub there is a two by four sticking up out of the ground. It shows the builder exactly where that sewer stub is and all he has to do is dig down and tie his sewer line into it and that would be to a standard plumbing permit. And those -- like I said, those are installed. They are all there. So, there won't be really any open trenches, other than when the plumber connects to the sewer stub.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Bob, you're -- if I'm understanding you right, your infrastructure is in. Water and sewer is to each lot -- each one of those four lots.

Unger: Yes, sir.

Bird: All they got to do is hook up.

Unger: Yes. Once -- once everything is --

Bird: Once they build they can just -- all they have to do is hook up.

Unger: Correct.

Bird: What's the problem? I mean that -- that's standard, isn't it?

Unger: Yes, sir.

Bird: I mean when you build a house your infrastructure is in, what are you waiting for Track Utilities or whoever you have got doing -- what are they doing?

Unger: Well, they do the gas, power, phone, cable and they lay all that as they go. They don't dig a whole bunch of trenches and lay it and backfill it. They lay it as they go.

De Weerd: And that's in the road.

Unger: It is -- actually, it's not. It is -- it is within a ten foot easement behind -- outside the right of way on either side of the road.

Palmer: Madam Mayor?

De Weerd: Mr. Palmer.

Palmer: Sorry. I guess I'm trying to understand it. It seems like you're not really doing construction out of order, just kind of the paperwork out of order, just so that it was more convenient to get the project done or is there still some construction that's happening at a different order than it would be?

Unger: Mr. Palmer, yes. Typically we could not -- typically we cannot get a building permit until the plat is recorded. We probably will not see a recorded plat until mid to late October, which puts these builders into winter construction and it would -- they would like to get started earlier than that and they know that they are not going to be finished before we have it recorded, because they will take -- you know, they are going to take probably four months to build each one of these buildings. Although we have two builders that are working. So, yes, that's kind of what it is. It's -- you know, it's moving the paperwork ahead on that part, with the understanding that they cannot occupy that residence until the plat is recorded.

Palmer: Madam Mayor, follow up?

De Weerd: Uh-huh.

Palmer: So, to me it looks like they are just trying to be more efficient as a private sector than the government can keep up with and so it makes sense to me.

De Weerd: We are the government.

Palmer: We are.

De Weerd: Any other questions?

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: Bob, just to clarify a couple of things. So, the system is in, because B is sanitary system shall be installed and tested. It's in, it just hasn't had time to be tested; is that correct?

Unger: Well, there are -- Mrs. Milam, there are -- there are certain requirements in order to get those tested and approved by the city and those specific requirements are for the -- the water, the Joint Trench has to be in, because while they are putting Joint Trench they could damage say a water meter or something to that effect. So, once Joint Trench is in, that's when we can test the water system, sanitize it and charge it and with the sewer we can't -- really can't test it until the -- until the -- the manhole rings are in place and sealed, because we have to pump air pressure into the system to -- and it has to hold for a certain length of time. So, that's -- that's -- that's the hold up is we are looking, like I said, six to -- six to eight weeks for Joint Trench to be done, so we can get our water and, then, sewer would be probably four weeks after that even.

Milam: Madam Mayor, follow up? And on D, the street signs -- temporary street signs, you want us to eliminate that, because there won't be streets?

Unger: Yeah. Council Member Milam, there is a street sign at the corner of 12th Drive and Pebblestone Drive. There is an existing one there and Fire felt that that would be sufficient. But I could put something temporarily up, but somebody is going to knock it over. It never fails.

Nary: Madam Mayor?

De Weerd: Mr. Nary.

Nary: Madam Mayor, Members of the Council, we haven't had -- and planning has probably a better knowledge of this, but I don't think we have had very many applications for early building permits on anything other than commercial properties and in most of those occasions -- and there is not a lot of those -- they still retain ownership of the property. So, the part that I think Kyle was referring to in saying we have processes is not just getting infrastructure put in, but having these properties recorded with the property lines have been defined and recorded and when you do all of that before the plat, technically, you don't have a legal parcel. So, that's the reason we are having problems with trying to approve that is because that's part of the platting process and so that's, I guess, the concern. If you -- if you want to grant that, we probably need some findings, otherwise, you will get a lot of people asking for the same thing on large-scale developments. This isn't as large as some of the other ones you're going to see, but it's really difficult -- what happens and what I'm afraid of -- and maybe it's just the Chicken Little in me -- is that you have this happen and, then, now these lots gets sold, people are wanting to move in and they're yelling at the city to give

them a certificate of occupancy and it hasn't been recorded and we don't even actually have a legal lot there yet. So, those are the concerns. So, we need to put some -- some side boards around doing this. If we are going to do it today, then, we need to have some findings as to what the reasons or the cause to do this when we haven't really done it on residential very often and usually there is some compelling reason. I don't know what the compelling reason is here today. Timing is timing and that's the same for everyone. That's not new. So, I just caution that in creating a new process for this particular project we may create more for other projects and there are going to be some things, as Kyle stated, that sort of fall through the cracks and all of a sudden all we have is a property owner saying I want to move into my house, city, and you're holding me up and we are saying, no, we didn't do this, it's really caused by this. So, that's my only concern about doing this, because it's not something we have done commonly.

Unger: Madam Mayor, may I comment?

De Weerd: Sure.

Unger: Actually, we did -- we did something like this approximately two years ago on a DaVinci Park Subdivision where we had two parcels and we were granted two early starts and there were no issues there. It worked very well. On this particular project we have four parcels and that's why we are asking for only four lots. If we only had two parcels we would only ask for two. And, once again, the lots can't be sold until the plat is recorded. So, there is no -- there is no possibility that you're going to have somebody coming down here yelling at the city that they can't get their C of O because it's not recorded, because it can't be sold until it's recorded.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Bob, the problem -- and we have had this happen -- is if it's not recorded, how do you know what the legal lot is? The description? I mean you could be -- the house could be within two foot of the -- when they put the legal -- legal description in it could be within two -- what are the property -- or it could be on the property line, which would be illegal. That's -- and don't ever kid yourself, the first place they come looking is the city.

Unger: What we -- what we did previously was at that lot the proposed lot was specifically staked out by our surveyor. Legal description written up for that proposed lot. Metes and bounds legal description. And we can do the same with these. That way we know that we are meeting all of the appropriate setbacks, everything is located on the proposed lot, so we don't get out of line from the proposed recorded -- or recorded -- yeah. Proposed plat.

De Weerd: Caleb.

Hood: Yeah. I just want to build a little bit on that. Maybe just to explain the process and why it is you plat first and, then, you build and Mr. Bird beat me to it a little bit there. Technically, we will be issuing multi-family permits here. We have got four buildings on a single parcel of record. So, by definition this is now a multi-family project, because they aren't on individual lots. And, then, the other point that I was going to make -- it's through the platting process it goes through the review of other agencies. Sometimes -- I will use ACHD as an example -- that right of way may shift a foot or two. Well, if you're at the minimum setback, all of a sudden you're back to the City Council saying we need a variance, because now we are two foot or three foot of a setback, because an agency or Joint Trench or somebody else had an easement or the county surveyor said this line needs moved here or there. That's why we do it in this order is so that you don't have a structure and now all of a sudden the lot lines are in the wrong spot or the structure is really in the wrong spot from the final plat. So, I just wanted to explain why it is we do things in this order. It's not to be difficult, it's because we run into these problems when you do things out of order things get constructed in the wrong place a lot of times and so, then, they come back, as Mr. Bird said, and they say we need a variance now, because our lot's too small or our setbacks are too -- too narrow and it's tough for us to review it, because there is no setbacks to review it against. There is no lot line. It doesn't exist. So, again, that's -- that's just some of the issue. I don't necessarily have a huge heartburn, but I would agree with Mr. Nary, the habit of doing this is what scares me a little bit, because while Mr. Unger may see this through and he's done it once before with no issues, I'm pretty concerned if we set a precedent and we start doing these residential ones over and over and allowing these early starts, they will become headaches.

Unger: Madam Mayor, may I respond? Our plans are approved by ACHD. The streets are locked in where they are. They are not going to move. Our sewer and water is in the streets. So, the streets aren't going to move. The easements for the utilities on either side of the street will not move, because of where the street is located and certainly through the surveying process and the approval process for the construction plans and everything, there is no reason for anything to move. So, I don't feel that there is going to be an issue with any structure being built in the wrong place if done properly.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: To that point, Mr. Unger, is it -- is it your representation to the city that should something change and should a future review require a modification that the developer will at its sole expense perhaps construct stuff -- something and, then, tear it down and start over if necessary? That it's willing to assume one

hundred percent of the risk that there is some future change that requires the construction to be removed?

Unger: Mr. Borton, absolutely. The developer will accept any and all responsibility for the location of that building and in the event -- it's minimal. You know, the odds are extremely minimal that anything like that could happen. I mean a 99 percent chance it's not going to happen. We would accept the responsibility of moving that structure -- tearing it down or removing the structure itself. We would take that responsibility.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: Mr. Unger, that -- you're going to exclude our inspectors and everything? Because when they come out there and inspect for your foundation and stuff they got to have the proper lines, so they know if the setback is right and everything, you're going to exclude all that? You're going to underwrite that? If it's wrong you tear it out and --

Unger: Yes, sir. Yes, sir, Mr. Bird. Like I said, we will have our surveyor mark those points -- in fact, they are -- the back pins are already -- or not pins, but the stakes are set. But we will have those all identified by a surveyor, so that the inspector could come out and check the setbacks to verify that they are where they are supposed to be on the future plat.

Bird: But you and I both know that pins and stakes can be moved.

Unger: Pardon?

Bird: You and I both know that pins and stakes can be accidentally moved.

Unger: Yes, they can. Well, there won't be any pins until -- until after all the construction -- the whole subdivision is constructed. That's the last thing we do is set pins before recording. So, it would be up to our -- our surveyor to stake those corners appropriately.

Cavener: Madam Mayor?

De Weerd: Mr. Cavener.

Cavener: Council Woman Milam kind of mentioned something that I think is -- is worthy of exploring. I'm a stickler for process and for precedent and I recognize that there are certain situations that having this discussion is warranted. I guess I just -- I haven't heard from you what the -- the rationale behind changing our process and setting a new precedent for this Council is from your perspective.

What -- what your reason behind this request is. I kind of heard timing, but -- but I didn't hear anything more than that. I want to give you the opportunity to articulate that.

Unger: Mr. Cavener, we have been held up by the highway district for almost four months on getting our plans approved, because of the high groundwater in the area. We had to go through three different storm drain designs to finally get our plans approved by the highway district. As such we have lost the entire summer to build -- to sell and build some homes on the project. We do not -- you know, we are not -- we are not paying cash for this project. It is a loan and every day costs us more money in interest. If we wait -- if we have to wait until the plat is recorded, which, like I said, is probably going to be late October, the builders that want to build in there are not going to be able to buy the lots until -- you know, until that time -- until November and as such it prevents us from starting to make some income off of the project. Whereas if we can get them started now or within the next few weeks, then, we would see some return as soon as we record the plat.

Cavener: Thank you.

Milam: Madam Mayor?

De Weerd: Mrs. Milam.

Milam: You just said something, Bob, that I don't know if I heard correctly or if I'm just not understanding. Kind of goes back to a previous conversation. But you said if you had to wait until October the builders wouldn't be able to buy the lots until November, but the previous discussion was that you weren't going to be able to sell the lots until the plat was recorded anyway.

Unger: Right. Correct.

Milam: So, they are going to -- the builders -- a couple of different builders are just going to build houses on these lots prior to purchasing them.

Unger: Yes.

Milam: And who is taking the responsibility of moving them if need be? Those individual builders or you?

Unger: The developer.

Milam: The developer.

Unger: That's us.

Milam: Okay.

De Weerd: Any other questions from Council?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: That was a great question by Council Woman Milam, that if the benefit to you with this is to get construction done and sell the lots ahead of schedule to generate revenue, but lots can't be sold until the final plat is recorded anyway -- is that what -- if that's the sequence that I heard, I don't know how that speeds it up for you.

Unger: Mr. Borton --

Borton: Maybe I heard it wrong.

Unger: I believe the arrangement that we have with -- with these two builders is that they will come in and build and when they get the C of O that's when the funds takes place -- the funding takes place. So, consequently, it's -- it's a matter of three to four months, because they are working -- they are working with us.

Borton: Got you.

De Weerd: Any other questions?

Unger: Thank you.

Cavener: Madam Mayor, maybe one additional question for staff before we close the public hearing. Josh, can you -- if I'm seeing things correctly, we had some requirements related to Fire that when Mr. Unger met with the Fire Department they somewhat contradicted and I'm hoping you can provide us why the left hand is saying one thing and the right hand is saying something different.

Beach: Sure. The applicant -- or Mr. Unger provided me the details of the location of the four lots on Monday after the -- we didn't have the details prior to the staff report, so we didn't know what lots they were proposing to build on. So, that's why a discussion with the Fire Department was -- was applicable on Monday, because on Friday we didn't know what lots he was --

Cavener: Great. Thanks for the clarification.

De Weerd: Okay. Anything else from Council? If there is nothing further I would entertain a motion to close the public hearing on Item 8-D.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I got one question for legal. Bill, if we can put stipulations what Mr. Unger testified to that they would be responsible for any mistakes, how legal would that be?

Nary: Well, Madam Mayor, Members of the Council, I mean this is a modification of a development agreement. So, we can create an additional condition that the developer ULC Management would be solely responsible for any repair, restoration, or whatever to the property. But enforcing that -- if they don't have the financial means to do that --

Bird: That's what I mean.

Nary: -- I don't know how we do that and at that particular point, again, that they be purchased by other people and now that becomes another issue of if they don't own the property any longer and they have no authority or right to access it any longer to repair it. So, again, it's something we don't do much because of these kinds of things that -- we follow a process for a reason, as Caleb stated. So, we can certainly add that to a development agreement, but if we actually have to enforce it it may be problematic.

Bird: Yeah. That's what I was --

Nary: Unless they want to post a bond. The only problem I have is that I know how big the bond is. I mean it would be shooting in the dark for that. Just to give the Council an example -- and if Caleb or Josh have a better -- probably better specifics on it. But we had a building that was built recently behind the commercial buildings on Fairview near Jericho and they were built in the wrong spot, because the lot lines weren't very good and instead of coming back -- they didn't come back and ask, they actually picked the building up and moved it. But that was on the owner. They -- they built it in the wrong spot and they had to move it. But here where we are going to have multiple owners or potentially multiple owners, it may be more problematic than just simply moving a house.

De Weerd: Anything further from Council? Any other comments from staff? Applicant have any final words?

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird; I move that we close the public hearing on H-2016-0087, D and E.

Cavener: Second.

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

MOTION CARRIED: ALL AYES.

De Weerd: Council, we heard the comments on both 8-D and E and we will address Item 8-D, the modification first.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: With regards to D, the development agreement modification, I applaud Mr. Unger for promptly visiting with Fire and trying to address some of those concerns in a compressed schedule. I think that's very helpful. And I understand and appreciate what he's trying to do in trying to carve out the unique circumstance that warrants the relief requested is kind of what I struggle with. Process is important, but we don't want it to get in the way of perhaps a common sense request. However, we also heard one example of process, ACHD's utilization of its process, perhaps difficult as it was, might have caused -- or caused some high water issues, which had to be resolved that avoided future problems and while it might have been frustrating, it might have actually solved the problem that would have arose down the road. I am -- I would be interested in trying to find a way to make this work, but I don't know how to craft something like that. Mr. Nary gave one example of an additional provision, which the devil is in the details in how you could ever craft language that would capture the intent of what the applicant said. So, I don't -- if I were acting today I don't think I would feel comfortable approving it. At best I would table it a week to see if that's even viable, if it all. Those are just my thoughts on -- on the -- if it were to be approved or were to move forward at all, because staff makes a great argument as to why -- you know, our objective process is in place for a reason and it's to avoid these unintended consequences we might not otherwise appreciate in the heat of the moment of a public hearing. So, staff comments are well taken.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I agree with Councilman Borton on the items and I -- I have a problem approving it right now for the reason of we have had some mistakes and stuff happen to us and regardless of what anybody says, it falls back on the city. But at the same token I don't like -- I don't like the delaying private business, private work. After all, they are the ones that pays our bills. But in the same token I think we got to use some common sense and -- and make sure that we are not --

we don't stick our necks out to get chopped off and I would have no problem setting this back to another -- next -- one more week and so that staff and maybe applicant can work out with -- along with legal draft some language -- language that we feel comfortable with, staff feels comfortable with, and the applicant feels comfortable with. That would be my preference right now.

De Weerd: If it all.

Bird: If at all.

Borton: And, Madam Mayor, to that point. There might not be, you know, conditions that truly would be acceptable and those discussions with staff and the applicant might bring those concerns to light a little more than what we get at a hearing today.

De Weerd: Okay. Well, do I have a motion?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: If there is no other discussion, I would --

De Weerd: Mr. Borton, before you make that motion, you may want to reopen the public hearing on Item D, unless you want to deal with it all under the final plat, but I believe it's under the one we did the public hearing for.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: Move that we reopen the public hearing on Item 8-D, 2016-0087.

Cavener: Second.

De Weerd: Is the motion specific to a recommendation for legal to bring back a recommendation on how this would be worded, should you agree to the modification?

Borton: Yes. That's in the motion to reopen or is it in the motion to continue? Either way.

De Weerd: The motion to reopen.

Borton: That would be the purpose and intent of the motion to reopen.

De Weerd: Second agree?

Cavener: Second agrees.

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

MOTION CARRIED: ALL AYES.

De Weerd: Now I would need a motion to continue the public hearing for Item D and, then, we might as well continue the final plan in a separate motion.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I move that we continue Item 8-D, 2016-0087 to August 23rd, 2016.

Cavener: Second.

De Weerd: I have a motion and a second to continue Item 8-D to August 23rd. All those in favor say aye. All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

De Weerd: Item 8-E --

Borton: Madam Mayor?

De Weerd: Yes, Mr. Borton.

Borton: Move that we continue Item 8-E, final plat approval for H-2016-0087 to August 23rd, 2016.

Cavener: Second.

De Weerd: I have a motion and a second to continue Item 8-E to September 23rd. All those in favor say aye. All ayes. Did I say September? I did? Well, it's continued until next week whatever I said.

MOTION CARRIED: ALL AYES.

**F. Public Hearing for Silverstone Apartments (H-2016-0060)
by DevCo, LLC Located at 4225 E. Overland Road**

1. Request: Amendment to the Comprehensive Plan Future Land Use Map to Change the Land Use Designation on 25.97 Acres of Land from Medium Density Residential to Mixed Use Regional and to Change the Land Use Designation on 42.18 from Boise's "Suburban" Comprehensive Plan Land Use Designation to Medium Density Residential
2. Request: Annexation and Zoning of 14.41 Acres of Land from the RUT to the C-G Zoning District
3. Request: Conditional Use Permit for a Multi-Family Development Consisting of 312 Dwelling Units in the C-G Zoning District

De Weerd: Okay. Item 8-F is a public hearing for Item H-2016-0060. I will open this public hearing with staff comments.

Beach: Good evening, Mayor, Members of the Council. This is an application for a Comprehensive Plan map amendment, annexation and zoning and for a conditional use permit. So, the overall site consists of 25.97 acres of land, which is currently zoned RUT in Ada County and is located at 4225 East Overland Road. The -- there is a history on this property. As you see here in the aerial map, this is a county zoned property, so there is no history in the City of Meridian as of now. The Comprehensive Plan future land use map for this entire property is medium density residential and the summary of the request -- the applicant DevCo, LLC, has submitted an application for the following: An amendment to the future land use map contained in the Comprehensive Plan to change the land use designation of 25.97 acres of land from medium density residential to mixed use regional. If you look here on the map this -- which is -- it is this box here as indicated by my mouse, that's the 25.97 acres the applicant is proposing to amend the Comprehensive Plan for mixed use regional and 42.18 acres of land to medium density residential in the Comprehensive Plan land use designation, which is the other box here. So, our existing land uses here on the top and the proposed changes are here on the bottom, as well as annexation and zoning of 14.41 acres of land from RUT in Ada County and the C-G zoning district, which is indicated by this black box here, as well as a conditional use permit for a multi-family development, consisting of 312 building units in a proposed C-G zoning district, which is, again, this black box here. The applicant did submit a concept plan for the entire development, which does include some area that's located in Boise and not part of this application, just so that's clear. The concept plan travels over the city boundary into what is and will remain Boise City. So, as I said, a concept plan for the entire development was submitted with the subject application. The concert plan depicts a mixed use development consisting of ten commercial buildings ranging in size from 40,000 square feet to 3,500 square feet. Access to the future development and various other commercial sites and a

312 unit multi-family development. This is the first phase of a much larger development that is slated for a future application that the applicant will be submitting shortly. Prior to submitting an application to the City of Meridian, the applicant reached out to Boise City to determine the likelihood of being able to provide utilities to the 42.18 acres proposed to be included in the Comprehensive Plan future land use map, which, again, is -- is this box is indicated by red here. It was determined that Boise City could not provide utilities for the property in question and in a letter dated January 20th, 2016, sent to Cody Riddle, the current planning manager for Boise city, Warren Stewart of the City of Meridian indicated that the area in question was included in the Meridian master planning for sanitary sewer and water services and that the property is serviceable by the City of Meridian. Subsequently Boise city city council de-annexed the subject property on April 19th of this year and the letter was sent to the applicant stating such. The applicant is now requesting to include the 42.18 acre parcel into the City of Meridian's Comprehensive Plan future land use map designation with the medium density residential land use designation. I want to reiterate that adding this to the Comprehensive Plan future land use map does not annex the property. That will have to be considered in a future application. It just gives the property a future land use map designation, but that's not final until the county approves this and alters the area of impact, which will take place once this is approved or by Council or subsequently denied. Just wanted to make that clear. So, the city has received a letter from Boise stating that this has been de-annexed from their city, because they are not able to serve it with their utilities. Moving on. The applicant requests approval to annex and zone 14.41 acres of land with a C-G zoning district, consistent with the proposed future land use map designation of mixed use regional to develop the multi-family portion of the property, again, indicated in the black box here as a -- as a multi-family project. In the application submitted the applicant did submit a tentative approval letter from Ada County Development Services approving the property boundary adjustment in the configuration of the proposed development. Staff recommends that the applicant submit a letter of final approval from Ada County Development Services for the boundary line adjustment and to record a copy of the record of survey prior to approval of the annexation ordinance by City Council. Lastly, a conditional use permit is requested for the development of a multi-family residential use on the subject 14.41 acre property in the proposed C-G district is required by the UDC for a multi-family development within that district. The multi-family residential development is proposed to consist of 312 -- 312 dwelling units. The units will consist of 204 two bedroom units and 108 one bedroom units, starting -- containing 500 square feet and 1,200 square feet respectively. A 4,389 square foot clubhouse is proposed that will contain a business center, leasing office, exercise room, an enclosed bike storage with patio. Associated garage and carport structures are also proposed. The commercial portion of the site is not proposed to develop at this time, but going back to the concept is the area indicated here. Again, that will come forward in a future application to the city. Because all the proposed units contain between 500 and 1,200 square feet of living area, a minimum 78,000 or one point -- 78,000 square feet that is or 1.79

acres of common open space is required to be provided. A total of 2.55 acres of passive and active open space is proposed. Common open space is required to be a minimum of 400 square feet in area, with a minimum length and width dimension of 20 feet. The calculation table depicts 111,383 square feet of common open space. So, the applicant has exceeded the requirements of the UDC. In covering the Commission recommendations, Commission did recommend approval with conditions. Staff has received no additional testimony since the Commission hearing. The applicant Mr. Jim Conger was in favor. In opposition was Donna McDonald. Commenting were Gary Glenn and Jerry Jenkins. Did not receive any written testimony for the Planning and Zoning Commission. I was the staff member presenting. Bill Parsons also commented. Key issues of public concern were traffic onto Overland Road. Access to Overland Road. Key issues of discussion by the Commission were design of the apartments. Access to Overland Road. Amenities provided with the development. Appropriateness of this property as part of the large mixed-use designation. Commission did not make any changes and there are no outstanding issues for the Council. I would like to state that staff as of today has not received the revised staff report from the highway district on this application. In their reviewing it we asked if there were large -- large items that we needed to be aware of prior to this. The applicant has submitted -- prior to the Commission hearing the applicant actually submitted a secondary access that will -- is designed as follows -- Overland Road is up here on the top and the secondary access will connect to an existing stub street in the Silverstone Subdivision -- or, excuse me, the Silverstone Office Park, which is Pewter Falls Street. With that staff is recommending approval and I will stand for any questions you have on the -- on the application.

De Weerd: Thank you, Josh. Council, any questions at this time? Okay. Would the applicant like to make comment?

Conger: Madam Mayor, Members of the Council, Jim Conger, 4824 West Fairview Avenue. First, thank you for letting us be in front of you tonight and we are excited to bring you this project. As you can see from our vicinity map here, we have a well-placed project that's centrally located to the mixed use region area, with easy access to the commercial, retail, entertainment and the freeway, to name just a few. I think just touchy briefly on Josh's point, it's been almost a year long process that we petitioned to the City of Boise, several pre-Council meetings and, then, obviously, run into a public hearing to de-annex. This took the 42 acres from Boise and brought it closer to the City of Meridian. We believe this is great for Meridian, of course, and a great addition to your east boundary that will take it over to Cloverdale Road. This is just step one. We need to get the comp plan map amended, so, then, we can take further steps in submitting our applications, which we are finishing the planning and that will come -- come -- come soon. Staff did an excellent job on this project and we thank -- thank them for their experience and their assistance through the entire process. It's actually been a long one. And we do appreciate having a staff report recommending

approval, as we have worked hard with staff, city, Fire, Police, Public Works and a couple other departments along the way to get this approval recommendation. We are in complete agreement with the staff report and look forward to approval tonight and would stand for any questions.

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

Cavener: Not right now.

De Weerd: Okay.

Conger: Thank you.

De Weerd: Thank you. This is a public hearing. Is there anyone who would like to provide testimony on this item? Yes, sir. Good evening. If you will, please, state your name and address for the record.

Colson: Lee Colson. 2509 South Goshen Way.

De Weerd: Thank you.

Colson: My only thought -- I'm not for or against the proposal, but I would like the developer to consider extending the path along the canal -- the Ridenbaugh Canal. There is a path -- there is an existing path that goes from Mountain View High School along the canal to Eagle Road and at Eagle Road there is a pedestrian light where people using the path can cross. Then there is the -- the path continues on the other side of the road up to where this property starts and I would like to see the path continue on to Cloverdale. There is a pedestrian light at Cloverdale. I would just like the developer to consider maybe extending that path along his property -- along the Ridenbaugh Canal. That's my only thought when he goes to develop this plan.

De Weerd: Thank you, Lee. Council, any questions? We appreciate you joining us. Additional testimony? Okay. Seeing none, would the applicant like to make comment and certainly respond.

Conger: Madam Mayor, Members of the Council, Jim Conger again. This application actually doesn't get back to the canal, so we -- we understand the concerns. We are pretty excited in our initial land planning. The city of Boise -- or city of Boise. Slap me. We brought you Boise's land, so I get one faux pas. But the City of Meridian has the foresight of this regional pathway that we are incorporating in this next project -- in this -- basically, the next phase that we are bringing in. So, there will be some internal pathway system and, then, of course, the big daddy is the regional pathway and, then, we are working to figure out how to cross the canal. So, there will be plenty of work when that time comes. Working and doing some pathways around the canal is not going to happen with

Nampa-Meridian Irrigation District, but -- being that's the big Ridenbaugh, but we have the internal -- and we have what we will be doing is following the city's Comprehensive Plan in the regional pathway. So, we look forward to that, but that will be another application to look at. So, tonight we definitely appreciate the opportunity to be in front of you and -- and bring this mixed use that will -- that will help the existing retail and commercial in that area. So, thank you.

De Weerd: Council, any questions?

Bird: I have none.

De Weerd: Thank you. Is there anything further from Council?

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: If there is not, I would move that we close the public hearing on Item H-2016-0060.

Bird: Second.

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

MOTION CARRIED: ALL AYES.

Borton: Madam Mayor?

De Weerd: Mr. Borton.

Borton: I move that we approve Item 8-F, H-2016-0060. I presume we are going to do these one at a time.

Bird: They are all together.

De Weerd: No.

Borton: Do them all at once?

De Weerd: They are --

Borton: Okay.

Milam: The number --

Cavener: However you want to do it, Joe.

Borton: Doing them all at once.

De Weerd: However you would like to do it.

Borton: As long as that's permissible we will handle them all at once in one motion to approve that application to amend the Comprehensive Plan future land use map, the annexation and zoning of 14.41 acres and the conditional use permit for the multi-family development.

Bird: Second.

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

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

Item 9: Future Meeting Topics

De Weerd: Council, any items for consideration under Item 9? I would just like to point out that we do have an upcoming town hall on the 31st of this month. So, make sure that you mark your calendar. It's in south Meridian to -- yeah, we got that from our listening tour and thought it would be a timely place. It will be held at Hillsdale Elementary School. Give the public an opportunity to see the new school and hear a little bit more about the vision out in that area, as well as some other topics. So, mark your calendars.

Item 10: Executive Session per Idaho State Code 74-206 (1)(d): To Consider Records That Are Exempt From Disclosure As Provided In Chapter 3, Title 9, Idaho Code

De Weerd: I would move, then, Item 10, which is Executive Session and ask for a motion.

Bird: Madam Mayor?

De Weerd: Mr. Bird.

Bird: I move we go into Executive Motion as per Idaho State Code 74-206(1)(d).

Borton: Second.

De Weerd: The motion is to adjourn into Executive Motion. I assume that was Executive Session.

Bird: Yeah.

De Weerd: Mr. Clerk, will you call roll.

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

De Weerd: All ayes. Motion carried.

MOTION CARRIED: ALL AYES.

EXECUTIVE SESSION: (7:35 p.m. to 8:39 p.m.)

De Weerd: Okay. I would entertain a motion to come out of Executive Session.

Milam: So moved.

Bird: Second.

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

MOTION CARRIED: ALL AYES.

Bird: Move we adjourn.

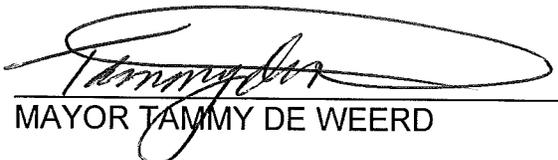
Borton: Second.

De Weerd: All those in favor? All ayes.

MOTION CARRIED: ALL AYES.

MEETING ADJOURNED AT 8:39 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)


MAYOR TAMMY DE WEERD

9 / 6 / 2016
DATE APPROVED

ATTEST:

Meridian City Council
August 16, 2016
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C. JAY COLES, CITY CLERK

