



CITY COUNCIL REGULAR MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Tuesday, July 20, 2021 at 6:00 PM

All materials presented at public meetings become property of the City of Meridian. Anyone desiring accommodation for disabilities should contact the City Clerk's Office at 208-888-4433 at least 48 hours prior to the public meeting.

Agenda

VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: <https://us02web.zoom.us/j/89828538883>

Or join by phone: 1-669-900-6833

Webinar ID: 898 2853 8883

ROLL CALL ATTENDANCE

___ Jessica Perreault

___ Joe Borton

___ Brad Hoaglund

___ Treg Bernt

___ Liz Strader

___ Luke Cavener

___ Mayor Robert E. Simison

PLEDGE OF ALLEGIANCE

COMMUNITY INVOCATION

ADOPTION OF AGENDA

PUBLIC FORUM – Future Meeting Topics

The public are invited to sign up in advance of the meeting at www.meridiancity.org/forum to address elected officials regarding topics of general interest or concern of public matters. Comments specific to active land use/development applications are not permitted during this time. By law, no decisions can be made on topics presented at Public Forum. However, City Council may request the topic be added to a future meeting agenda for further discussion or action. The Mayor may also direct staff to provide followup assistance regarding the matter.

RESOLUTIONS [Action Item]

1. Resolution No. 21-2277: A Resolution of the Mayor and the City Council of the City of Meridian, Appointing Tyler Ricks to Seat 3 of the Historic Preservation Commission from July 20, 2021 through October 31, 2023; and Providing an Effective Date

ACTION ITEMS

Public Hearing process: Land use development applications begin with presentation of the project and analysis of the application by Planning Staff. The applicant is then allowed up to 15 minutes to present their project. Members of the public are then allowed up to 3 minutes each to address City Council regarding the application. Citizens acting as a representative of a Homeowner's Association may be allowed up to 10 minutes to speak on behalf of represented homeowners who have consented to yielding their time. After all public testimony, the applicant is allowed up to 10 minutes to respond to questions and comments. City Council members may ask questions throughout the public hearing process. The public hearing is then closed, and no further public comment is heard. City Council may move to continue the application to a future meeting or approve or deny the application. The Mayor is not a member of the City Council and pursuant to Idaho Code does not vote on public hearing items unless to break a tie vote.

- 2. Public Hearing** for the Proposed Fall 2021 Fee Schedule of the Meridian Parks and Recreation Department
- 3.** Resolution No. 21-2275: A Resolution Adopting the Fall 2021 Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date
- 4. Public Hearing** for Community Development Block Grant (CDBG) Program Year 2021 Action Plan
- 5. Public Hearing** for The Oasis (CR-2021-0004) by Robert Black Jr. of Land Baron Investments, Located at 3185 E. Ustick Rd.
 - A. Request: City Council Review of the Planning and Zoning Commission's decision of approval for The Oasis Conditional Use Permit (H-2021-0004) to operate a drinking establishment, nightclub, and music venue on a portion of 3.26 acres of land in the C-G zone.
- 6. Public Hearing** for The Oasis (CR-2021-0005) by Michael and Cherilyn Kynaston and Jon and Cheri Hoeger, Located at 3185 E. Ustick Rd.
 - A. Request: Council Review of the Planning and Zoning Commission's decision of approval for The Oasis Conditional Use Permit (H-2021-0004) to operate a drinking establishment, nightclub, and music venue on a portion of 3.26 acres of land in the C-G zoning district.

ORDINANCES [Action Item]

- 7.** Ordinance No.: 21-1935: An Ordinance (H-2021-0014 – Artemisia Subdivision) for Annexation of a Parcel Being a Portion of the SE ¼ of the SE ¼ of Section 14, Township 3 North, Range 1 West, Ada County, Idaho, and Being More Particularly Described in Attachment "A" and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 25.67 Acres of Land from RUT to C-G (General Retail and Service Commercial) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and

Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

FUTURE MEETING TOPICS

ADJOURNMENT



AGENDA ITEM

ITEM TOPIC: Resolution No. 21-2277: A Resolution of the Mayor and the City Council of the City of Meridian, Appointing Tyler Ricks to Seat 3 of the Historic Preservation Commission from July 20, 2021 through October 31, 2023; and Providing an Effective Date

CITY OF MERIDIAN

RESOLUTION NO. 21-2277

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER**

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MERIDIAN, APPOINTING TYLER RICKS TO SEAT 3 OF THE HISTORIC PRESERVATION COMMISSION FROM JULY 20, 2021 THROUGH OCTOBER 31, 2023; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Seat 3 of the Meridian Historic Preservation Commission is currently vacant;
and

WHEREAS, the City Council of the City of Meridian deems the appointment of Tyler Ricks to Seat 3 of the Meridian Historic Preservation Commission through October 31, 2023 to be in the best interest of the Meridian Historic Preservation Commission and of the City of Meridian.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN CITY, IDAHO:

Section 1. That Tyler Ricks is hereby appointed to Seat 3 of the Meridian Historic Preservation Commission, with a term to expire October 31, 2023.

Section 2. That this Resolution shall be in full force and effect immediately upon passage.

ADOPTED by the City Council of the City of Meridian, Idaho, this 20th day of July, 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this 20th day of July, 2021.

APPROVED:

ATTEST:

Mayor Robert E. Simison

Chris Johnson, City Clerk

Profile

Tyler J Ricks
First Name Middle Initial Last Name

tylerricks@outlook.com
Email Address

1242 North SawCreek Pl
Home Address

Meridian ID 83642
City State Postal Code

Season Team Lead at Walmart #5841
Occupation

Which Boards would you like to apply for?

Historical Preservation Commission: Submitted

Question applies to multiple boards

Please select all of the following as applicable

[X] I have resided in the City of Meridian for two years or greater

Residency

Are you a resident of the City of Meridian?

[X] Yes [] No

If not, do you live in Meridian's area of impact? *

[X] N/A (Meridian Resident)

What areas of city government are of most interest to you?

Historical Committee and Planning and Zoning

Have you participated in any level of volunteer government service in the past?

[X] Yes [] No

If yes, please list.

Mayors Youth Council

Item #1.

Agree with the Following Statement

I understand the following: Members of these groups serve on a voluntary basis and receive no financial compensation. Participation requires a significant time commitment (approximately 10-15 hours per month). Some groups have a limited number of members; in these instances a vacancy must exist in order for a new applicant to be considered. After all applications have been received and reviewed, the Mayor makes an appointment which must be confirmed by the Meridian City Council.

I Agree

Demographics

Interests & Experiences

Letter of Interest

Why are you interested in serving on a board or commission? You may also submit a letter of interest.

I am interested in serving on the Historic Preservation Commission due to my love of history in general and love of Meridian and the rich history it has!

Upload a Resume

Item #1.

Contact

tylerricks@outlook.com

www.linkedin.com/in/tylerricks
(LinkedIn)
tylerricks.com (Personal)

Top Skills

Public Speaking
Social Media
Politics

Languages

English

Certifications

Microsoft Office Specialist Word
2013

Honors-Awards

Eagle Scout Award

Tyler Ricks

Seasonal Team Lead at Walmart
Boise Metropolitan Area

Experience

Meridian Library District
Trustee

June 2021 - Present (1 month)
Meridian, Idaho, United States

On the Board of Trustees for the Meridian Library District. Was the top vote getter at the May 2021 election.

Walmart

3 years 1 month

Seasonal Team Lead

April 2021 - Present (3 months)
Meridian, Idaho, United States

Over Lawn and Garden, Horticulture, Seasonal, and Toys Departments

Walmart #5841 on Ten Mile Rd. in Meridian, Idaho.

Stock 2 Team Lead

October 2020 - April 2021 (7 months)

Walmart # 2862 on Fairview Rd in Meridian, Idaho.

CAP2 Team Supervisor

August 2020 - October 2020 (3 months)
Meridian, Idaho, United States

Walmart #2862 on Fairview Rd. Meridian, Idaho.

e-Commerce Department Manager

April 2019 - August 2020 (1 year 5 months)
Meridian, Idaho, United States

Walmart #5841 on Ten Mile Rd. in Meridian, Idaho.

Toys Department Manager

December 2018 - April 2019 (5 months)
Meridian, Idaho, United States

Walmart #5841 on Ten Mile Rd. in Meridian, Idaho.

Cap 1 Team Associate

June 2018 - December 2018 (7 months)

Boise, Idaho Area

Walmart #5841 on Ten Mile Rd. in Meridian, Idaho.

Associate of the Month for first shift for September 2018.

Idaho Young Republicans

5 years 1 month

Treasurer

January 2019 - January 2021 (2 years 1 month)

Social Media Coordinator

January 2016 - January 2021 (5 years 1 month)

Idaho

I make sure that Idaho Young Republicans (IDYR) social media accounts on Facebook and Twitter stay up date with current political events in Idaho and nation wide for the Republican Party. We where able to conduct a one day straw poll that was able to have over 1,000 responses.

Idaho Young Republicans

Secretary

January 2017 - August 2019 (2 years 8 months)

Idaho

Elected unanimously at January 2017 State Convention.

Help with membership, social media, and take notes!

Visit <http://www.idahoyr.com!>

Raul Labrador for Idaho

Chair-Teens for Raul Labrador

March 2016 - November 2016 (9 months)

Idaho

I am a volunteer who organizes and gather support for Congressman Raul Labrador among teens, work with other grassroots coalitions across Congressional District 1, promote Congressman Raul Labrador on personal Facebook and Twitter, phone bank, and knock doors, organize and appoint teen county chairs, gather campaign data.

May 17 16 Primary Results

81% District Wide

November 9 16 General Election Results

68.2% District Wide

Won reelection

Ted Cruz for President
Idaho Chair Teens for Ted
February 2016 - May 2016 (4 months)
Idaho

I am a volunteer who organizes and gather support for Ted Cruz among teens, works with other grassroots groups across the state, promote Ted Cruz on personal and organization Facebook and Twitter, phone bank, and knock doors, organize , appoint campus coordinators, gather state campaign data.

Rand Paul for President
Idaho Assistant Coordinator
December 2015 - February 2016 (3 months)
Idaho

I was a volunteer who held meetings with members, work with Idaho's Students for Rand (SFR) groups across the state, promote Rand Paul on personal and organization Facebook and Twitter, phone bank, and knock doors.

Education

Meridian High School
High School · (2012 - 2017)

I am interested in serving on the Historic Preservation Commission. I have been a Meridian resident since the early 2000s. I went to Meridian Middle and graduated from Meridian High, work as a retail supervisor here in Meridian and was just elected as Meridian Library Trustee last month at the age of 23.

Since I've been old enough to appreciate it I love learning about history of whatever I am around, wither thats Meridian, the West Ada School District, Idaho political history, Idaho in general, WWII, US history, etc I love soaking up knowledge and sharing the "fun facts" on a topic. I also collect political memorabilia just not for "locals" for Idaho candidates and parties dating back to 1906 but also national items as well.

I would like to be on the Historic Preservation Commission to combine my love of history of Meridian and giving back to Meridian by being on the commission and by making sure history is preserved and shared to my generation and the generations after mine. I firmly believe the quote "Those who do not remember the past are condemned to repeat it."



AGENDA ITEM

ITEM TOPIC: Public Hearing for the Proposed Fall 2021 Fee Schedule of the Meridian Parks and Recreation Department

CITY OF MERIDIAN

RESOLUTION NO. _____

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER

A RESOLUTION ADOPTING NEW FEES OF THE MERIDIAN PARKS AND RECREATION DEPARTMENT; AUTHORIZING THE MERIDIAN PARKS AND RECREATION DEPARTMENT TO COLLECT SUCH FEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, following publication of notice in the *Meridian Press* on July 9, 2021 and July 16, 2021, according to the requirements of Idaho Code section 63-1311A, on July 20, 2021 the City Council of the City of Meridian held a hearing on the adoption of proposed new fees of the Meridian Parks and Recreation Department, as set forth in *Exhibit A* hereto; and

WHEREAS, following such hearing, the City Council, by formal motion, did approve said proposed new fees of the Meridian Parks and Recreation Department;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. That the 2021 Fall Fee Schedule of the Meridian Parks and Recreation Department, as set forth in *Exhibit A* hereto, is hereby adopted.

Section 2. That the fees adopted for the 2021 Fall Activity Guide shall remain in effect as to those classes until such classes are concluded, at which point the fees set forth in *Exhibit A* hereto shall supersede any and all fees for the enumerated services previously adopted.

Section 3. That the Meridian Parks and Recreation Department is hereby authorized to implement and carry out the collection of said fees.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the City Council of the City of Meridian, Idaho, this ____ day of Jul. 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this ____ day of Jul. 2021.

APPROVED:

Robert Simison, Mayor
ATTEST:

Chris Johnson, City Clerk

**CITY OF MERIDIAN
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, pursuant to the ordinances of the City of Meridian and the laws of the State of Idaho, that the City Council of the City of Meridian will hold a public hearing at **6:00 p.m. on Tuesday, July 20, 2021**, at Meridian City Hall, 33 East Broadway Avenue, Meridian, Idaho, regarding proposed new and amended fees as set forth below. Further information is available at the Parks & Recreation Department at Meridian City Hall, 33 East Broadway Avenue, Meridian, Idaho. Any and all interested persons shall be heard at the public hearing. Written testimony is welcome; written materials should be submitted to the City Clerk. All testimony and materials presented shall become property of the City of Meridian. For auditory, visual, or language accommodations, please contact the City Clerk’s Office at (208) 888-4433 at least 48 hours prior to the public hearing. Proposed new or amended fees:

EXHIBIT A

<u>2021 Fall Activity Guide Class Fees:</u>	
Dazzle & Dance Classes	\$30.00 - \$35.00
Rec 1 Cheer	\$30.00 - \$35.00
Rec 2 Cheer	\$30.00 - \$35.00
Rec 3 Cheer	\$35.00 - \$40.00
Intermediate Rec Cheer	\$35.00 - \$40.00
Youth 1.1 Cheer	\$45.00 - \$50.00
Junior 2.2 Cheer	\$45.00 - \$50.00
Tumble & Twist (Mommy & Me)	\$25.00 - \$30.00
Tumble & Twist (Independent)	\$30.00 - \$35.00
Tumbling (Beginning)	\$30.00 - \$35.00
Tumbling (Intermediate)	\$35.00 - \$40.00
Capoeira	\$30.00 - \$35.00
Kendo – Japanese Fencing	\$35.00 - \$70.00
Introduction to the sport of Fencing	\$100.00
Amazing Athletes	\$64.00
Martial Arts for all Ages	\$40.00
Time Travel Camp	\$85.00
Mystery Investigators Camp	\$85.00
Space Camp	\$85.00
Rain Forest Adventure Camp	\$85.00
Little Pallets Art Classes	\$15.00 - \$80.00
Zumbini	\$120.00
Introduction to Rock Climbing	\$200.00
CPR Class	\$50.00
Vj’s Elite Basketball Training	\$100.00
Yoga – All Levels	\$42.00
Yoga – Gentle Yoga	\$42.00

Item #2.

Yoga – Beyond the Basics	\$42.00
Yoga – Unlimited Yoga	\$54.00
Somatic Yoga & Gentle Stretch	\$42.00
Yin & Restorative Yoga	\$10.00
Jazzercise	\$45.00 - \$60.00
Pickeball 101	\$80.00
Line Dancing – Beginner	\$24.00 - \$30.00
Line Dancing – Improver	\$24.00 - \$30.00
Line Dancing – Intermediate	\$24.00 - \$30.00
Line Dancing – Option days	\$66.00
Intermediate 2-step	\$40.00 - \$50.00
West Coast Swing	\$40.00 - \$50.00
Intro to Dance	\$40.00 - \$50.00
North African Dance Fitness	\$40.00
Digital Photography 101	\$70.00
Advanced Photo Techniques	\$70.00
Half Day Whitewater Rafting	\$60.00
Full Day Whitewater Rafting	\$105.00
McCall Lake Cruise	\$40.00

DATED this ____ day of _____, 2021.

Chris Johnson, CITY CLERK

PUBLISH on July 9 and July 16



AGENDA ITEM

ITEM TOPIC: Resolution No. 21-2275: A Resolution Adopting the Fall 2021 Fee Schedule of the Meridian Parks and Recreation Department; Authorizing the Meridian Parks and Recreation Department to Collect Such Fees; and Providing an Effective Date

CITY OF MERIDIAN

RESOLUTION NO. 21-2275

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER

A RESOLUTION ADOPTING NEW FEES OF THE MERIDIAN PARKS AND RECREATION DEPARTMENT; AUTHORIZING THE MERIDIAN PARKS AND RECREATION DEPARTMENT TO COLLECT SUCH FEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, following publication of notice in the *Meridian Press* on July 9, 2021 and July 16, 2021, according to the requirements of Idaho Code section 63-1311A, on July 20, 2021 the City Council of the City of Meridian held a hearing on the adoption of proposed new fees of the Meridian Parks and Recreation Department, as set forth in *Exhibit A* hereto; and

WHEREAS, following such hearing, the City Council, by formal motion, did approve said proposed new fees of the Meridian Parks and Recreation Department;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

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Section 3. That the Meridian Parks and Recreation Department is hereby authorized to implement and carry out the collection of said fees.

Section 4. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

ADOPTED by the City Council of the City of Meridian, Idaho, this ___ day of Jul. 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this ___ day of Jul. 2021.

APPROVED:

Robert Simison, Mayor
ATTEST:

Chris Johnson, City Clerk

**CITY OF MERIDIAN
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Space Camp	\$85.00
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CPR Class	\$50.00
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Yoga – All Levels	\$42.00
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Digital Photography 101	\$70.00
Advanced Photo Techniques	\$70.00
Half Day Whitewater Rafting	\$60.00
Full Day Whitewater Rafting	\$105.00
McCall Lake Cruise	\$40.00

DATED this ____ day of _____, 2021.

Chris Johnson, CITY CLERK

PUBLISH on July 9 and July 16



AGENDA ITEM

ITEM TOPIC: Public Hearing for Community Development Block Grant (CDBG) Program
Year 2021 Action Plan



Meridian CDBG Program PY21 Action Plan

OCTOER 1, 2021 TO SEPTEMBER 30, 2022





The Action Plan identifies strategies to meet the goals of the Consolidated Plan in the upcoming year.

Projects

Admin and Fair Housing

Public Services

- Jesse Tree - Emergency Rental Assistance
- Boys and Girls Club - Scholarships for Youth

✕ ✕
✕ ✕
✕ ✕
✕ ✕

Housing

- NeighborWorks Boise - Homeowner Repair
- Backup Project - Homebuyer Assistance

Accessibility

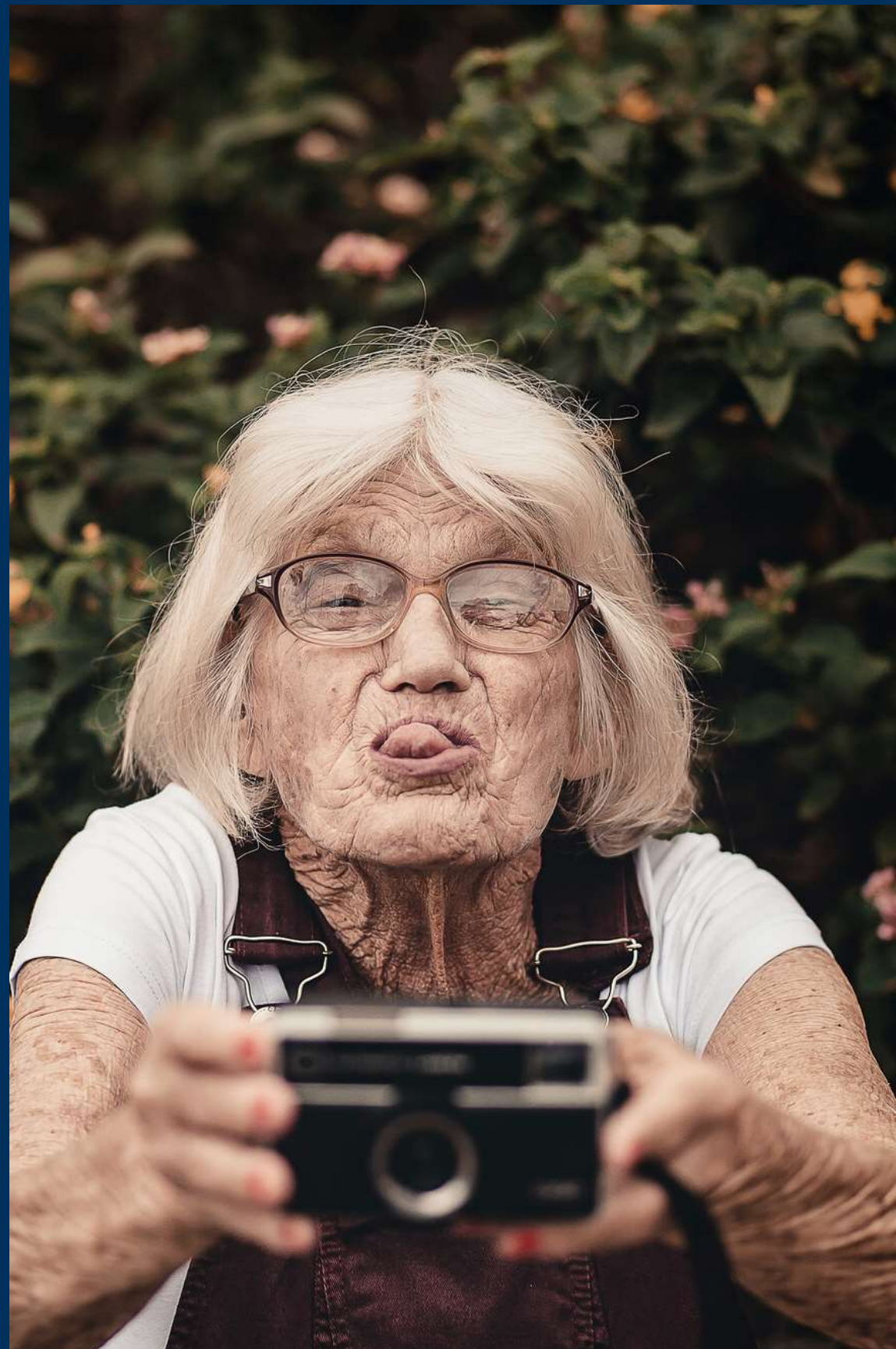
- Chateau Park Playground and Pathway
- Backup Projects - Streetlight Modernization





Encouraged community involvement to maintain relevancy of the goals identified in Con Plan:

- Involvement with stakeholders
- Public comment period
- Two (2) public presentations
- Public Hearing



Comment from Subrecipient

"I believe the City of Meridian CDBG programs are an extremely important means to help the underserved populations of Meridian grow, thrive, age in place, and have a safe secure place to call home. It has been proven that those who have a safe secure home excel in life, whether it be in school, at their job or in their personal lives..."

Michael Shepard, NeighborWorks Boise

Updates to PY19
Action Plan

Pg. 2

Updated the summary of public comments.

Pg. 16

Removed Unity Through Inclusion from the list of groups consulted with.

Pg. 22

Updated the summary of comments received.

Updates to PY19
Action Plan, cont.

Pg. 51

Updated chart to include the public comments that were received.

Pg. 53

Included copies of the public notices provided in the Idaho Statesman, Meridian Press Tribune, on the website, and via email.

Next Steps

July 20

- Public Hearing
- Close public comment period

July 27

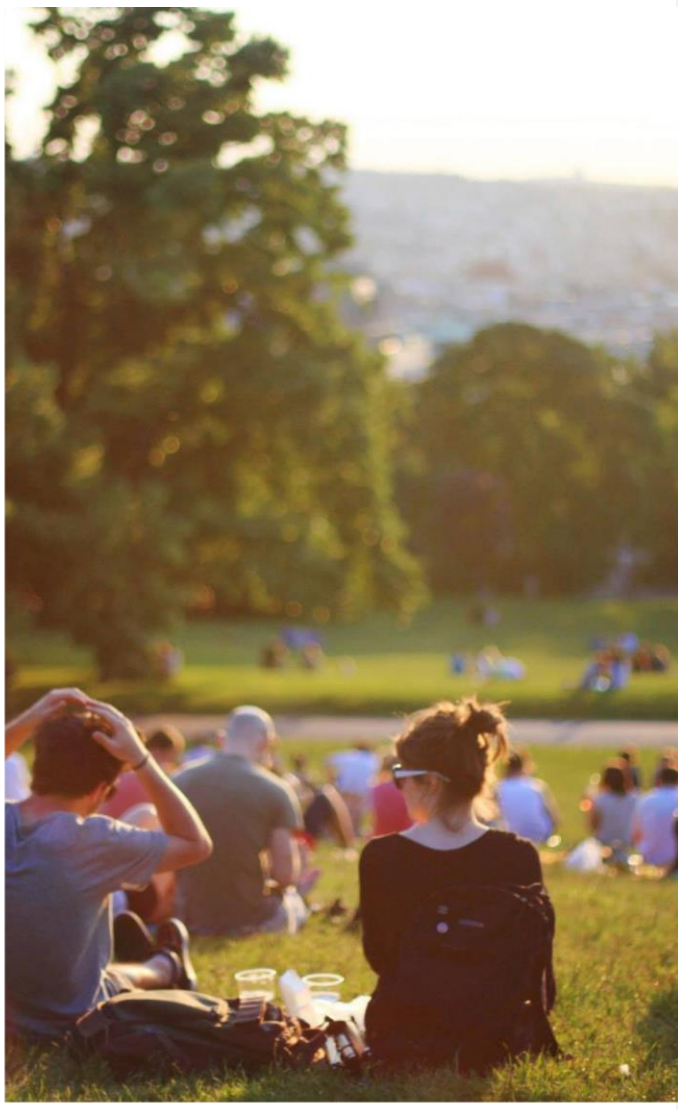
- Final Report
- Resolution

July 30

- Submit to HUD

PY21 ACTION PLAN

COMMUNITY
DEVELOPMENT
BLOCK GRANT
(CDBG)



October 1, 2021 to
September 30, 2022

33 E. Broadway
Meridian, Idaho
ccampbell@meridiancity.org

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Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Meridian was designated an Entitlement Community by the U.S. Department of Housing and Urban Development (HUD) in 2007. This designation allows the City to receive funds directly from HUD's Community Development Block Grant (CDBG) Program on an annual basis. The City is currently working under the regulatory Five-Year Consolidated Plan (Con Plan) for program years 2017-2021. The Con Plan describes the anticipated strategies, goals, and community development needs identified during a collaborative process that included input from community members and local entities.

This Action Plan is for the final year of the 2017-2021 Con Plan and will provide direction to the City of Meridian CDBG Program (Program) for Program Year 2021 (PY21) which spans from October 1, 2021 – September 30, 2022. The PY21 Action Plan provides a summary of the actions, activities, and resources that will be used during PY21 to address the goals and priority needs identified in the 2017-2021 Con Plan.

2. Summarize the objectives and outcomes identified in the Plan

The City is focusing its activities and funding during PY21 on 1) improving accessibility by prioritizing projects that improve residents' access to public facilities and community resources; 2) enhancing homeownership opportunities by obtaining or maintaining homes that are affordable; 3) promoting fair housing, and 4) providing social services that provide stability to Meridian residents with a low to moderate income.

3. Evaluation of past performance

Since 2007, Meridian has successfully managed over \$4.7 million in resources from its annual CDBG allocation. Over the years, the City's expenditures from its CDBG allocation have focused on supporting social service provider operations such as the Meridian Food Bank, improving community facilities for organizations such as the Boys and Girls Club and Meridian Development Corporation; addressing accessibility barriers to places such as parks and trails, Meridian Libraries, and sidewalk projects; preventing homelessness with emergency assistance through The Jesse Tree of Idaho; and assisting with homeownership attainment for low- and moderate-income buyers through the Ada County Housing Authority and NeighborWorks Boise.

The City has submitted Consolidated Annual Performance and Evaluation Reports (CAPERs) for all previous program years. The CAPERs demonstrate that the City exceeds the statutory requirement of at least 70 percent of funds expended being invested in activities that benefit low to moderate-income

individuals and families. Aside from Program Year 2016, the City has met its expenditure of grant funds deadlines imposed by HUD each year.

All of the prior program years’ activities meet critical needs in Meridian. The primary challenges encountered during the last Consolidated Plan period were timing and contract related. To address these challenges, the City has implemented more stringent requirements for subrecipients, particularly in meeting expected schedules. Over the several years, the City has been effective at organizing, streamlining, and managing its CDBG processes to provide the most benefit for each CDBG dollar granted while complying with federal timeliness requirements.

4. Summary of Citizen Participation Process and consultation process

The citizen participation process for the PY21 Action Plan followed the process identified in the City’s Citizen Participation Plan, adopted with the 2017-2021 Con Plan. Public comments were accepted from June 11, 2021 to July 20, 2021 with a public hearing being held on July 20, 2021. The City published legal notices in two local newspapers (Idaho Statesman and Meridian Press Tribune) and posted the draft Action Plan on the City’s website on June 11, 2021. Presentations of the draft Action Plan and included projects were provided to stakeholders at the City Council meetings on July 6, 2021 and July 20, 2021.

To broaden public participation in the development of the plan, the City coordinated with several organizations that work with LMI populations to gain a better understanding of the community needs and identify projects that would be beneficial to the residents of Meridian. The feedback received supported the goals and strategies identified in the 2017-2021 Con Plan. Invitations to apply were provided through e-mails, phone calls, and publication announcements on the City website, Boise City/Ada County Continuum of Care (CoC) distribution list, Region 4 Behavioral Health Board distribution list, and in the local newspapers.

5. Summary of public comments

~~Will be updated after public comment period.~~The City received one comment in support of the Program and four comments from Council regarding housing affordability and how the CDBG Program can provide more support to address the City’s housing needs. This included discussions about the upcoming Housing Market Analysis that will be conducted during the Consolidated Plan process.

6. Summary of comments or views not accepted and the reasons for not accepting them

~~Update as necessary.~~n/a

7. Summary

The City of Meridian has collaborated with stakeholders throughout the community to develop the PY21 Action Plan in a manner that is consistent with the goals and strategies identified in the 2017-2021 Con Plan, which remains relevant to the current needs of the community. The City plans to continue improving the Program based on feedback from the community to ensure the intent of the Program continues to be met.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	MERIDIAN	Economic Development, Community Development Dept.

Table 1 – Responsible Agencies

Narrative (optional)

The Meridian CDBG Program is part of the City of Meridian’s Community Development Department and falls under the Economic Development Division. The Program works closely with Planning Division staff and Economic Development Division staff as well as other Departments in the City such as Public Works, Finance, and Parks and Recreation.

Consolidated Plan Public Contact Information

Crystal Campbell, Community Development Program Coordinator
Community Development Department
City of Meridian
33 E. Broadway Avenue
Meridian, ID 83642
208-489-0575

AP-10 Consultation – 91.100, 91.200(b), 91.215(I)

1. Introduction

The City of Meridian engages stakeholders via social media, email, and the City’s website. Community stakeholders include, but are not limited to: citizens of Meridian; current and past CDBG subrecipients; Idaho Housing and Finance Association (IHFA); Idaho Department of Health and Welfare (Divisions of Behavioral Health, Medicaid, and Public Health); Central District Health Department; Meridian Downtown Business Association; Region 4 Behavioral Health Board; Our Path Home Connect (coordinated entry); Region 4 Crisis Center; and Boise City/Ada County Continuum of Care (CoC). Agencies were identified for participation in the PY21 Meridian CDBG competitive application based on the needs and priorities identified during the 2017-2021 Con Plan planning process.

Provide a concise summary of the jurisdiction’s activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

The City collaborated with the Ada County Housing Authority (ACHA), which is the local public housing authority, to assist the City in better understanding ACHA’s resources and needs. While there are no public housing units in Meridian, an estimated 10 percent of the housing authority’s total voucher supply are used within Meridian City limits.

ACHA and the City are both involved with the CoC. The CoC meetings provide an opportunity to collaborate with regional and local housing providers (public, nonprofit, and private) and health and social service agencies (including private and non-profit mental health, emergency, and healthcare providers).

During PY18 the City and CoC connected with the Region 4 Behavioral Health Board (BHB), a government entity established by the State of Idaho in coordination with Idaho Health and Welfare. The BHB advises the State Behavioral Health Authority and the State Planning Council of the needs in this region and is facilitated by Central District Health (CDH). This collaboration provides access to a large number of agencies and citizens with expertise in mental health services, substance use disorders, law enforcement, education, and healthcare. City staff continues to be engaged with the BHB to identify ways to enhance coordination between ACHA and healthcare providers, mental health services, and other supportive service agencies.

CDH also provides information related to housing units in which children have been identified as being lead poisoned concerning lead-based paint hazards, but since the majority of houses in Meridian were built after 1980 this has not been a concern.

Additionally, the City has developed a socioeconomic profile of Meridian that will identify gaps in service, likely partnerships, and needs of the community. The City is dedicated to extending further support to organizations that help to meet the identified needs of the community. One need that is readily apparent is the need for housing affordability and rental support. Meridian is dedicated to increasing its inventory of housing that is affordable to ensure residents of all income levels can find housing in Meridian and to provide necessary supportive services. City staff will continue to stay engaged with the housing affordability and supportive service community so the City can better provide important tools and resources to affordable housing developers and supportive service providers.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City participates in the CoC, locally branded as Our Path Home Connect, which includes staff members from neighboring communities along with healthcare, foster care and other youth programs, mental health providers, Ada County, law enforcement, nonprofit providers, state departments and school districts among other entities. In 2017 Our Path Home Connect launched coordinated entry which provides a single point of entry for households experiencing homelessness. Due to the data collected through coordinated entry, Our Path Home Connect has identified four strategic initiatives: end family homelessness, prevent first-time homelessness, expand supportive housing opportunities, and evolve the partnership. The involvement of foster care and other youth programs has encouraged the City to further evaluate the non-traditional homelessness experienced by youth and their families in Meridian.

The City has also updated internal policies to include a representative from the CoC to provide feedback on the current needs to the CDBG Scoring Committee, which reviews applications for CDBG funding and recommends projects to be funded. This collaboration provides an opportunity to involve the CoC in the planning process and identify projects that will address the needs of those who are currently or at risk of homelessness.

Additionally, the City acts as a liaison between the Behavioral Health Board (BHB) and the CoC. The BHB is facilitated by Central District Health (CDH) and is comprised of 23 stakeholders, advocates, and professionals including the Idaho Department of Corrections for adults, Boise Police Department, Adult Mental Health staff that are responsible for discharging participants from state run psychiatric facilities, and Children’s Mental Health staff that work with families in crisis. Involvement with this group allows the City to understand the broader needs of the community as related to behavioral health in general and specifically for those who are being discharged from institutional settings such as mental health facilities and corrections programs.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Meridian does not receive ESG funds; the state is the only recipient. Allocation of ESG is discussed at the CoC meetings, which Meridian staff attend. The City leverages the CoC's strategy for use of ESG funds by funding homeless prevention activities. The City does not have any emergency shelters and the RRH program serves countywide. The City continues its work with the Executive and Data and Performance Management Committees of the CoC to provide feedback on changes to the HMIS and data management process of the CoC.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Boise City/Ada County Continuum of Care
	Agency/Group/Organization Type	Housing PHA Services - Housing Services-Children Services-Elderly Persons Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Health Agency Child Welfare Agency Publicly Funded Institution/System of Care Other government - State Other government - Local Regional organization Planning organization
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy

	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>The CoC was consulted as part of the 2017 Consolidated Planning efforts as well as during the current action planning efforts. Members of this group represent all of the agency/group/organization types listed above and assists the City in understanding the needs of the community as it relates to housing, homelessness, and fair housing. This consultation was effective in helping the City develop funding recommendations to address homelessness, homelessness prevention, and fair housing activities.</p>
2	<p>Agency/Group/Organization</p>	<p>Boise City/Ada County Housing Authority (BCACHA)</p>
	<p>Agency/Group/Organization Type</p>	<p>Housing PHA Services - Housing Regional organization</p>
	<p>What section of the Plan was addressed by Consultation?</p>	<p>Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs HOPWA Strategy Market Analysis</p>

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	ACHA was contacted by the City to discuss the viability of its homebuyer assistance program in the midst of a difficult housing market. These discussions helped the City develop funding recommendation for continuing to provide CDBG dollars to ACHA for down payment assistance. This consultation also led to a discussion about housing development and policies that may change how the City interacts and funds these efforts in the future.
3	Agency/Group/Organization	West Ada School District No.2
	Agency/Group/Organization Type	Services-homeless Services-Health Services-Education Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City discussed the needs of homeless and unaccompanied youth in Meridian's public education system with the West Ada School District. Conversations led to the City's understanding of the number of unaccompanied youth in the school system with relatively limited resources and services available to these students and their families. The City identified gaps in services and will continue to work with the West Ada School District to develop a plan to fill those gaps.
4	Agency/Group/Organization	CATCH, INC.
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City meets often with CATCH to discuss the state of homelessness in Meridian. CATCH currently houses the coordinated entry efforts of the County and is tracking data related to Meridian's homeless population. These consultations clarify the need for certain support in Meridian and helping to develop a short- and long-term strategy to meet the needs of those experiencing homelessness in Meridian and across the County.
5	Agency/Group/Organization	City of Meridian
	Agency/Group/Organization Type	Other government - Local Planning organization Civic Leaders Grantee Department
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis Economic Development Anti-poverty Strategy

	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>The City regularly consults with the Mayor's Office, Department of Community Development, Planning Division, Economic Development officials, Finance Department, Public Works Department, and law enforcement officials to explore and operationalize the needs of community members in Meridian. Much of the conversation during the consultations surrounding the Action Plan deals with housing needs, wage growth, vacancy and affordability rates of housing, identifying households and areas that may be affected by lead-based paint requirements, and work to address poverty in the community. Many of these conversations are still in their preliminary stage and have not directly created outcomes or improved coordination, but work continues to plan and strategize to develop 1) incentives for affordable housing development; 2) partnerships to address service gaps in Meridian; 3) a clear plan/strategy to increase workforce housing developments; 4) a new City Comprehensive Plan that better-addresses and plans for the needs of LMI residents, including those experiencing homelessness; and 5) a socioeconomic profile of the City. All of these will offer insight, strategy, and structure to the City's community development efforts in the coming years.</p>
6	<p>Agency/Group/Organization</p>	<p>THE JESSE TREE OF IDAHO, INC.</p>
	<p>Agency/Group/Organization Type</p>	<p>Services - Housing Services-homeless</p>
	<p>What section of the Plan was addressed by Consultation?</p>	<p>Non-Homeless Special Needs</p>
	<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>The Jesse Tree was consulted to discuss the possibility to expand their emergency rental assistance program in Meridian. They provided insights and clarity into the need for their program due to continually rising rents across the City. This consultation contributed to an expansion of CDBG funding that will be given to this organization for homelessness prevention services.</p>

7	Agency/Group/Organization	UNITED WAY OF TREASURE VALLEY
	Agency/Group/Organization Type	Planning organization Foundation
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The United Way was consulted in efforts to create a Socioeconomic Profile of Meridian in an effort to better understand the housing, transportation, health, food, financial, and education needs of Meridian's residents. This partnership is ongoing and will likely result in funding provided to the City by this organization to conduct research and create plans to understand and meet these needs.
8	Agency/Group/Organization	City of Boise
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy Administrative
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City regularly consults with the City of Boise to ensure that funding recommendations, administrative practices, and other activities are compliant with federal regulations. The coordination also reflects a shared goal to ensure that all activities undertaken with CDBG funds work to meet regional needs as well as local needs.

9	Agency/Group/Organization	Neighborworks Boise
	Agency/Group/Organization Type	Services - Housing Service-Fair Housing Major Employer
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City worked with NeighborWorks Boise to discuss the viability of a homeowner rehabilitation program in Meridian.
10	Agency/Group/Organization	Idaho Fair Housing Forum
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Fair Housing
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City meets with this group to consult on how to advance the fair housing work of the City and region. These consultations have brought forth fair housing trainings and conferences educating over 1000 people about fair housing law and practice. These meetings also inform how the City will implement its strategies to affirmatively further fair housing.

11	Agency/Group/Organization	Neighbors United Collaborative
	Agency/Group/Organization Type	Services - Housing Services-Health Services-Education Services-Employment Service-Fair Housing Services - Refugees
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Fair Housing
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City regularly consults with this group to understand how to address the needs of LMI refugees in Meridian. Much of the discussion leading up to the development of this Annual Action Plan has been around fair housing and language access services in the community. The City is working with this and other groups to develop resources and materials that can better educate about fair housing best practices while providing refugees and others facing housing discrimination support to overcome negative situations.
12	Agency/Group/Organization	Idaho Apartment Association
	Agency/Group/Organization Type	Services - Housing Business and Civic Leaders
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs Fair Housing
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City consults, as needed, with this organization to get the private-sector perspective on micro and macro issues in the world of housing and fair housing. These consultations have often informed the conversations and decisions taken to and made by Neighbors United, Idaho Fair Housing Forum, and the CoC's Fair Housing Subcommittee.

13	Agency/Group/Organization	Region 4 Behavioral Health Board
	Agency/Group/Organization Type	Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Victims of Domestic Violence Services-Health Services-Education Services - Victims Health Agency Child Welfare Agency Publicly Funded Institution/System of Care Other government - State Other government - Local Regional organization Planning organization Business Leaders Civic Leaders
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The BHB was consulted as part of the current action planning efforts. Members of this group represent all of the agency/group/organization types listed above and assists the City in understanding the needs of the community as it relates to people with mental health and substance use disorders. This consultation was effective in helping the City develop funding recommendations to address economic stability for people with disabilities.
14	Agency/Group/Organization	Unity Through Inclusion

	Agency/Group/Organization Type	Regional organization Planning organization
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City consults with this group to identify the needs of diverse populations in Meridian.
154	Agency/Group/Organization	Central District Health
	Agency/Group/Organization Type	Services-Health Services-Education Services - Victims Health Agency Publicly Funded Institution/System of Care Other government - Local Regional organization Planning organization
	What section of the Plan was addressed by Consultation?	Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs HOPWA Strategy Lead-based Paint Strategy

<p>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</p>	<p>Consulted with CDH regarding strategies related to lead-based paint, transportation options in Meridian, and health disparities related to Meridian's LMI residents.</p>
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Identify any Agency Types not consulted and provide rationale for not consulting

Not applicable; every agency identified was offered an opportunity to participate in the development of the plan. While no agencies were left out, the City does not have a citizen’s advisory group to consult with. Citizens are requested to participate in public hearings and public presentations via social media and local newspapers, but there is no formal group. To gather citizen input specific to the slum and blighted area where CDBG funds are to be used, the City contacted residents who live in that area directly while the Redevelopment Plan was being developed and again when the Redevelopment Plan was being approved. Residents were also informed of the potential projects in this area during the development of the plan as well as the CDBG process of selecting projects annually. Invitations for public presentations related to the Action Plan and Project Applications were then sent out by email and social media.

Moving forward, the City would like to improve its coordination with housing developers, particularly those developers who specialize in the development of workforce and affordable housing. Increased efforts were not made this year to reach out to these groups as the City is still working to develop internal strategies and plans about how it wants to address the housing affordability needs in the community and how to engage developers in that process. The City is also developing a new Comprehensive Plan that includes consultants doing consultations in the coming months. The decision was made to couple the needed consultation efforts of these Community Development activities with comprehensive planning consultation activities.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Idaho Housing and Finance Association, Ada County, City of Boise	The City maintains goals of improving economic outcomes of low income residents, providing emergency rental assistance, and improving housing options and social and supportive services for people including but not limited to people with special needs and individuals/families leaving domestic violence situations. These will contribute to the CoC objective of Ending Chronic Homelessness by preventing Meridian residents from falling into homelessness.
State of Idaho Analysis of Impediments	Idaho Housing and Finance Association; Idaho Department of Commerce	The fair housing strategies established for Meridian considered opportunities to collaborate with the State. The City regularly involves representatives from IHFA, City of Boise, City of Nampa, City of Caldwell, and Idaho Department of Commerce in the planning, funding, and implementation efforts of fair housing activities in the region and state.
Meridian Comprehensive Plan	Meridian Planning Division	The City Comprehensive Plan was consulted during preparation of the Consolidated Plan to ensure goals were consistent with the needs and desires of the community. Land use and zoning regulations were reviewed to assess barriers to housing choice.
ACHA Policies and Procedures	ACHA	The housing authority policies and procedures were reviewed to ensure they support housing choice and address the greatest needs of low income residents.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

The City is working with various stakeholders throughout the region to develop a comprehensive Action Plan, which will improve collaboration between entities, thereby reducing the duplication of efforts and using limited time and resources more effectively.

AP-12 Participation – 91.105, 91.200(c)**1. Summary of citizen participation process/Efforts made to broaden citizen participation
Summarize citizen participation process and how it impacted goal-setting**

In 2017, the City completed an extensive citizen participation procedure to gain public guidance and information for the 2017-2021 Consolidated Plan. The findings of those efforts have informed the priorities, needs, and goals entirely. During the consolidated planning process, the feedback received from public surveys, stakeholder interviews, and other public feedback created the framework for which all CDBG goals and action plans will be based on. The City has the goal to use the public feedback from the Con Plan to inform funding decisions proposed in this and subsequent annual action plans.

In addition to the consolidated plan citizen participation processes, the City has undergone all federally required citizen participation requirements for this action plan. The City encouraged participation in developing and implementing the plan with not only low- and moderate-income persons but also with local and regional institutions, the Continuum of Care, businesses, developers, non-profits, community members, and ~~faith-based~~ faith-based organizations. These include a minimum 30-day public comment period with a formal public hearing during that comment period. The City published legal notices in two local newspapers (Idaho Statesman and Meridian Press) and posted the PY20 Draft Action Plan on the City's website. Staff worked with the City's Communication Department to share information regarding the recommended projects and priorities for the upcoming year as well as the public comment period and public hearing. The Communication Department shares information via Facebook, Twitter, Instagram, LinkedIn, Nextdoor, and a City-wide distribution list. CDBG staff also maintains a distribution list specific to those who have shown interest in CDBG and the same information was sent to that distribution list as well as several partner organizations distribution lists. All comments received were reviewed, acknowledged, and included as an attachment to this plan.

The CDBG Public Service Scoring Committee was responsible for scoring, ranking, and providing funding recommendations for public service applications submitted. This Committee consisted of the following representatives:

- Two (2) to four (4) Meridian residents;
- One (1) Finance Department staff;
- One (1) City Council member;
- One (1) Community Development Department staff; and

- One (1) Mayor’s Office staff.

As part of the scoring process, a member of the CoC reviews the public service applications and provides feedback on how the proposed projects meet the needs of the community and past history with the applying agency, if applicable. This multi-perspective approach to project funding recommendations allows the City to incorporate the viewpoints of a wide representation of interests throughout the community to better embody the needs of Meridian. The largest representation was intentionally Meridian residents to encourage the public to more actively participate in determining the path of the Program in the coming year.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Public Hearing	Non-targeted/broad community	A public hearing was held at the City Council meeting on July 20.	update	update	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Meeting	Non-targeted/broad community	Public meetings were held during the City Council meetings on July 6 and 20. Meetings included presentations that outlined the applications received, funding recommendations, specific projects, and discussion by Council on the proposed projects.	update	update	
3	Newspaper Ad	Non-targeted/broad community	Legal notices were published in the Idaho Statesman and Meridian Press Tribune newspapers on June 11 that described the public presentations, comment period, and hearing regarding this plan.	update	update	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Internet Outreach	Non-targeted/broad community	Notices of the public comment period and public hearing were sent out using the City's social media accounts (Facebook, Twitter, Instagram, LinkedIn, Nextdoor).	update	update	
5	Email	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Notices of the public comment period and public hearing were sent out using multiple distribution lists including that of the Meridian CDBG Program, Mayor's Office, Behavioral Health Board, CoC and ACHA.	update	update	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City of Meridian anticipates receiving \$501,559 in CDBG funds for PY21 and will be reallocating an additional \$95,687 in PY20 funds. The City will leverage staff time to complete projects implemented by the City. The majority of CDBG projects are implemented by subrecipients and the City expects funds to be leveraged with CDBG funds to improve the outcome of the project.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	501,559	0	95,687	597,246	0	The City will be reallocating \$95,687 of PY20 funds. This is the final year of the Con Plan, so the City will not receive any additional funding under this Con Plan.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Meridian does not receive funding for HUD programs other than CDBG and there are no additional state or federal funds available to leverage for program activities. The City uses local funds to leverage staff time to implement all CDBG activities.

The projects identified below anticipates leveraging the following resources:

- Boys & Girls Club – private funds to administer the scholarship program and provide additional scholarships to those who are unable to access CDBG funding;
- City of Meridian – local funds to pay staff salaries;
- Jesse Tree of Idaho –private funds will be used to administer the program and provide additional assistance to those who are unable to access CDBG funding.

If appropriate, describe ~~publically~~publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

There are currently no ~~publically~~publicly owned lands within Meridian that have been identified to specifically address needs of the Con Plan or the Action Plan.

Discussion

The City and its subrecipients will work to leverage funding and in-kind resources to help maximize the usage of CDBG funding.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Improve Accessibility	2017	2021	Non-Homeless Special Needs		Better Accessibility in Meridian Improve Accessibility in Meridian	CDBG: \$336,246	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 6205 Persons Assisted
2	Enhance Homeownership Opportunities	2017	2021	Affordable Housing		Improved Housing Options and Supportive Services Improved Weatherization of Housing Stock Better Accessibility in Meridian Housing Rehabilitation Opportunities Improve Accessibility in Meridian	CDBG: \$171,000	Homeowner Housing Rehabilitated: 15 Household Housing Unit

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
3	Provide Social Services	2017	2021	Non-Homeless Special Needs Low income services		Improvements in Economic Stability Service Programs - Low Income and Special Needs Improved Housing Options and Supportive Services	CDBG: \$45,000	Public service activities other than Low/Moderate Income Housing Benefit: 100 Persons Assisted
4	Administration and Fair Housing Activities	2017	2021	Admin			CDBG: 45,000	Other: 0 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Improve Accessibility
	Goal Description	The City will coordinate with City and local stakeholders to implement projects that will improve accessibility in LMI areas.
2	Goal Name	Enhance Homeownership Opportunities
	Goal Description	The City will provide funding to support LMI households obtain or maintain housing that is affordable to them.
3	Goal Name	Provide Social Services
	Goal Description	The City will address identified needs by providing local agencies with funding to provide necessary public services to LMI residents.
4	Goal Name	Administration and Fair Housing Activities
	Goal Description	The City will administer the Program, including collaboration with local entities to educate residents and landlords on fair housing rights and responsibilities.

Projects

AP-35 Projects – 91.220(d)

Introduction

The City has allocated CDBG funds to projects that meet the priority needs and goals identified in the 2017-2021 Con Plan.

Projects

#	Project Name
1	Homelessness Prevention and Stability
2	Youth Extended Care Scholarships
3	Homeowner Repair
4	Chateau Park All Abilities Playground and Pathway
5	Alternate: Peregrine Elementary Streetlights
6	Alternate: E. MHS/MMS Streetlights
7	Alternate: Homebuyer Assistance
8	Administration
9	Fair Housing

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Projects were prioritized based on the needs identified in the 2017-2021 Con Plan, needs expressed in the PY21 CDBG competitive application process, and the experiences of the CDBG Scoring Committee. A common obstacle for public service projects is the lack of available funding to provide the necessary level of services. To address this, subrecipients will leverage other funding sources and utilize screening criteria to provide services to those with the highest level of need first.

The main obstacle for housing projects in Meridian is related to the soaring housing market in Meridian and lack of affordable homes. The Homeowner Repair Program provides owner-occupied rehabilitation for those who already own homes they can afford in order to keep them stably housed. A potential obstacle to addressing the underserved needs is making the community aware of this program. The City will continue to assist the subrecipient with outreach for this program.

The accessibility projects have the potential obstacle of rising construction costs, which is related to the soaring housing market. It is often difficult to find a contractor to complete smaller construction

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projects because there is such a demand for large construction projects right now.

No obstacles have been identified for Administration and Fair Housing.

AP-38 Project Summary

Project Summary Information

1	Project Name	Homelessness Prevention and Stability
	Target Area	
	Goals Supported	Provide Social Services
	Needs Addressed	Improvements in Economic Stability Service Programs - Low Income and Special Needs Improved Housing Options and Supportive Services
	Funding	CDBG: \$25,000
	Description	Provide emergency payments for rent, mortgage, and/or utilities on behalf of LMI eligible individuals or families for the purpose of stabilizing housing and preventing homelessness.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	20 LMI households averaging 3 people per household who are at risk of homelessness.
	Location Description	Services will be offered in the community and at provider offices and will benefit households throughout Meridian. Services may also be provided virtually.
Planned Activities	(05Q) Subsistence Payments	
2	Project Name	Youth Extended Care Scholarships
	Target Area	
	Goals Supported	Provide Social Services
	Needs Addressed	Improvements in Economic Stability Service Programs - Low Income and Special Needs Improved Housing Options and Supportive Services
	Funding	CDBG: \$20,000
	Description	Provide funding for LMI eligible youth to participate in before and after school programs as well as summer programs at a free or reduced cost.

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	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	40 LMI households with children under age 13.
	Location Description	Services will be provided at the Meridian Boys & Girls Club, located at 911 N. Meridian Road in Meridian.
	Planned Activities	(05L) Child Care Services
3	Project Name	Homeowner Repair
	Target Area	
	Goals Supported	Enhance Homeownership Opportunities
	Needs Addressed	Improved Housing Options and Supportive Services Improved Weatherization of Housing Stock Better Accessibility in Meridian Housing Rehabilitation Opportunities Improve Accessibility in Meridian
	Funding	CDBG: \$171,000
	Description	The Homeowner Repair Program will improve the weatherization, accessibility and visitability of existing homes of LMI Meridian residents, making them safer and more economically sustainable.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	10 LMI households.
	Location Description	Services will be provided at NeighborWorks Boise offices located at 3380 W. Americana Terrace, Ste 120 in Boise and will benefit households throughout Meridian. Services may also be provided virtually.
	Planned Activities	(14A) Rehabilitation: Single-Unit Residential
4	Project Name	Chateau Park All Abilities Playground and Pathway
	Target Area	

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	Goals Supported	Improve Accessibility
	Needs Addressed	Better Accessibility in Meridian Improve Accessibility in Meridian
	Funding	CDBG: PY21 \$240,559 PY20 \$95,687
	Description	Replace existing playground in Chateau Park with an all abilities playground to offer recreational opportunities to children with disabilities. This project will also create a pathway that connects the park to LMI neighborhoods to the north and west that do not have amenities.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 2,068 households with an average of three people per household who reside in an LMI area.
	Location Description	2640 W Chateau Drive, Meridian
	Planned Activities	(03F) Parks, Recreational Facilities
5	Project Name	Alternate: Peregrine Elementary Streetlights
	Target Area	
	Goals Supported	Improve Accessibility
	Needs Addressed	Better Accessibility in Meridian Improve Accessibility in Meridian
	Funding	CDBG: \$125,000
	Description	Design and install and/or upgrade streetlights in LMI area. This is a backup project.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 2,222 households with an average of 3 people per household who reside in an LMI area.

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	Location Description	Landing Subdivisions No. 1,2,3,4 and 7
	Planned Activities	(03K) Street Improvements
6	Project Name	Alternate: E. MHS/MMS Streetlights
	Target Area	
	Goals Supported	Improve Accessibility
	Needs Addressed	Better Accessibility in Meridian Improve Accessibility in Meridian
	Funding	CDBG: \$125,000
	Description	Design and install and/or upgrade streetlights in LMI area. This is a backup project.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	An estimated 1,162 households with an average of 3 people per household who reside in an LMI area.
	Location Description	Neighborhoods to the east and south of Meridian Middle School extending to Meridian Road and Pine Avenue
	Planned Activities	(03K) Street Improvements
7	Project Name	Alternate: Homebuyer Assistance
	Target Area	
	Goals Supported	Enhance Homeownership Opportunities
	Needs Addressed	Homeownership Opportunities: 80-120 Percent of AMI Down Payment Assistance Opportunities
	Funding	CDBG: \$65,000
	Description	Provide assistance for eligible LMI persons to purchase homes in Meridian, with preference being given to public housing residents. Assistance will include down payment assistance, closing costs, and other eligible activities.
	Target Date	9/30/2022

	Estimate the number and type of families that will benefit from the proposed activities	2 LMI households purchasing a home in Meridian.
	Location Description	Services will be provided at NeighborWorks Boise offices located at 3380 W. Americana Terrace, Ste 120 in Boise and will benefit households throughout Meridian. Services may also be provided virtually.
	Planned Activities	(13B) Homeownership Assistance
8	Project Name	Administration
	Target Area	
	Goals Supported	Administration and Fair Housing Activities
	Needs Addressed	
	Funding	CDBG: \$42,000
	Description	This project will conduct activities that relate to the administrative, planning, and technical assistance for the CDBG program during PY21.
	Target Date	9/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	n/a
	Location Description	Administration office is located in Meridian City Hall at 33 E. Broadway Ave. suite 102.
	Planned Activities	Administration and Planning
9	Project Name	Fair Housing
	Target Area	
	Goals Supported	Administration and Fair Housing Activities
	Needs Addressed	
	Funding	CDBG: \$3,000

Description	This project will carry out activities that relate to fair housing. At a minimum, CDBG funds will be used to implement a Fair Housing Campaign in April. Other opportunities to promote fair housing activities will be evaluated as they arise.
Target Date	9/30/2022
Estimate the number and type of families that will benefit from the proposed activities	n/a
Location Description	The Fair Housing Campaign will be promoted via television, radio, and social media.
Planned Activities	(21D) Fair Housing Activities

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The City of Meridian’s basis for allocating public service and housing projects is geographically delineated within its municipal boundaries. Funding is determined by meeting national objectives, qualifying eligible activities, and through a competitive application process. The City does not specify target areas by census tract or block group. The use of CDBG funding is not pre-determined on areas of low- and moderate- income concentration or racial characteristics. Service agencies providing CDBG funded services are primarily located in Boise; however, low- and moderate-income clients served reside in Meridian.

Area benefit activities benefit at least one of the four (4) census tracts that fall within Meridian’s LMI area, which include census tracts: 0103.21; 0103.22; 0103.31; and 0103.35.

Geographic Distribution

Target Area	Percentage of Funds
n/a	n/a

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Meridian has not identified a target area.

Discussion

The City allocates funds to assist low- to moderate-income (LMI) Meridian residents without targeting or prioritizing specific geographic locations outside of the LMI area for area benefit projects per HUD guidelines.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The City of Meridian dedicates funding to providing LMI Meridian residents with affordable housing.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	15
Special-Needs	0
Total	15

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	15
Acquisition of Existing Units	0
Total	15

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

For homeowner rehabilitation, subrecipient(s) will utilize funding to assist homeowners with emergency repairs, accessibility, weatherization, and similar eligible projects to improve the safety and livability of their homes.

AP-60 Public Housing – 91.220(h)

Introduction

The City of Meridian is served by the Ada County Housing Authority (ACHA), who administers the Homeownership Voucher Program, Housing Choice Voucher, Mainstream Voucher, as well as managing

the Family Self Sufficiency Program.

Actions planned during the next year to address the needs to public housing

As part of the City’s overall Comprehensive Plan, Meridian has identified a goal of offering a diversity of housing types for all economic levels throughout the City. To accomplish this goal, Meridian encourages quality housing projects for all economic levels throughout the city. The City supports a variety of residential categories (low-, medium-, medium-high and high-density single family, multi-family, townhouses, duplexes, apartments, condominiums, etc.) for the purpose of providing the City with a range of opportunities to provide housing that is affordable to all. In spite of these efforts, ACHA has identified a lack of affordable units as one of the barriers to eligible renters and potential homeowners.

Meridian is one of the towns within Ada County, which ACHA serves. ACHA has a 72% success rate, whereas the national average is typically a 65-69% success rate. This leaves an estimated 28% of households receiving Housing Choice Vouchers (HCV) in Ada County unable to identify housing within 120 days, requiring them to relinquish the voucher and return to the waiting list. There are many reasons a participant may not be able to identify a housing unit including:

- Landlords feel there is too much “red tape” associated with the vouchers;
- Rents in this community are often above the fair market rents HUD allows;
- Misperception that voucher holders make bad tenants;
- Poor credit/rental history or criminal background may make some ineligible; or
- Lack of units that will accommodate larger families.

The City will continue to collaborate with ACHA, the CoC, and other partners during PY21. The City is in the process of updating its Strategic Plan, which will ~~includes~~include tasks related to housing affordability.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

ACHA encourages public housing residents to participate in homeownership by:

- Referring families interested in homeownership to first-time homebuyer workshops covering the following topics: benefits of and preparation for homeownership, credit analysis, FICO scoring methodology, mortgage types and requirements, private mortgage insurance, loan-to-value ratio, down payment assistance programs, escrow and title process, property taxes, home maintenance, and homeowner responsibilities.
- Providing one-on-one meetings with a Homeownership Coordinator to determine short- and long-term goals in obtaining homeownership and to make a plan to reduce any barriers that

need to be addressed.

- Collaborating with nonprofit partner agencies, lenders, and realtors in the delivery of counseling services for low- to moderate-income first-time homebuyers in the FSS/HCV programs. Expanding partnerships with community organizations, lending institutions, and real estate professionals.
- Actively marketing the Homeownership Assistance program to existing voucher holders through quarterly newsletters and attending the annual recertification meetings for voucher holders to explain the programs.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

ACHA is not a troubled PHA.

Discussion

The City is committed to helping LMI households access necessary services and homeownership as desired through a variety of methods.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City coordinates with the Boise City/Ada County Continuum of Care (CoC) and the Region 4 Behavioral Health Board (BHB) to identify the strategies to address needs of those who are at risk of or currently experiencing homelessness.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Meridian has been a member of the CoC for the last six years to better understand and coordinate the needs that Meridian residents who are currently or at risk of experiencing homelessness face and how to better serve them. In addition, City representatives are frequently involved in public discussions, presentations, and meetings with citizens, other government officials, and local service providers including West Ada School District, Jesse Tree, and CATCH to provide support, understanding, and outreach to those who are experiencing homelessness in Meridian.

In previous years, the City worked with the CoC to add data points to the CoC’s Homeless Management Information System (HMIS) to enable the City to determine how many Meridian residents are

experiencing homelessness and the reasons for their housing crisis. This data and information was evaluated while developing the PY21 Action Plan to better inform strategies and partnerships for the City to implement. The City is committed to serving the individual needs of Meridian's homeless population as identified by the CoC and local organizations.

The City has also worked with the CoC to conduct the annual Point-in-Time Count, which helps determine the number of people who are experiencing homelessness on a given day. This information allows the City to understand the level of homelessness in Meridian and to develop a program that better serves those in need. The City will continue to assist with this process in upcoming years. The City intends to continue to use its partners to identify, understand, and support those experiencing homelessness (especially persons experiencing unsheltered homelessness) or at risk of homelessness with special needs in Meridian.

Addressing the emergency shelter and transitional housing needs of homeless persons

While there are emergency shelter and transitional housing facilities located in other nearby cities in the Treasure Valley, none of these facilities are located within City of Meridian. The City has prioritized funding homelessness prevention to mitigate the need for these services, but also works with the CoC to assist Meridian residents who are in need of emergency shelter. The City encourages agencies who provide these services to apply for CDBG funding, but there were no applications during PY21 for projects directly related to emergency shelters or transitional housing projects. However, all services to be funded are available to those who qualify.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City will provide funding to NeighborWorks Boise to assist with homeowner repairs to Meridian residents with a low- and moderate-income to keep them in housing they can afford. In addition, Meridian’s work with Jesse Tree has helped provide rental and case management services aimed at preventing and resolving needs for those currently experiencing homelessness or at risk of homelessness in Meridian.

The partnerships that the City has with local committees, organizations, and networks in evaluating, understanding, and addressing the many needs of Meridian residents experiencing homelessness include Meridian Police Department, Ada County Sheriff’s Office, City of Boise, City of Nampa, City of Caldwell, Women’s and Children’s Alliance, Jesse Tree, Boys & Girls Clubs of Ada County, West Ada School District, CATCH, Ada County Housing Authority, Local HUD office, CoC, Meridian Food Bank, United Way, NeighborWorks Boise, IHFA, Terry Riley, El-Ada Community Action, Our Path Home Connect, and many others. These partnerships are extensive and ongoing in order to help address and

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prevent homelessness in Meridian.

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These efforts, particularly coordination and participation with CATCH and the CoC, are designed to assist local service providers in helping persons experiencing homelessness make the transition to permanent housing and independent living while shortening the time individuals and families experience homelessness.

In addition, the City's relationships with ACHA, CATCH, and Jesse Tree are aimed to develop activities through the Program that facilitate access for individuals and families experiencing homelessness to affordable housing units while also preventing individuals and families from becoming homeless.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The City is involved in the CoC, which is comprised of representation from ACHA, Health and Welfare, mental health service providers and other service agencies, including law enforcement and correctional agencies. The CoC coordinates, collects data, reviews data, and prioritizes strategies based on data and input from providers. Coordinated entry serves all communities within Ada County and case conferencing is conducted weekly.

The City is also involved in the Behavioral Health Board (BHB), which focuses on mental health and substance use disorders. The BHB is a government entity established by the Idaho legislature in 2014 to advise Idaho's behavioral health authority, identify gaps, and promote improvements to the delivery of integrated services for behavioral health in Idaho. The Board promotes and supports prevention, intervention, recovery and resiliency for individuals and families in need. It is composed of 23 stakeholders, advocates, and professionals across the continuum of care. Involvement with this group allows the City to understand the broader needs of the community as related to behavioral health in general and specifically for those who are being discharged from institutional settings such as mental health facilities and corrections programs.

During PY21 the City will also provide funding to Jesse Tree to keep families, individuals, and children who are at risk of eviction stably housed. Meridian partners with other organizations, such as the West Ada School District, to assess needs and provide services for those at risk of becoming homeless.

Discussion

Much of the work funded through the Program is directed at housing stability for Meridian’s LMI residents. In addition to the services previously mentioned, the City is focusing on public transportation for seniors, ADA compliance improvements to public facilities, and public facility improvements such as sidewalk and streetlight improvements in LMI areas to meet the needs of those in the community who may or may not be experiencing homelessness.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Section V of the Consolidated Plan and Fair Housing Assessment analyzes public and private barriers to housing choice in Meridian. Stakeholders were also interviewed about housing barriers. Barriers associated with tax policies, land use controls and zoning, building codes, fees and charges, growth limits, and policies affecting the return on residential investment were not identified as barriers. On the contrary, the review found a favorable environment for development and a migration toward more diverse housing types.

As such, the actions summarized below do NOT address the negative effects of public policies that serve as barriers to affordable housing (policies, procedures, processes). Instead, they focus on actions that address other types of identified barriers.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City has expressed a commitment to creating more diverse housing types through its redevelopment plan for downtown. The Destination Downtown plan states that creating diverse housing opportunities for different housing needs and life-cycles in downtown Meridian is important to support new businesses and activity. A healthy housing mix will also help to draw people downtown and ensure 24-7 activity. Housing created or redeveloped as part of the downtown plan is expected to include apartments, townhomes, condominiums, duplexes, and single-family homes. The City helped facilitate multiple RFPs over the past several years for a large portion of the publicly-owned properties in downtown Meridian with a priority given to proposals that focused on developing mixed use and high-density housing. One project that was awarded, Downtown Lofts, will bring several affordable units to downtown Meridian including six (6) that will be dedicated to CATCH participants. This project is expected to be completed in 2021.

In 2017, to evaluate potential fair housing concerns within the City’s zoning code, the City had BBC Consulting utilize a “Review of Public Policies and Practices (Zoning and Planning Codes)” form recently circulated by the Los Angeles fair housing office of HUD. The research did not reveal any negative effects of public policies that serve as barriers to affordable housing. This includes land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting returns on residential investment.

Additionally, the City continues to review of potential policy and code changes that will incentivize the future development of multi-family and affordable housing units in Meridian.

Discussion:

The City will continue to identify areas to reduce barriers t affordable housing.

AP-85 Other Actions – 91.220(k)

Introduction:

This section discusses the Other Actions the City will take to address the needs of low-income residents.

Actions planned to address obstacles to meeting underserved needs

The City will continue to engage in conversations with neighboring communities and service providers to identify and address underserved needs, maintain affordable housing, and reduce the number of families living in poverty.

During PY21, the City has allocated funding to provide housing stability for those at risk of homelessness and extended care programs that offer youth a positive place to go. Additionally, the Economic Development Administrator works closely with the CDBG program in an effort to better align the needs of our residents.

The City will increase relationships with private providers, developers, and social services providers to reduce the obstacles for Meridian residents to achieve decent housing, a suitable living environment, and expanded economic opportunities.

Actions planned to foster and maintain affordable housing

The City intends to partner with local service providers that will assist in fostering and maintaining affordable housing. Projects funded during PY21 will provide: emergency assistance to families who are at risk of eviction and homelessness; assistance for homeowners to make necessary improvements to maintain their current housing; and, scholarships for children to participate in extended care programs

so their caregivers can work. Additionally, the City will be working with service providers that focus on providing stability to those with mental health and/or substance use disorders to allow them to gain or maintain affordable housing with access to care coordination.

The City will also explore additional partnerships—including partnerships with mission-driven and private developers—to bring more workforce housing into downtown and underutilized land parcels. The City collaborates with the Economic Development Administrator to explore the development of workforce housing and opportunities for residents to increase their income in an effort to foster and maintain affordable housing.

Actions planned to reduce lead-based paint hazards

Over the course of the upcoming program year, the City will provide information regarding lead-based paint hazards to educate the public and continue to gauge the prevalence of lead paint contamination within the City. There is a wealth of information already available from HUD, the State, neighboring communities, and various organizations that staff will gather and make available at City Hall, on the City’s website, and at other locations throughout the community as needed. Additionally, City staff has reached out to CDH staff to ensure they have a contact person if lead-based paint hazards arise.

Actions planned to reduce the number of poverty-level families

The City will fund projects to assist poverty-level individuals and families access services that provide a support system and allow them to focus on the steps they need to take to improve their living situation. Projects include programs that provide emergency assistance to families who are at risk of homelessness and housing cost assistance for residents unable to cover the full costs of home purchases. The City's Strategic Plan also intends to address poverty-based issues through the expansion of necessary public services and the expansion of quality employment opportunities for the jurisdiction’s LMI population.

As part of its Strategic Plan, the City is working on an in-depth socioeconomic profile of the City to help identify the needs of community members as it pertains to housing, finances, food, education, healthcare, and transportation. Completing this research will allow the City to better understand the factors that are contributing to residents who are facing poverty in Meridian, as well as help define solutions that could help mitigate those factors. The City’s hope is that this research will provide long-term insights and strategies to reduce the number of poverty-level families in Meridian.

Actions planned to develop institutional structure

In recent years the City made the CDBG Administrator position a full-time position and changed the position title to Community Development Program Coordinator. This position is now funded out of the

City’s general fund. This institutional change is designed to provide more time to effectively manage the CDBG program and provide flexibility for the position to expand efforts into economic and other areas that can help meet the community development needs of the City. Staff will continue to work to attain relevant and appropriate professional development trainings during the program year to learn and address current and future institutional problems. Discussions will continue about the expansion and opportunities to add new program staff to assist in this community development work.

The City has been involved in the institutional restructuring of the CoC as well as the implementation of new HMIS and Coordinated Entry standards for service providers in the County. These activities have dramatically altered the institutional framework of housing and other service providers in the region and has improved the efficiency and transparency of the coordinated work being done to address these needs. The City hopes to identify new institutional structures that can be developed, reformed or changed to better support the needs of those most at risk in the region (e.g. transitional and emergency housing networks).

Actions planned to enhance coordination between public and private housing and social service agencies

City staff will be working with the CoC to identify ways to enhance coordination between public and private housing and social service agencies. As in many communities, there is not enough funding to provide the level of services we’d like so the CoC plans to identify a way of coordinating services that are available and reducing duplication of services for a more effective use of funding. Multiple methods will be explored including phone apps and enhancing services that are already available.

The City’s partnership and funding relationship with local housing service organizations including NeighborWorks Boise, Jesse Tree, and Ada County Housing Authority will continue to expand in this program year. In addition, coordination with other organizations like CATCH, Boise Rescue Mission, Interfaith Sanctuary, Terry Reilley, El-Ada Community Action, Jannus, Idaho Office for Refugees, Agency for New Americans, Women’s and Children’s Alliance, and all members associated with the local CoC (including private housing developers) will continue to be built upon to improve networks, coordination, and problem solving in the jurisdiction. Meridian’s participation in the local CoC, housing and homelessness roundtables, and other regional coordination efforts outlines the City’s continued action plan for enhancing the networking and coordination between public and private housing and social service agencies.

Discussion:

The City intends to fund multiple projects that will improve access to affordable housing and suitable living environments for Meridian residents. Staff will be working with subrecipients to identify barriers within their programs and find ways to address them to provide more effective services. Staff will also identify ways to improve and expand Meridian’s CDBG Program for future years.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction:

**Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(I)(1)**

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

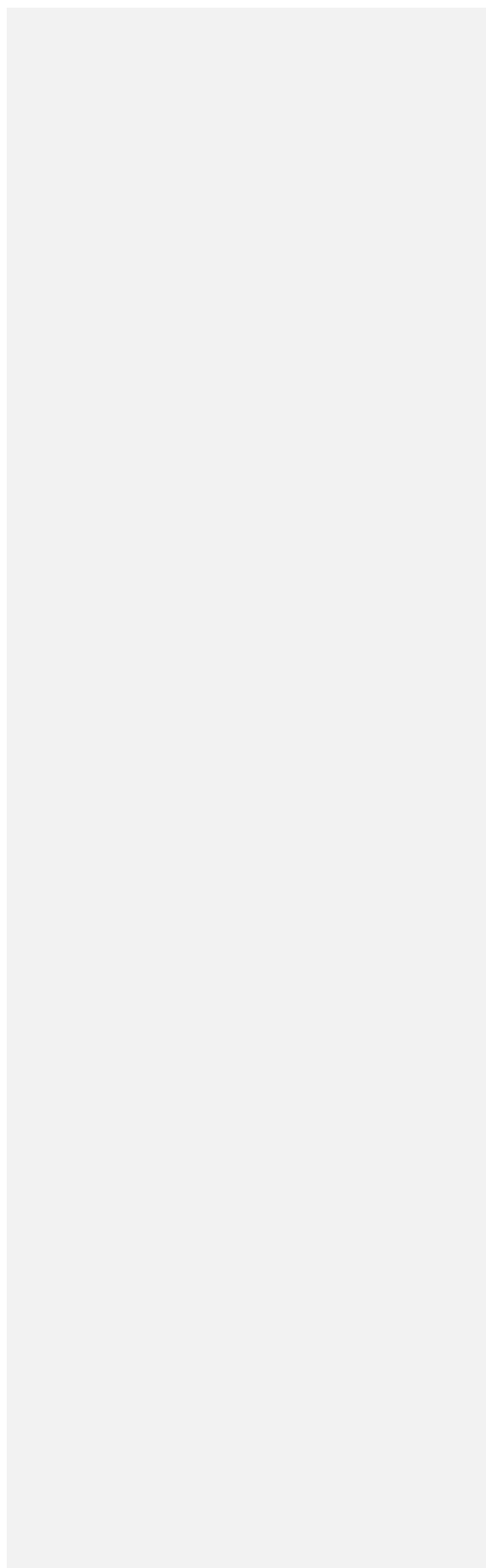
Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

The City's certification period includes program years 2021, 2022, and 2023. Outside of admin and fair housing, the City will allocate all funding for PY21 to LMI projects. The City commits to meet the 70% LMI benefit requirement of the federal CDBG program over the span of that three-year certification period.

Item #4.

Community Development Block Grant (CDBG)
PY21 Action Plan



Item #4.

Community Development Block Grant (CDBG)
PY21 Action Plan

Attachments

Citizen Participation Comments

Date	Method of Submission	Contributor	Comment	City Response
6/25/21	Email	Michael Shepard, NeighborWorks Boise	<p>I believe the City of Meridian CBDG programs are an extremely important means to help the underserved populations of Meridian grow, thrive, age in place, and have a safe secure place to call home. It has been proven that those who have a safe secure home excel in life, whether it be in school, at their job or in their personal lives. A perfect example would be the funds provided to help an elderly woman age in place in her home. On a very limited income, this senior had an older home than needed a new roof, needed a tree removed that was causing extreme tripping hazards on her walk way. With no savings to repair these items herself, this grant has afforded her the means to continue to age in place, in a safe secure and healthy home.</p> <p>I appreciate the City of Meridian in allowing us to help in these endeavors.</p> <p>Thank you for continuing these vital programs for those who need it most.</p>	The City appreciates the support.
<u>7/6/21</u>	<u>Public Presentation</u>	<u>Councilman Hoaglund</u>	<u>Requested a brief overview of the upcoming housing market analysis.</u>	<u>This is an analysis of our current housing market, which will review rental amounts, affordability, and available units so we can get a better understanding of the current housing market to make informed decisions during our next consolidated plan.</u>
<u>7/6/21</u>	<u>Public Presentation</u>	<u>Councilwoman Perreault</u>	<u>Comment 1 – The amount allocated to rental assistance was lower than expected. Was this the request or was it reduced for some reason?</u>	<u>Response 1 – Jesse Tree did request more funding than was allocated, but with the other available resources they have been unable to fully expend their current allocations.</u>

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Community Development Block Grant (CDBG)
 PY21 Action Plan

			<p><u>Comment 2</u> – Was it difficult utilizing the homebuyer assistance funds in previous years because the amount of assistance provided wasn't enough to help the homeowner qualify for their loan? <i>Follow-up comment: Essentially, they are being priced out of the market.</i></p>	<p><u>Response 2</u> – The agency could increase the amount provided, but we would run into the issue of putting people in houses they couldn't afford long-term. The high cost of housing has left limited units that are affordable to those who are eligible for this program. When potential participants identify a house there is often a cash offer well over the asking price within hours, so they are outbid.</p>
<u>7/6/21</u>	<u>Public Presentation</u>	<u>Councilwoman Strader</u>	<p><u>Can CDBG funds address housing affordability projects in other ways? Are there other HUD funds available to utilize for affordable housing projects? Would like to have a bigger discussion regarding ways to address the housing affordability issue in Meridian.</u></p>	<p><u>CDBG has limitations on how it can be used in housing construction. We would be able to pay for soft costs in housing projects when there is an affordability component. We could potentially work with HOME funds. The CDBG Program is has been discussing creating a HOME Consortium once the boundaries of all local entitlement communities are touching.</u></p> <p><u>In the next Con Plan we will be looking closer at how we can more effectively utilize CDBG funds to assist with housing affordability. The Housing Market Analysis will be brought to Council for further discussion over the next year.</u></p>

Grantee Unique Appendices

Public Notice

Idaho Statesman

**CITY OF MERIDIAN
NOTICE OF PUBLIC HEARING AND PUBLIC COMMENT PERIOD
Regarding Meridian's Community Development Block Grant (CDBG) Program**

The City of Meridian is designated an Entitlement Community by the U.S. Department of Housing and Urban Development (HUD). This designation allows the City to receive funds annually from HUD's Community Development Block Grant (CDBG) Program. The City anticipates that it will receive an allocation of \$501,559 on October 1, 2021. In order to receive these funds, the City must submit an Annual Action Plan to HUD identifying the projects and goals the City will undertake to improve accessibility, enhance housing opportunities, and provide social services to low and moderate income residents during the next program year.

ALL CITIZENS ARE INVITED TO ATTEND A PUBLIC HEARING ON TUESDAY, JULY 20, 2021 AT 6:00P.M. at <https://meridiancity.org/live> regarding the 2021 Annual Action Plan. There is also limited seating available in City Hall. Special invitation is extended to persons with disabilities, residents of assisted housing, and Meridian business and property owners. Meridian City Hall is a handicapped accessible facility. Individuals requiring accommodation of physical, sight, or hearing impairments or language interpretation please contact the City Clerk at (208) 888-4433. All citizens may review the draft plan and provide testimony. Copies of the draft plan are available beginning June 11, 2021 at the Meridian City Hall in the Community Development Department and on the City's CDBG website, <http://meridiancity.org/cdbg>.

A PUBLIC COMMENT PERIOD OPENED JUNE 11, 2021 AND WILL CONTINUE THROUGH JULY 20, 2021. During this period, oral and written comments about the 2021 Annual Action Plan will be accepted. All comments should be addressed to Crystal Campbell at: City of Meridian, Community Development Department, 33 E. Broadway Ave., Ste.102, Meridian, ID 83642; (208) 489-0575; or ccampbell@meridiancity.org. W00000000
Publication Dates

Meridian Press Tribune

LEGAL NOTICE

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June 18, 2021 110622

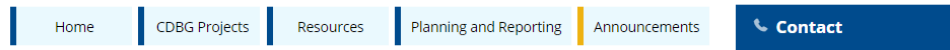
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Community Development Block Grant (CDBG)
PY21 Action Plan

Website



Community Development Block Grant Program



Program Year 2021 (PY21) Action Plan

October 1, 2021 to September 30, 2022

The PY21 Action Plan is open for public comment beginning June 11, 2021 and will end at the public hearing on July 20, 2021. This document serves as the annual application for CDBG funding and provides an outline of proposed projects and intended accomplishments for the upcoming year.

[Click here for a quick overview of the PY21 Action Plan.](#)

[Click here for the PY21 Action Plan Flyer.](#)

[Click here for the PY21 Draft Action Plan.](#)

The following presentations of the PY21 AP are available to the public:

- July 6, 2021 during the City Council Work Session Meeting
- July 20, 2021 during the City Council Regular Meeting

Questions and comments can be provided during the above forums or by contacting Crystal Campbell at ccampbell@meridiancity.org or (208) 489-0575.

Contact

Crystal Campbell
Phone: 208-489-0575
ccampbell@meridiancity.org

[Email to distribution list](#)

[You are receiving this email on behalf of the Meridian Community Development Block Grant \(CDBG\) Program. If you would like to be unsubscribed from future mailings, please click here or reply to this message and request to be removed. If you would like to be added to the mailing list, please click here.](#)

[Good afternoon,](#)

[The Meridian CDBG Program has posted the Program Year 2021 \(PY21\) Action Plan for public comment. The PY21 Action Plan identifies how the City intends to reach the goals identified in the 2017-2021 Con Plan during the upcoming program year \(October 1, 2021 – September 30, 2022\) and includes the specific projects that are anticipated to be funded. **Your comments are important for our program so we can keep Meridian’s CDBG Program relevant. Additionally, a quick email showing your support helps to show these funds are necessary for our community.**](#)

[Comments can be submitted until July 20, 2021 via the following methods:](#)

- [• Email ccampbell@meridiancity.org](#)
- [• Call Crystal at \(208\) 489-0575](#)
- [• Testify at the public hearing during the City Council meeting on July 20, 2021](#)

[Below are opportunities to learn more about the Action Plan:](#)

- [• Click here for an overview](#)
- [• Click here to view the PY21 Draft Action Plan](#)
- [• Attend the presentation at the Council meeting on July 6](#)
- [• Attend the presentation and Public Hearing on July 20](#)
- [• Contact Crystal at ccampbell@meridiancity.org or \(208\) 489-0575 to chat or schedule a meeting](#)

[Please help us spread the word by forwarding this email and sharing our flyer.](#)

[Best,](#)

[Crystal Campbell | Community Development Program Coordinator](#)

[\(Pronouns: She/Her\)](#)

[Why pronouns matter](#)

[City of Meridian | Community Development](#)

[33 E. Broadway Ave., Meridian, Idaho 83642](#)

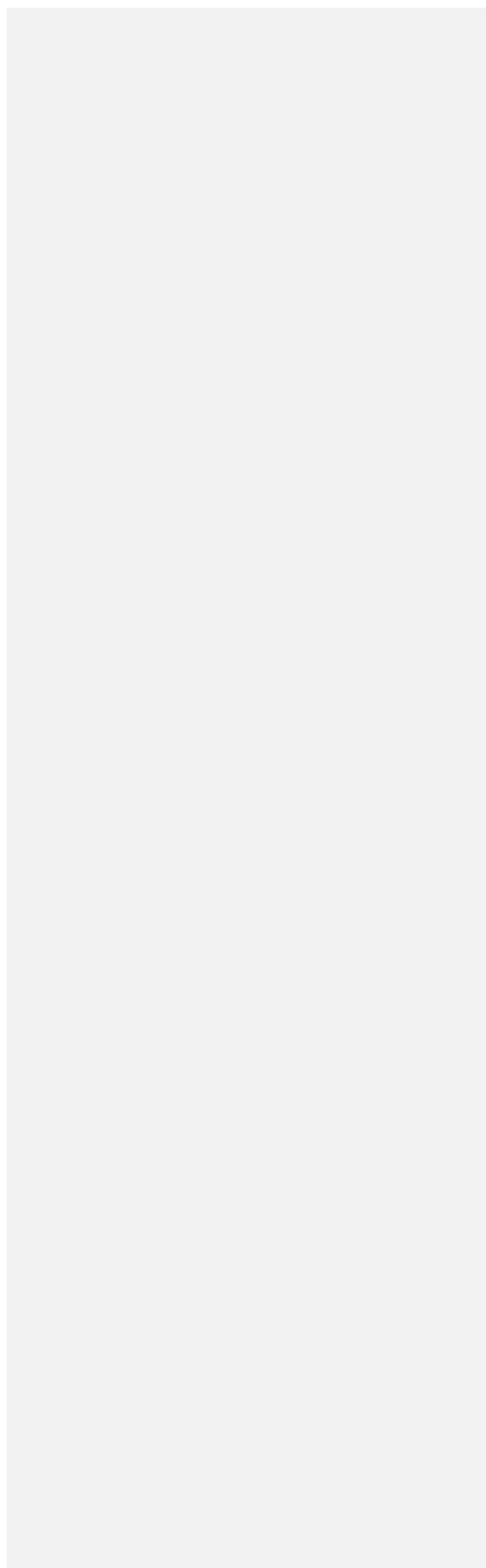
[Phone: \(208\) 489-0575 | Email: ccampbell@meridiancity.org](#)

Item #4.

Community Development Block Grant (CDBG)
PY21 Action Plan

Resolution

Will be included when received.

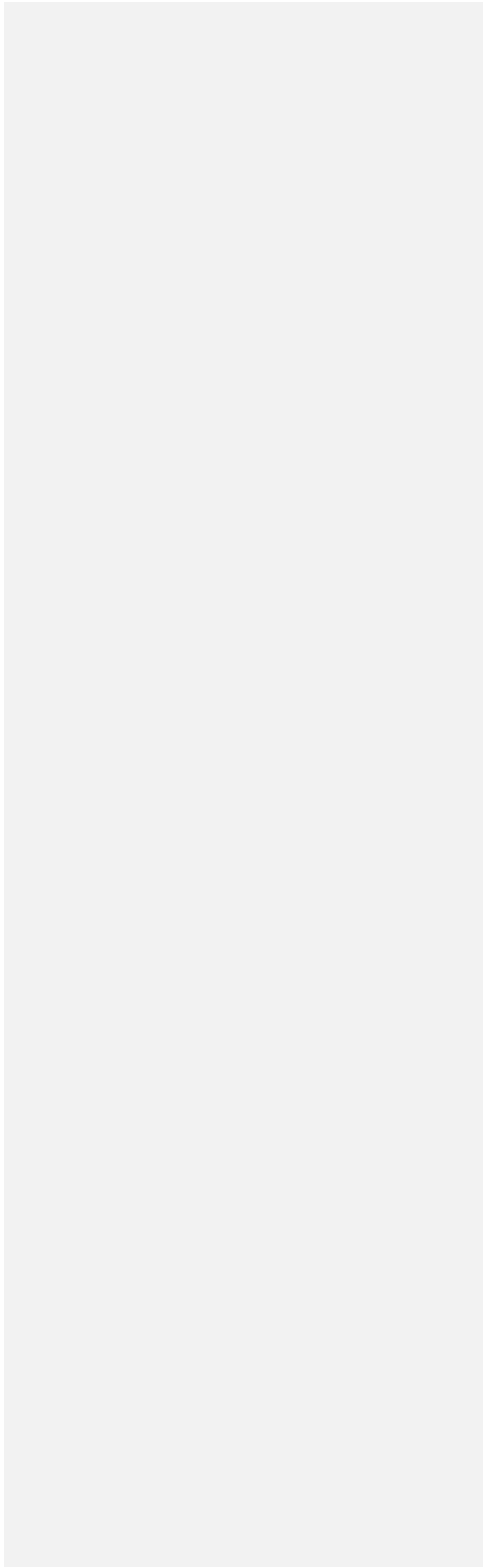


Item #4.

Community Development Block Grant (CDBG)
PY21 Action Plan

SF 424's and Certifications

Will be included when received.





AGENDA ITEM

ITEM TOPIC: Public Hearing for The Oasis (CR-2021-0004) by Robert Black Jr. of Land Baron Investments, Located at 3185 E. Ustick Rd.

A. Request: City Council Review of the Planning and Zoning Commission's decision of approval for The Oasis Conditional Use Permit (H-2021-0004) to operate a drinking establishment, nightclub, and music venue on a portion of 3.26 acres of land in the C-G zone.



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: July 13, 2021

Topic: **Public Hearing** for The Oasis (CR-2021-0004) by Robert Black Jr. of Land Baron Investments, Located at 3185 E. Ustick Rd.

- A. Request: City Council Review of the Planning and Zoning Commission’s decision of approval for The Oasis Conditional Use Permit (H-2021-0004) to operate a drinking establishment, nightclub, and music venue on a portion of 3.26 acres of land in the C-G zone.

Information Resources:

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)



July 14, 2021

MEMORANDUM

TO: Mayor & City Council
CC: Cameron Ariel, Community Development Director
FROM: Joseph Dodson, Associate Planner
RE: The Oasis, Planning and Zoning Commission Approval

Dear Mayor & City Council,

On May 6, 2021, the Planning and Zoning Commission approved The Oasis Conditional Use Permit for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district located on the southwest corner of Eagle and Ustick Roads. The project was originally heard on March 18, 2021 and at both hearings public testimony was taken with a majority in opposition of the project based on a number of factors (see Exhibit A of the Findings for the complete Commission Recommendation overview).

The Commission ultimately approved this Conditional Use Permit per the findings in UDC 11-5B-6E and the conditions of approval within the staff report. The Commission added the following conditions to the project in addition to Staff’s recommended conditions:

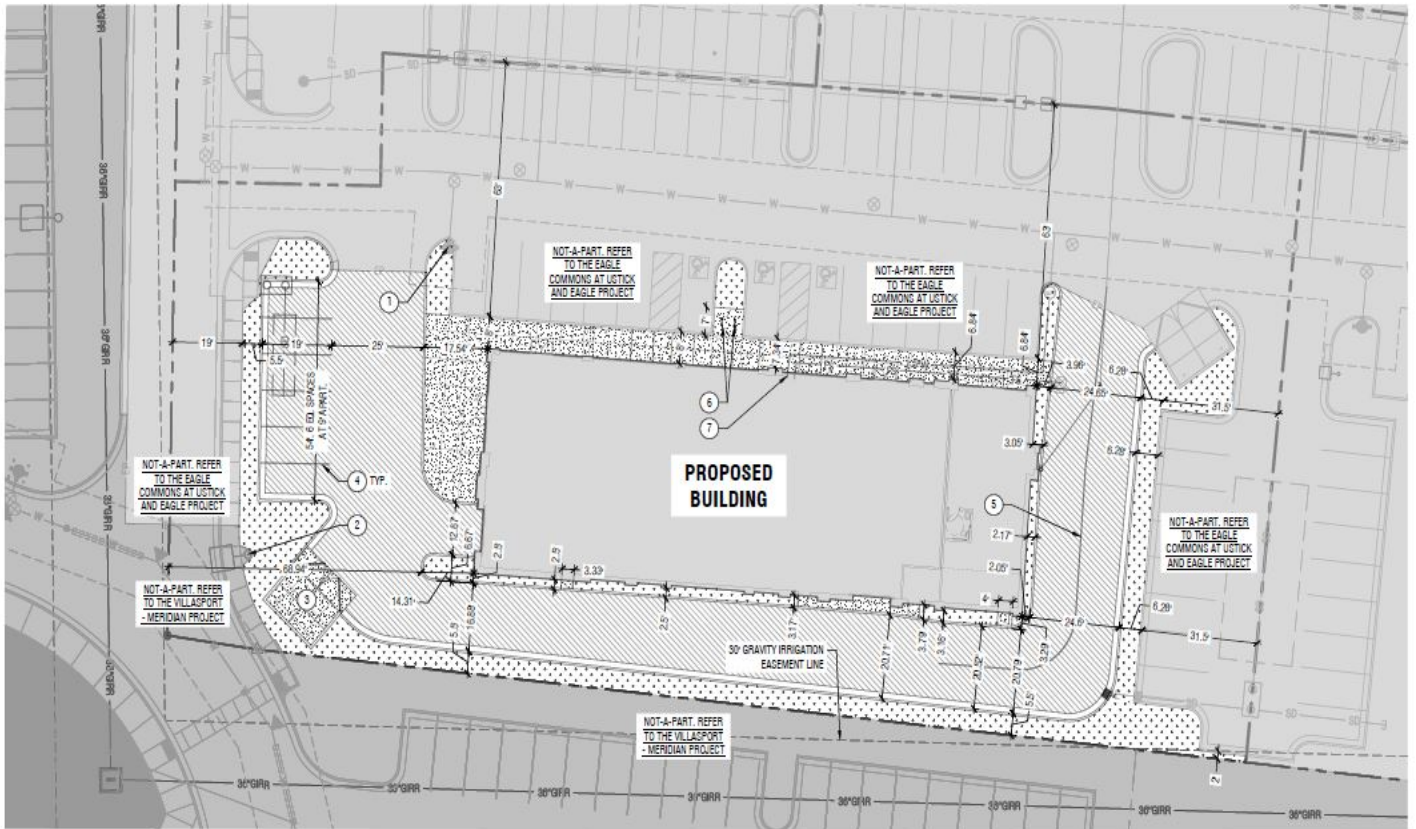
- limited capacity to 400 persons;
- required that amplified music be focused away from the nearest homes;
- and allowed for additional capacity when more permanent parking is available (i.e. a shared parking agreement).

Following this approval, two groups appealed the Commission decision within the allotted 15 day period. The appeals are based on a number of the same issues discussed at the Commission hearing on March 18th and May 6th.

Staff is attaching the administratively approved plans that approved the multi-tenant building and not the specific use.

Item #5.

A. Site Specific Site Plan (dated: 2/26/2021) Approved under A-2021-0012

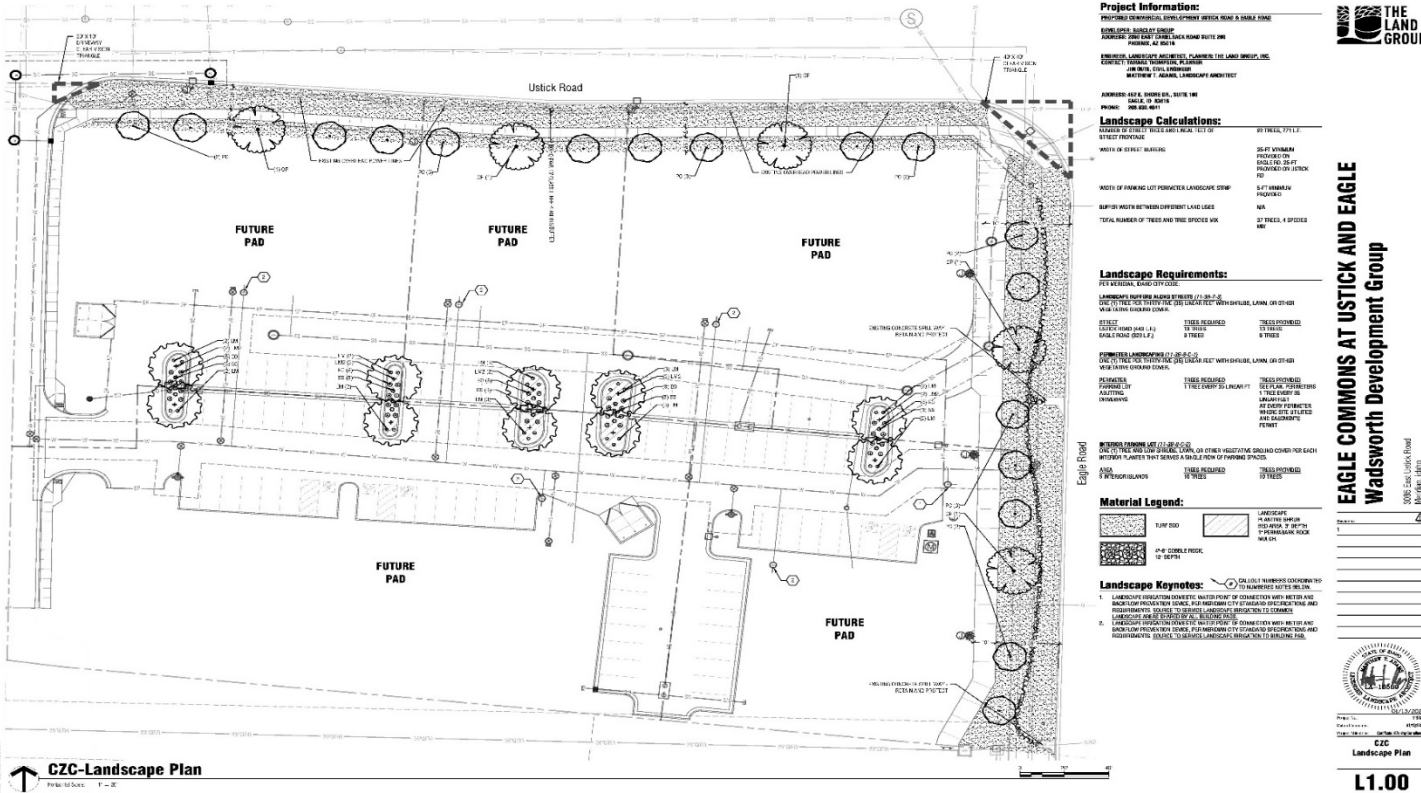


CZC-Site Plan

Horizontal Scale: 1" = 20'



B. Landscape Plans (overall and site specific)



THE LAND GROUP

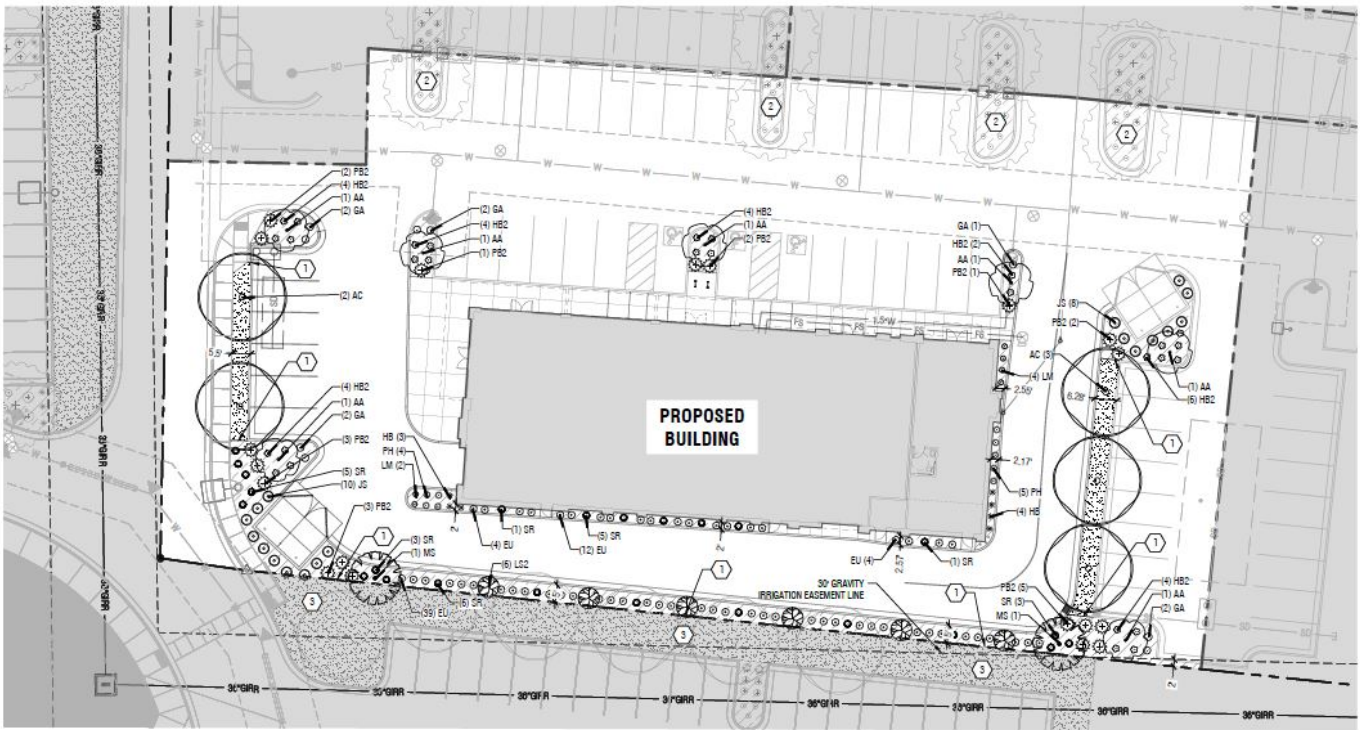
EAGLE COMMONS AT USTICK AND EAGLE
 Wadsworth Development Group

100% Site Specific
 10/18/2010

REVISIONS:
 1
 2
 3

Scale: 1" = 20'

LANDSCAPING PLAN
 L1.00



CZC-Landscape Plan
 Horizontal Scale: 1" = 20'

C. Approved Elevations (dated: 02/05/2021)



design west architects
 200 WEST WASHINGTON
 SPOKANE, WY 83402
 TEL: 208.325.1111

WADSWORTH - OASIS / JAMBA JUICE
 300 S. WADSWORTH BLVD
 WADSWORTH, WY 83402

DATE:	02/05/21
BY:	AW
SCALE:	AS SHOWN

3D VIEW FROM THE NORTHEAST

A - VIEW 01



design west architects
 200 WEST WASHINGTON
 SPOKANE, WY 83402
 TEL: 208.325.1111

WADSWORTH - OASIS / JAMBA JUICE
 300 S. WADSWORTH BLVD
 WADSWORTH, WY 83402

DATE:	02/05/21
BY:	AW
SCALE:	AS SHOWN

3D VIEW FROM THE NORTHWEST

A - VIEW 02

(Recess: 8:06 p.m. to 8:16 p.m.)

7. Public Hearing for The Oasis (H-2021-0004) by Brian Tsai of Balboa Ventures, Located at 3185 E. Ustick Rd.

- A. Request: Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district.

McCarvel: Okay. So, back to it. We will open at this time Item No. 7, the Oasis, H-2021-0004, and we will begin with the staff report.

Dodson: Thank you, Madam Chair. Hold on. This is not working the way I want it to. There we go. Can you see my screen?

McCarvel: Yes.

Dodson: Awesome. Thank you. Now, onto the fun one. Let the fun begin. This is Item No. 7, as noted, for The Oasis. It is for a conditional use permit. The site -- or the specific site is a portion of the three acre parcel shown on the screen. It is currently zoned C-G and is located generally at the southwest corner of Ustick and Eagle. There is a couple of things I want to note before we get going. One is the public testimony that was submitted, there was -- as of 4:00 p.m. there was 225 pieces. So, appreciate the -- the involvement of the community, honestly, whether it's good or bad. It's always good to have that. So, thank you. So, I would say probably 25 percent were in support, 75 percent were against it. Those that were in supportive of it noted a desire to have a music venue for entertainment here within the city, instead of in other cities nearby. Now, those who opposed the project note concerns over increased traffic, overall safety of having this kind of use near a residential development, drunk driving, parking count and how it would degrade the moral character of the city. That came up a lot. There are a couple of instances -- and I want to touch on this just for the clarity of the processing about how -- how could the city even entertain this by allowing it to be applied for it. That's not how development works. It's not how code works. We don't get to dictate those types of things. Even if it -- frankly, even if it's prohibited by the code an applicant could still ask for it and go to hearing and get denied. But they could still technically ask. So, we have to go through the process, we have to do our due diligence for that. Second to that, there were a lot of people -- I got some angry e-mails about -- you know, related to that, but also about how there is site work going on currently. That has some to do with this and absolutely nothing to do with this. That doesn't mean that this has been approved at all. That's why we are here tonight. The site work out there is from previous approvals, all the way back dating to 2019 that have been approved. I approved the overall site improvements. I also approved the building to the east of this and the building that this is proposed within. So, all of the dirt being moved out there has very little to do with this use. This is a use within a building that is not yet constructed, but has been recently approved as of three weeks ago. But the building -- again, nothing to do with the use. The use is being requested for the conditional use permit. So, just to make those items

clear. Now we get to the actual presentation. The subject property -- again, this is a little bit of history here -- was annexed in 2003 as part of a larger annexation area. There was a development agreement associated with this annexation and it was modified in 2019 to remove this property from that DA and enter into a new one serving just this site. In December of 2020 the landowner, which is not the applicant, received preliminary plat approval to subdivide the property into five lots for future ownership purposes. The subject property is proposed within a new multi-tenant building in the very southwest corner of the overall three acre site. It is part of a larger mixed use regional area that includes the commercial developments to the north, the northeast, east, and the Villa Sport site to the west, which would be the remaining area here. And even the Sadie Creek, which was the first application up tonight. A project of this small size, meaning one use within a -- one building on a small site, cannot and is not intended to comply with all of the mixed use regional Comprehensive Plan policies and goals. However, in conjunction with the existing and approved uses in the general area, the mixed use policies have been met for the regional area. A few of the Comprehensive Plan policies that staff did find relevant are as follows: The proposed use can diversify Meridian's economic base to establish and maintain a self-sustaining, full service economy. Require pedestrian circulation plans to ensure safety and convenient access large commercial and mixed use developments. Enhance crime prevention awareness to the education of neighborhood watch groups, multi-family property management companies, homeowners associations and other organizations. In this case it would be the other organizations and the applicant and police working together. Require appropriate building design and landscaping elements to buffer, screen, beautify and integrate commercial multi-family and parking lots into existing neighborhoods. In regards to the last policy noted, there is no neighborhood directly adjacent. So, meaning that there is no residential zoning directly adjacent to the property line of this subject application. But the closest home is approximately 330 feet from the southern property line. Future commercial buildings and parking lots will separate this project from the existing -- sorry -- from the approved multi-tenant building. With the recently approved CDC and design review, the approved landscaping meets all code requirements and helps to beautify the property, while offering an appropriate visual landscape buffer to the closest neighborhood to the southwest. Likely the subject site will not be directly viewable from the neighborhood directly to the southwest once other properties redevelop. The parking is located on the interior of the overall property, which will be largely screened by the buildings and landscaping from the adjacent properties, which is a benefit. Usually the parking is one of the most noise inducing elements of a commercial site. Other general Comprehensive Plan policies were discussed and analyzed within the staff report. But the ones noted even within this staff report is in no way an exhaustive list of the applicable policies, either in support or against the project. The approved building that would hold the proposed use is constructed with a modern and urban design that should integrate with the overall design of the other commercial buildings within this commercial development and with those adjacent to the site. However, according to the applicant, the real buffering of the proposed use comes from within the building, where there is proposed soundproofing materials, techniques and technologies. When it comes to the screening and buffering of the building and use, staff does find that the proposed landscaping and the internal building materials to be sufficient. This does not mean issues like parking and capacity are just by landscaping

and sound proofing. Just to be clear. The administratively approved building, Eagle View Retail Center, will be approximately 8,300 square feet in size, with two tenants suites as seen. The Oasis is the larger tenant suite and is approximate -- approximately 7,000 square feet in size and the building and use meet all of the code required dimensional standards, meaning setbacks, height, et cetera. The proposed business is a combination of a nightclub and music venue, which falls under the drinking establishment and indoor recreation facility uses within our development code respectively. The indoor recreation facility is a principally permitted use within the C-G zoning district, unless it incorporates a music venue and is located within a thousand feet of any existing residence, which, then, requires a conditional use permit, as is the case with this application. The drinking establishment is a conditional use within the C-G zoning district outright. Therefore, the applicant is requesting this conditional use permit for these two uses to reside within one building and one business, The Oasis. I already showed this, but for this point it is anticipated that directly south of the approved building there will be additional landscaping, a larger parking lot, and a drive aisle. This parking lot and landscaping received preliminary approval with the Villa Sport application. The main access to and for this development will be via a shared driveway connection to Ustick Road, which would be a continuation of this further up and it will be limited to a right-in, right-out access regardless of this use. The landowner is currently constructing this shared driveway across -- or this driveway access for their development, because this site is developing before the Villa Sport project and this also ensures there is more than one way to get to the entrance of the site. This drive aisle will connect to North Cajun Lane, which is this portion here to the south. There are no public streets as part of this commercial development and therefore -- and, therefore, no stub streets. Instead, there are private drive aisles as our standard for commercial developments. The applicant does have an existing cross-access agreement with the adjacent commercial property, so the Villa Sport property, but this agreement does not currently include a cross-parking agreement. In addition to the shared drive aisle that abuts the property to the west, the Villa Sport site improvements and recorded cross-access agreement will include an additional Ustick access road -- access point further to the west, which would be the North Centrepoint Way -- I guess -- yeah. This road. These access points to the arterial are approved for the site. Staff finds they are adequate and safe access to the site at full build out and also at the time with only the most adjacent Ustick access in conjunction with the drive aisle connection to Cajun Lane, which, then, goes onto -- I believe it's Seville and goes out to Eagle Road. However, to help mitigate any residential cut-through traffic, meaning accessing the drive aisle here and, then, cutting through here, to help mitigate that the applicant and landowner should work with the Villa Sport applicant to construct a driveway through the Villa Sport site in line with where ever that was approved previously. So, I believe there is a drive aisle approximately here. This driveway will provide a more direct means of accessing North Centrepoint Way and, again, help mitigate any cut-through traffic adjacent to the homes and it would get them to the existing traffic signal on North Centrepoint Way without having to use the roads adjacent to the subdivision. ACHD is the leading agency on access points and traffic mitigation for the City of Meridian and Boise, for that matter, and other adjacent cities to the east. Because peak traffic times should not be drastically affected by the proposed use on any access point, ACHD did not require a traffic impact study for this application. Even with the assumed capacity of

a thousand persons in the initial submittal, this was not required and restricting the capacity to 500 people should help with traffic concerns of this type of use. Further analysis regarding access should be addressed to ACHD, as they are the defending limiting body there. Staff also agrees that at peak hours of -- of business, which would be after 8:00 p.m. more than likely, access to the site should be improved as adjacent traffic levels on Ustick and Eagle should be much less than when it is at 5:00 or 6:00. With the proposed uses of a music venue nightclub, capacity and hours of operation are, obviously, integral factors in determining the compatibility of the uses with the neighboring and employment development, both commercial and residential. The applicant proposes hours of operation for The Oasis on the weekdays, which I labeled as Sunday through Thursday, as 4:00 p.m. to 1:00 a.m. On the weekdays -- sorry. Those are the weekdays. 4:00 p.m. to 1:00 a.m. and 4:00 p.m. to 2:00 a.m. on the weekends, Friday, Saturday. For reference the Villa Sport site is approved to remain open until 12:00 a.m. midnight, which would cover a majority of the same operating hours. The Oasis is further away from the existing residential than Villa Sport, but this does not mean any negative impacts are automatically alleviated. Therefore, staff recommends the weekday hours be limited from 4:00 p.m. to midnight to match the Villa Sport and, then, the weekend hours be limited to 4:00 p.m. to 1:00 a.m. These hours of operation match or, again, one more hour than the Villa Sport closing time, which makes it more compatible with that use and nearby residential development. These limitations as noted are one less hour than what the applicant originally requested. In order to meet UDC minimum parking requirements, the suite size of 7,000 square feet would require a total of 28 parking spaces and this is based on the restaurant use, which is one space per 250 square feet of gross floor area. The -- our development code does not specify parking standards beyond that -- for specific uses beyond that. That is our most restrictive parking ratio. With the approved CZC, which was for reference a certificate of zoning compliance, which is a site plan review, this is from that approval. The overall site improvements, the -- and the additional spaces, which are on the site specific one, 102 parking spaces are proposed on site and would likely be all used, because there is an existing cross-access and cross-parking agreement for this site in place. Both the landowner and the applicant understand the entire site will likely be used for parking for this business. The approved plans do not show any parking along the future northern commercial lots here and the landlord has agreed that those spaces will be built prior to this use commencing. Depending on how the parking is configured on the north side of the site, there is actually physical room for approximately 37 additional parking spaces, which includes the required width of nine feet and including for landscape planters, which is in line with code requirements as well. Again, this is a maximum, but does -- but does show additional parking will be provided and can be provided on site beyond what is currently being shown. Because of the anticipated parking issues for the proposed use, staff has recommended the applicant-landowner obtain a cross-parking agreement with the adjacent properties to the south and to the west and increase the amount of available parking for this use. In addition, a minimum of 125 total parking spaces shall be constructed. That's an additional recommendation. Which would obtain a parking ratio of one to four in accord with previous approvals. In the applicant's original narrative an estimated capacity of approximately a thousand patrons for the 7,000 square foot tenant suite was proposed. After receiving a conceptual floorplan as already shown, preliminary discussions with fire plan review discuss a

maximum capacity closer to 700, but the exact number for the map -- the building occupancy -- so fire occupancy and building occupancy -- cannot be known until architectural plans are submitted with building permit submittal at a later date. However, through the CUP process, which we are currently in, capacity can be limited further. Because of the issues outlined, staff recommends that -- that the capacity be limited to no more than 500 people, including the employees. Staff made this distinction because employees will likely take up parking spaces for the entire hours of operation, not just a portion of -- and, then, therefore, they should be included in the maximum capacity. Staff arrived at this number because it is the same ratio as the minimum parking for the proposed use. Again, one to four, which one space for 250 square feet is not one to four, I do understand math to that point, but most commercial developments are based off of thousand square feet of gross floor area. So, 250 square feet of a thousand would be one space for every -- four spaces for every thousand square feet. So, that's why 500 persons and 125 parking spaces equate to one space for every four people, based on the maximum capacity. However, it should be noted that enforcement of any of these capacity limits will be difficult for the city to enforce. The applicant should discuss how they intend on enforcing these limits without requiring constant fire or police presence on site. Staff does recommend approval of the requested CUP, because the proposed use meets or exceeds the minimum code requirements as outlined in the staff report and after that I will stand for any questions.

McCarvel: Any questions for staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Joe, a couple quick questions. The capacity that you -- you are recommending capacity at 500 persons?

Dodson: Yes, sir.

Cassinelli: And if that's less than fire code and whatnot, how is that enforceable?

Dodson: Commissioner Cassinelli, Madam Chair, that -- through the CUP process. That happens quite often. We do it more often with daycares to limit the number of children being served, but through the CUP process and this entitlement process we can limit that beyond the building requirements.

Cassinelli: But how is that -- how would that be enforced on a nightly basis?

Dodson: That is a good question and that is something I -- frankly should be left up to the applicant to -- as part of the CUP process to show us how that can be and should be enforced. I understand those concerns, which is why I noted that at the end of my presentation.

Cassinelli: And then -- although I thought you were referring to parking, but you were referring to indoor capacity as well?

Dodson: Correct. Not just the parking. I -- they are tied together, so I imagine that if we can enforce the actual capacity, including the employees, the parking issue should be somewhat mitigated.

Cassinelli: Okay. But there wouldn't be a -- if they are under the fire -- if they are within fire code, but over the 500, is there a -- does the city have a mechanism to enforce that and whatnot?

Dodson: Commissioner Cassinelli, my understanding would be that they could have their CUP revoked. Other than that it would probably be code enforcement citations and things like that, which is how we would track that and -- and, no, my assumption is that if this were to get approved with the behemoth opposition to it, that there would be many residents who might actually count people and report that, which the previous city I worked at that's how code enforcement worked. They did not do drive-bys and drive-throughs through the cities, they just operated off of complaints. So, it can be rather efficient.

Cassinelli: Okay. I have another question if -- if I'm okay. If anyone else has a question first.

Bongiorno: Madam Chair?

McCarvel: Yes. Officer --

Bongiorno: Chief Bongiorno.

McCarvel: Bongiorno.

Bongiorno: Bongiorno. How is everybody tonight?

McCarvel: Good. And you?

Bongiorno: So, to kind of go along with what Commissioner Cassinelli was saying and -- and Joe was one hundred percent correct, we -- we can't be everywhere all the time. Obviously I don't have the staffing for it to track how many people are in the building. You know, there has been some tragic -- tragedies throughout the United States where we have had buildings over capacity where hundreds of people have lost their lives in buildings similar to this. So, in this case this building is going to be sprinklered. It's going to have fire sprinklers on it. And so it should have the latest and greatest of everything life safety wise. But Joe is one hundred percent correct, the bulk of it would be done off complaints of people using their gut and just saying, man, there is too many people here and, then, we can send PD or whatever to take a look at the building and make sure that

they are not overcapacity and if they are, then, we tell them they either have to shut down and everybody out or they have to remove people from the building.

McCarvel: Okay. Thank you. Commissioner Cassinelli, did you have another question?

Cassinelli: I did. Thank you. Joe -- and I seem to have picked this up from a couple of the comments. I wasn't able to read all 455. I think that's what the number was. But there were -- there were several and I know you kind of alluded to it up front as far as previous approvals and whatnot just on the buildings themselves. But can you address -- from what I have picked up there were a lot of -- there were several complaints about noticing and that sort of thing. Can you just reiterate or talk to that, that everything was -- you know, all proper noticing, mailing, those sorts of things were done?

Dodson: Commissioner Cassinelli, Madam Chair, my understanding, yes, the noticing part, that's done from the city. So, I hope we didn't mess that up. Adrienne never does, so I'm not pointing any fingers. Those are mailings that we mail out to -- within 500 feet. The signposting I believe was one thing that had come up. I had -- I had driven by randomly and it did look like the sign was a little off of it being adjacent directly to the site, but, nonetheless, it was adjacent to Eagle, which is where it should be and there was one adjacent to Ustick and the reason for that was -- well, the reason why it was a little off site is because of the construction that is going on and there was an opening where probably the sign should have been where the construction workers were accessing the site in and out. So, as far as I know -- as far as I have been told and understand that it was all noticed correctly, including the neighborhood meeting. There were -- I know there were a couple issues with some changes in code and I will take a little bit of brunt of that, I did not let the applicant know that that had been changed from Monday to Thursday, because, frankly, I wasn't aware of it at the time. And, then, it -- he did correct and change it to the correct hours and we -- we move forward with that. But it's my understanding that everything was code compliant.

Cassinelli: Thank you.

McCarvel: Thank you.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Joe, do you know is there an outdoor component of this use that's being proposed?

Dodson: Commissioner Grove, no, there is not. Obviously people congregate on the sidewalks, but nothing is formally being proposed with that and I wouldn't -- through the narrative and no discussions with the applicant has that come up.

Grove: Okay. And I can ask the applicant about that. My main concern there is the nature of this type of business, but assuming they don't allow smoking indoors when -- when you start drinking there is typically a congregation point, so making sure that they have some contingency plan in place. And, then, I had a second question, just so that -- by the time we get to the deliberation and discussion point I am more certain than not that we will have a lot to undertake, but just kind of from the outset could you very clearly define what our parameters are in terms of what we are ruling on and what we are not litigating.

Dodson: Commissioner Grove, that's a good question. Yes, if Mr. Baird wants to weigh in at all that would be wonderful as well, but from Planning's perspective the -- you stick to the findings. Those are what we have to base these things off of when we -- when we do this. Some of the comments in the public were talking about location. We can't necessarily deny something just because we say we don't like where it's being proposed. That can be a component of the denial, if this is -- if that happens. It can be a component of the approval. It just can't be arbitrary. It can't be we don't like the number of parking spaces for any unknown reason. It has to be a little bit more based in code, which is, again, why I could not recommend denial. I do not think that I had enough gumption or power within code to do that. So, you guys kind of -- I don't envy you tonight -- have that authority to do that tonight and recommend basing it in the findings of the conditional use permit, which are at the end of my staff report.

Baird: Madam Chair?

McCarvel: Yes, sir.

Baird: I concur with what's been said. This is a conditional use permit and the way I look at that is -- and you, as the Planning and Zoning Commission, find appropriate conditions to place on this such that it will fit within -- within the rules. You have got a little bit more leeway than the staff does as far as, you know, he's -- he's come up with a -- with an arithmetic way to limit the number of people. If you don't think that that's appropriate and it needs additional conditions, the Commission can certainly do that. So, that's the way I would -- I would approach it as the Commission.

McCarvel: Okay. Thank you. And with that, if there is no more questions, I will ask the applicant to begin their presentation.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Sorry. I'm going to ask this question at some point, so I may as well throw it out there now. This is actually to -- is it -- is it Chief Bongiorno or Deputy Chief? I'm sorry. He's muted.

Bongiorno: No. I'm here. So, it -- either one works.

Cassinelli: Well, I want to give you proper respect there.

Bongiorno: Deputy Chief is my official title, but --

Cassinelli: Okay.

Bongiorno: -- a lot of people call me chief.

Cassinelli: All right. Chief, I will -- there wasn't an actual report in there from the Fire Department that I -- unless I completely missed it. There were comments in the staff report, but what I'm -- what I would like to know is just your overall -- and I don't know how much flexibility you have with -- with giving an opinion, but I wanted to -- just want to be real comfortable, because, obviously, with this -- I think, you know, fire safety is an enormous component, as you mentioned yourself there. You know, we have heard stories over the years -- obviously, sprinklers are a big issue, but heard stories over the years where a place like this, you know, where there has been terrible tragedies. So, I just want to make sure that the Fire Department is -- is comfortable with the -- the layout, the access, capacity, and all that.

Bongiorno: Madam Chair, Commissioner Cassinelli, yes, the way this sits -- so, my -- the things I potentially -- I initially look at is access, water supply, and just kind of the overall layout to make sure that we have full access to everything that we are looking at. So, as far as the internals of the building, I didn't have any comments on it, because that will all be handled through the plans process when they submit their -- their plans. So, our -- our plans reviewers through the building department we will go through the interior to make sure that everything meets building codes, everything meets fire code, you know, it's got the proper number of exits, we have got proper exiting for up on the mezzanine, you know, they are not putting flammable materials on the walls. That's all the kinds of things that they will be looking at as far as the interior of the building and the capacity of the building as well. Because depending on how they lay out the building with either standing room only or if there is tables and chairs or if there is just chairs, that capacity is going to change depending on how it's laid out. So, that 500 number that -- that Joe threw out could change and it most likely will, depending on how they present the plans to the city and how the layout and seating is going to be, because that dictates capacity, the occupant load of the building.

Cassinelli: I guess with all that said and as -- you know, as you are involved in the process of all that, are you fairly comfortable with -- with the Fire Department's ability to respond to any emergency, as long as you have your input when they are laying out the proper exits and all that, are you -- are you and the department comfortable with response to them and availability to get there and deal with any situation?

Bongiorno: Yeah. Commissioner Cassinelli, honestly, the -- the only thing that I brought up as a concern to Joe and the owner was the parking situation, because, you know, we didn't know at the time what the occupancy load of this building was going to be, we weren't sure how many parking spaces were going to get used. There is other

businesses, obviously, in this complex and so that's why we were looking at do they have a parking -- a cross-parking agreement with the people next door to make sure that the overflow parking is allowed to be, you know, captured in the next parking lot over, so we are not blocking fire lanes and anything like that. That was my biggest concern.

Cassinelli: Thank you.

Bongiorno: You bet.

McCarvel: Thank you. And we have the applicant present. Would you like to begin your presentation?

Tsai: Can you hear me okay?

McCarvel: Yes. And, please, state your name and address for the record.

Tsai: My name is Brian Tsai at 3085 East Ustick Road here in Meridian, Idaho. That's the project site. I thought for a long time about how I would start this presentation until recently I received this fortune cookie that said your contributions to your community can be felt near and far. I'm Brian Tsai, I'm the owner of The Oasis, and the reason I'm here tonight is after pouring my heart and soul and every penny I have had into this project, I was very disheartened to see the letters of opposition for something I have spent almost my entire life putting together as something for the entire community to enjoy. This project is a culmination of over a decade worth of ideas and that includes every penny I have made in those last ten years and, then, some. Half of that time I spent as a state trooper near the United States and Mexico border. I lost count of how many bodies I have moved or how many times I have heard bullets zipping past my head, knowing it was full well probably meant to end my life. It's a sound that you will never forget. So, I left that life behind in pursuit of a lifelong passion for music, to turn a bunch of ideas sketched across the endless napkins into something tangible and real. A multi-purpose venue that can be enjoyed by all ages, family uses, walks of life and the community as a whole. Just to reach this point in development I have already taken a second position lien on my house, received high interest net leases on equipment and, then, additionally, signed that collateral just in order to secure this lease for the building. They say nothing great comes without great sacrifice. Having been born and raised in Boise, like Commissioner Holland, Commissioner Cassinelli, Commissioner Grove, I, myself, am an Idaho native. So, when I say I grew up in this valley, I saw and experienced everything it had to offer for music, arts, entertainment and nightlife. As far as Commissioner Holland, your role as the city of Kuna's director of economic development, as well as the Boise Valley's Economic Partnership and a Boise native yourself, you understand first how -- firsthand how much a benefit a music event alone can bring to both a city and the surrounding community. As you would say in your mantra, you never stop learning, you never stopped doing, and you never stop giving. Now, why did I think this belonged in Meridian? I could have easily paid in rent half as much and put it in another city. I believed that was because Meridian was the most premier and upscale area that could accommodate a venue that was intended to be just as nice. When I met with an advisor from the Small Business

Administration, it turns out he was well connected in the music industry and had e-mails from the city -- then City Council of Meridian all the way back to 2010 asking if he knew anyone who was interested in building a venue in Meridian. These lead up to the recent years -- for example, when former Meridian Arts Commission Member Hilary Blackstone, advisory board of the City Council, and now who works at the Idaho State Department of Education, wrote a letter to the coordinators of the Tree Fort Music Festival and asked them what it would take for a company to build a venue in Meridian, because it had the potential to bring millions of dollars of revenue on top of coverage for arts and entertainment of all forms. Now, Commissioner McCarvel, your role in the Boise Convention and Visitor's Bureau, I'm sure you understand how much attraction would come to the Treasure Valley and Meridian specifically to have a truly world class facility in the area. In these folders are letters of opposition that I have -- been sent to the city regarding our application. I have read every single letter twice. It appears the majority of them were copied and pasted messages from the same three people. I sorted them into several folders here just for the reference. This yellow folder here represents all the addressable concerns that have been posed by members of the community and I'm here to assure the community that a project will have no detriment to the community in which it belongs. Is a concern -- these are addressable concerns such as noise, crime increase, drunk drivers and, of course, traffic and parking as we have heard throughout the staff report. In our noise analysis we assume that the walls will be made of nothing but a single sheet of plywood, which is, obviously, impossible as far as building construction goes. The chart in our analysis shows that the outside noise will at all times be lower than the ambient sound of highway traffic coming from Eagle Road. Regarding crime for the sake of comparison, in a five year period from 2015 to 2019, which is the most recent FBI crime statistics under the Uniform Crime Reporting report, which is the UCR report, shows in comparison 2,217 incidents of aggravated assault occurred in Boise over that time period. These are incidents which resulted in significantly bodily harm or death, including a fourth multiplier, such as an implement with a knife or a gun. Of those 2,217 only exactly one occurred as a direct result of a bar or club in downtown Boise, where dozens of such facilities exist. This means compared to the incident rate per capita you are six times more likely to be stabbed or shot going about your daily life in Boise versus attending an alcohol serving establishment in downtown. Crime occurs where it's naturally drawn. That's the reason why Beverly Hills has a lower violent crime rate than in midtown Los Angeles. If one incident occurs once every 2,217, that's an anomaly, not a trend. By that same logic we can look at the several armed robberies that occurred in the past month at gas stations and banks here in the Treasure Valley. Does that mean we remove all the banks and gas stations because a violent crime occurred at their premises? Commissioner Lorcher, I believe you are the most recent addition to the Commission, but before -- before coming here you have worked at three different alcoholic beverage brokers. So, you know the alcohol industry. Well, you have also attended events at a number of venues around town, including the Morrison Center. You have stated in your application to the Commission that you encouraged smart growth, which will benefit both existing and new residents, for the business and the community. Having both of those in mind, I'm sure you recognize the immense benefit a multi-purpose venue of this type can provide for the entire community. Regarding DUI crime in my law enforcement career, I personally arrested over 200 DUI drivers. Of those, since we actually track where those

drivers are coming from as part of our interview process, only two or three of those originated from bars or clubs of any kind. The other 198 or so, rounded for the sake of estimation, came from private residences. The reason for this is because those who visit establishments to consume alcohol -- almost all of them have already made arrangements in advance to get home safely, either through a designated driver or a ride sharing service of some kind. This, however, is not the case when they are forced to leave a private residence. And, lastly, of the traffic concerns, which were mostly resolved by reducing our planning capacity by half, the city planning staff, as well as the fire marshal and the Meridian Police Department, agreed in consultation that this would alleviate, if not significantly remove any issues with the parking or traffic. As noted in the staff report we have provided over 450 percent more parking spaces than what is required by code. So, four and a half times the required amount. At this intersection with two major arterials, even if all one hundred vehicles left the exact same time, it could be possibly cleared out in a single cycle of the traffic control signals. Now, we are certainly not the first. There are several bars on this mine drag of Eagle Road that are close -- then close at the same times as our project, if not later. A drive down Eagle Road shows the commercial use as far as the eye can see. There are approximately a dozen licensed liquor establishments within less than a mile of our location, including at least five to ten more that were added in the City of Meridian in 2020, with no marked increase of DUIs by percentage and in total there are already 61 other liquor licenses that are currently in operation in Meridian. We are just asking to be number 62. This red folder, approximately 80 to 90 percent of the opposition's letters were letters that didn't address any particular concern, but stated they were opposed to the project because it went against their family or moral values. Now, if I don't like vanilla ice cream I don't go out and try and get everyone else to hate vanilla ice cream, I just try -- or I don't try and go get companies to stop making it, I just don't eat it. Similarly, if not perhaps, but when somebody wants to build a strip club in Meridian, as they have in Boise, in no way would it affect my family values or my personal moral stance, because I don't allow them to. Personally I don't morally agree with strip clubs. It doesn't reflect on my personal values, because I don't attend them. And, finally, this folder here I labeled within radius, because this is the radius defined by law as the area of potential impact. The state law designates as 300 feet. The City of Meridian has increased that and designated that to be 500 feet. These are the letters that were received within that radius. Which means when I cross referenced the letters of objection from the list of owners and their residents on file with the city, I discovered that not only did not a single one of the opposition actually live within the lawful zone of impact, a smear campaign was presented by several of those opponents, intentionally spreading fear and rumors regarding our facility. Some of the residents that are living in the area that support the project, including five of which who were -- live within this radius, said that they had received flyers on their doorstep claiming that our facility was intended to operate as a strip club, including outdoor music and lights that would be distracting, and others that claimed that we had paid to promote prostitution from our facility. None of which could be further from the truth. When I reached out to some of the citizens who had written letters of opposition, they were surprised to discover the real practices of our business and responded to me saying that they didn't actually oppose our project, but only wrote the letter because they were instructed to. The fact that our opposition would go to such great lengths to spread misinformation to demonstrate the

character of their intentions. The bottom line is this. Idaho Code Section 67-6512(a) of the Idaho Local Land Use and Planning Act states that the permit may be issued provided if conditionally permitted by the ordinance, which it is, and submitted to the -- subject to the conditions of the ordinance in which Meridian Unified Development Code 11-4-3-10 meets all the requirements of not being located within a church or educational institution and, in fact, absolutely nothing is located within 300 feet. Over a four full football field away, which is the radius designated by the Idaho law for potential impact regarding conditional use permits. Now, several dozen experts and consultants at the city's planning staff wrote their staff report that this permit approval would be in compliance with over eight different requirements for that approval. That appears at the end of the staff report and added that the project -- and I quote will add to the city's commercial base and will likely be a higher benefit to the users of future Villa Sport and residents to the southwest of this site. The proposed business offers a new commercial use, not only to this area of Meridian, but to Meridian as a whole. End of quote. They added in conversation that much of the city staff, including the planners, love the proposed use and, indeed, sincerely want it in the City of Meridian. In addition, the project promotes the Action Item 6.01.02(d) in the Comprehensive Plan to develop indoor or outdoor multiple use facilities for a variety of recreational, educational and cultural sports purposes and uses. Commissioner Holland, I watched the previous Planning and Zoning meeting. You stated in the last hearing that the determination of conditional use should primarily include if the use fits the Comprehensive Plan. You have heard how the staff report demonstrates that it does and, additionally, promotes the intended action items by the city as a whole. The report goes on to state that our project -- and I quote: Gives Meridian residents more opportunity to share in music and art and potentially bring new cultural experiences to Meridian through this business and value. Also in the last hearing I believe it was Commissioner Seal, who is not in attendance with us today, has stated as a city we are trying to grow up and we need more businesses and we need more places of employment to exist. We are starting with the addition of at least 30 jobs supporting all local businesses and musicians as a whole. I'm not sure who would be against a minority owned business trying to open during a pandemic when the global music industry has lost over a trillion dollars in revenue at a time when over 150,000 bars and restaurants have permanently closed their doors as a result of COVID. Now, having been a minority business owner for nearly a decade, I experienced discrimination in seeking loans, filing applications, securing leases. These are all occurrences that are well documented nationwide. I refuse to sit back and be stepped on by opposition whose personal or business beliefs perhaps might stand on businesses being owned solely by white two parent nuclear households. Statistically speaking Idaho has one of the lowest rates of minority owned businesses in the entire country. It appears at the bottom five of the entire 50 states. All I'm asking for here is a chance to start a business. Of the few people who chase a dream of something they have always wanted to do to bring something to Meridian that has been missing for decades and provides a massively positive community opportunity, but financial and economic growth as well. This provides growth for both citizens and government, which, in turn, increases available funds for school, education, and other community programs. In addition to the letters of support that have been sent in, we have received several hundred messages, each with a unique reason for each individual of the importance of such a venue and why music is important to them. I

included them here. It's over 16 pages with at least ten or 12 messages per page of those supporters. Our Facebook page, despite having no advertising done, has already amassed over 600 followers based on the excited word of mouth alone from local residents. Now, in reality, less than 20 percent of our operations can be considered nightclub use. That's where we dispel a lot of the problems and the stigma surrounding facilities that are purely nightclubs. In fact, we have booked over ten couples, many free of charge, to have their weddings and receptions at our facility. We are putting both the Idaho Humane Society and the Meridian Canine Rescue on our calendars, opening the venue to pet adoption events, welcoming all ages, including kids and family events. A representative of the Meridian Canine Rescue, just a couple miles away from our site, stated -- and I quote: They are very grateful for the opportunity to use our venue space. The Idaho Humane Society stated they appreciated us bringing such an important and much needed space to the Boise-Meridian area, since they were not able to reach out to Meridian due to the lack of Meridian's venue spaces. We have several local dance clubs to be featured at our space and excited to bring dance styles, including hip hop, ballroom, and country western. These groups span all ages, including a local swing dancing group comprised primarily of age 60 and over members. We are even working with some local high school cheerleading groups, so they can host their seminars and meets at our venue as well. We have also reached out to the Meridian Arts Commission and offered them the use of our space completely free of charge for any of their future uses. As Commissioner Yearsley said in an October 7th, 2013, introduction, he called Meridian -- and I quote: One of the greatest cities in Idaho. The number one in Treasure Valley and we are not going to be a bedroom community anymore. End of quote. And you can't be the greatest without having a single venue of any kind for the arts. In total, based on our estimated expenditures, labor, and operating costs, we have already pledged over 20,000 dollars of free venue use to the City of Meridian, several nonprofit organizations and community uses that include both child and teenage programs due to the multiple use nature of the building. Almost done. A developer once told me that many groups interested in booking before you even open is a sign that the community as a whole is highly supportive of your project. I would like to thank the Commission for their time and I would ask the Commission member make a motion for approval, including, in closing, only to point out that there would be no outstanding reason, lawful or otherwise, not to approve the permit at this time.

McCarvel: Thank you. Any questions for the applicant?

Holland: Madam Chair?

McCarvel: Commissioner Holland, you have come off mute.

Holland: Was it Brian is your first name?

Tsai: Yes, Commissioner.

Holland: I'm sorry, I didn't catch your last name, but I -- I appreciate you taking some time to give an overview for us. I am curious if you can talk a little bit more about safety for

us. That's probably one of the biggest concerns we have seen. But what are some of the safety protocols you are proposing that might help mitigate some of the concerns the community is going to be bringing forward tonight?

Tsai: First thing I will address is the issue with capacity, just as that was posed as a question just kind of right off the bat. We use a system that's created by a company called Token Works. They are the same company that makes the identification authentication programs and the machines that they use -- that the TSA uses at the airport. So, they scan the ID from top to bottom, they verify the age and that the ID is actually authentic using a number of different techniques that are forensic based on certain states. That system as a whole, then, links to a network of other known -- like potentially known offenders that exist within the system. So, if you -- if this person -- typically people who create violence, people who have inappropriate conduct, people who are -- who commonly drink too often, these are people who have not done that for the very first time. They have typically been to other venues before, therefore, if they get kicked out or if they get flagged for follow up or they get blacklisted from a venue, we will know that immediately upon entering of their attempted entry into our facility and we could deny them entry into the facility prior to that point. As far as the other safety issues are concerned, we have -- and it's posted on our website, we have absolutely zero tolerance for any type of inappropriate behavior, overconsumption of alcohol, or any of these other things that are typically associated with somebody going to a facility that's just a nightclub and, then, getting a little too out of hand. Among these things, for example -- well, let's say -- well, how would you do this versus a regular bar and I believe I have this in my follow up rebuttal as well, which is that a normal bar their only way to prevent overconsumption is by not over serving. That falls onto the bartender and their training to recognize the signs and symptoms of potential intoxication and, then, stop it before that actually happens. However, the bartenders they are attending the bar, they are not there to tend to the rest of the business. So, it can very -- very easily slip through their observation that this person might go out into the parking lot and drive away drunk. The way we have mitigated that is through our plan not only having the security staff posted at the entrances and the exits, but to have our actual bartenders and service staff trained above and beyond what the City of Meridian requires in order to recognize the signs and symptoms prior to them even leaving the building and if need be they -- we can arrange for them to have safe transportation versus just letting them out of the parking lot and, you know, whatever happens from there. I hope that answers most of the things. I know there is a -- there is a whole lot of things that can go around the concept of safety and just as a -- as a base principle I suppose I would say that during any of the times where typically more incidents happen, which is admittedly, you know, later in the evenings, more towards the night times, we do intend to have our security staff at the doors screening every person that comes in for any potential weapons or alcohol that they would like to bring in.

Holland: Thanks, Brian. That's it for now for me.

McCarvel: Okay.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I'm just curious on -- there is lots of three acre parcels throughout the City of Meridian that can be developed. What drew you to the corner of Ustick and Eagle?

Tsai: I have actually been looking at sites for over two years before we had ended up picking this one. There was a selection of about eight different sites that were available for commercial use. Unfortunately, based on us being a startup business in this particular realm, a lot of those weren't able to cater to being built to suit buildings, so to speak. We were able to find this particular developer that was very open to our concept. My -- my broker is actually here in the room today. He -- he basically beared with me over two years of picking -- trying to pick through these different sites. Six of them were rejected immediately based on incorrect zoning. As you know, the City of Meridian has 15 different zones, only four of which require alcohol and this use of any kind, and, then, the largest scale of them being the C-G or the general commercial. So, based on those restrictions we were able to narrow it down to this particular site, which was to us an ideal location, because it was situated just north of The Village where it was this up and coming prominent entertainment corridor that's recognized across the entire valley, but at the same time maintains that kind of buffered zone between any type of residential impact and is only -- only buffered -- I should say only abutted on other -- all sides by only other commercial zones.

Lorcher: Thank you.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Brian, first of all, I appreciate your passion and your preparation. It blows me away and I think probably the -- the rest of the Commission as well. I want to say up front something I'm going to say here, that if I misinterpreted what you said I'm going to apologize up front, but I'm a little bit offended that you would come out and -- and possibly indicate that we might reject this based on race or minority status. That's -- that -- that got me and I want to tell you that's not how I view things. I think you know that this is just the nature of the business, it's probably a bit of a hot topic, and -- and has nothing to do with -- with anything else. That said I have got a couple of quick questions for you. Are you okay with the recommendation of the reduced hours?

Tsai: Yes. I almost said yes, Your Honor, but that's just a habit.

Cassinelli: Are you okay with the -- with the reduction in -- with the capacity recommendation by staff of 500?

Tsai: Yes. That was actually our recommend -- or our kind of agreement with the actual planning staff that -- as a -- kind of working together we came down to -- to that number.

Cassinelli: Okay. And, Madam Chair, I have got a couple of other quick questions if I might as well.

McCarvel: Sure.

Cassinelli: Parking. Have you talked with the -- with the Villa Sport people? Because I'm guessing that overflow parking might go into their parking lot. Have you had a conversation with them and can you elaborate on that if so?

Tsai: I'm actually not entirely familiar with that, just because I'm only dealing with our project as a -- as a specific, but I understand that our developers are working with them with that. There are just a handful of issues, because some of those permits have -- or -- or may have already expired, but I believe they are working on that in order to work on some type of cross-parking agreement.

Cassinelli: Okay. And, then, finally, if you can -- can you kind of give me a little bit better understanding, because I didn't go to the Facebook page or anything like that, of the -- the overall -- you mentioned some of the people that you might want to -- that you have invited to utilize the club and I think that's great as far as opening it up to different groups in the community. You mentioned all ages. But can you kind of give a little bit -- a little bit better -- you have already ruled out the strip club aspect, but can you give me a good understanding of what the club will be?

Tsai: Sure. So, to me -- I mean oasis, frankly, is a very common name. I found it to be immensely appropriate for this area, because a typical oasis is a -- kind of like a desert setting where water is congregated and, then, subsequently palm trees and animals and even people have gathered in that area as kind of like a watering hole. I felt that to be very appropriate since Idaho here we are in the middle of a desert and, then, we are building this kind of beach theme facility right in the middle of it and that's what I imagined as our -- as our facility, the reason we -- you know, we are -- I have poured the millions of dollars into this facility and, then, the lease and all the obligations that go along with it. It's just because, you know, I want people to walk in -- you know, there is very few people in this world who don't like the beach. I want people to walk in, I want -- I want them to be amazed that -- you know, the amount of technology and lighting that we have installed in this facility to make it truly multi-purpose. The kind of floor-to-ceiling palm trees. The mezzanine areas. The type of the multi-use from that. To give you one example of how that could apply to all ages would be to say -- for example, I work with one of the owners of Dirt Road Dancing. They are -- they are the guys who kind of host all the local dance classes at various facilities around town. In fact, he's actually teaching a class tonight, which is the reason he wasn't able to attend. But when they teach those classes they are typically situated at places that are 21 and up. For example, like the Buffalo Club, they are not going to invite kids in there to join in those classes. However, if you are endorsed under the Idaho State -- the liquor license as a multi-purpose venue that allows us to

designate certain 21 and up locations. You -- either within the facility or as hours as a whole and that allows us to bring those instructors in, not only for just 21 and up crowds, but also for all ages, including kids and children -- or kids and teenagers as well.

McCarvel: Okay.

Cassinelli: Thank you.

McCarvel: Commissioner Grove.

Grove: Madam Chair, thank you. Question for you, Brian. With what I posed to the city staff was what is the plan for outdoor gathering for patrons of the establishment?

Tsai: Okay. Sorry. I forgot to address that as part of that portion. But as -- at this time we have no plans for any type of outdoor music or patio space -- at this time I should say of any kind. As far as the concern regarding, you know, a smoking area we have intended to designate kind of like that -- I believe it's the west end of that building where they have left us a pad that could be potentially used as patio space in the future, that's right next to that kind of roll-up door structure there is a set of double doors there. Starting out for our intended uses we don't have -- plan to have any outdoor activities, lights, music of any kind, but we may designate that area as kind of like a smoking area, so they are not kind of, you know, just loose and running around in the parking lot and, then, have to get back in.

Grove: Okay. Thank you. That's one of my concerns just in terms of, you know, that -- people are going to be out there doing that and so if they don't have, you know, lines and places to follow, it makes it a lot harder to keep that noise abatement in control. Also just in -- I -- I understand -- it's a little off topic I guess, but Commissioner Cassinelli's comment, I understand what he's saying. I personally did not hear it that way. So, know that there is multiple ways that people heard the -- the response that you had in your opening piece.

Tsai: Yeah. And I apologize. That was in no way directed towards the Commission itself. That was more of a response to the smear campaign that we were up against.

McCarvel: Okay. I think I did have a question. You have got -- it wasn't -- this -- staff has recommended that you and the landowner obtained cross-agreements with the adjacent properties for more available parking. Has that been successful or where are -- where are we at on that?

Tsai: I'm going to be honest with you, I'm not -- I'm -- you know, a lot of the reason that a lot of this stuff got kind of done out of order, just because I'm not a land planner and we weren't able to hire one for this project, so as far as I understand that, they are -- they are currently working on it. I'm just -- I'm so far on the -- so far down on the totem pole, so to speak, of what the developer has as far as agreements that I'm not sure where they are on top of that. It was my understanding that the parking ratio itself would be adequate in conjunction with our operating hours and the extra parking spaces, that four-to-one ratio

would be adequate based on maximum capacity events. The reason that would be a lesser concern, so to speak, is that the majority of our operations will be far below the maximum capacity. These are things like private events, small wedding receptions, that type of thing. It would be on the rarity that we would have a maximum capacity event that strains the limits of the available parking.

McCarvel: Okay. And I think staff had also asked that you address how do you intend on enforcing the limits without requiring the fire and police constant presence.

Tsai: So, that Token Work system, the one that integrates with all the other facilities of a similar type and that will store with a list of blacklisted names or anything like that, that keeps a very specific and tight count on the actual ingress, because every person that enters the facility is -- passes through that -- that station as part of the screening process and, additionally, that's where we check for weapons, illegal drugs, illicit materials, anything like that and it's for that reason that we can constantly track and monitor how many people are in the facility at any time.

McCarvel: Yeah. Because in just reading the reports and everything, the capacity -- your original narrative you had almost -- you were anticipating a thousand patrons and quickly agreed down -- all the way down to 500, so -- and now you are saying that it probably rarely will even be at 500. So, I'm just trying to get a grip on where you are really at on --

Tsai: The reason I originally picked that one thousand capacity number is just because, you know, a lot of this information is second or third hand to me. A lot of it I just have to learn on the fly. So, for example, I took comparisons of the actual capacity versus parking space versus occupancy numbers of -- for example, like the Revolution Concert House, the Knitting Factory downtown, the Buffalo Club, various, you know, venues spread across the Treasure Valley. Based on there standing room only regulations a maximum capacity events, there is really a cap off on some of those, I assumed a number of about one per -- or, sorry, one person per every eight square feet, which was, you know, threshold of standing room only and I would base that figure based on that number of our available floor capacity versus square footage, but when I realized that that number wasn't congruent with the other approved uses of those facilities in town, that's when I agreed to cut that capacity down significantly in order to accommodate the actual size and space of use.

McCarvel: Okay. Any other questions for the applicant?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Brian, can you address -- I think in -- in a situation like this one of the concerns out there is -- it's -- it's noise, it's drunk behavior, it's fights, those sorts of things. A lot of

that doesn't necessarily tend to happen inside and if it does usually those people are bounced. What kind of security would you have in the parking lot area?

Tsai: And that's an excellent question. Thank you for bringing that up as well, Commissioner. I did have that in my original narrative, as well as the revision. That's part of our security plan is we do intend to have staff not only within the facility, but also conducting periodic checks of the parking lot, as well as the perimeter of the facility as a whole. That came up very early on in our planning process as a concern of, hey, there is going to be people who have -- are at various levels of alcohol consumption congregating in your parking lot specifically after you have closed for business. How are you -- how do you intend to address those concerns and we addressed that using those security staff that not only checks inside, but also outside the facility and -- and mitigate -- I guess mitigate those circumstances to prevent any type of excessive noise or potential for violence and that -- at the same time they can also check for any -- anybody who intends to drive after they have had too much.

Cassinelli: Okay. Thank you.

McCarvel: It looks like we have no more questions for the applicant, so I will turn it over -- we will start the public testimony.

Tsai: Thank you.

Weatherly: Thank you, Madam Chair. First is Jeffrey D'Andrea.

McCarvel: And please state your name and address for the record.

D'Andrea: Thank you, Madam Chair. My name is Jeffrey D'Andrea. 2347 East Wigle Drive, Meridian. 83646.

McCarvel: Thank you.

D'Andea: While I appreciate Brian's drive and desire and all of his work that he's put into this project and his background -- and his background in the music, I, too, have a background in music. I'm a drummer. Played in many bands. I love the music and everything else. I don't think some of our opposition to this is about that and for him to actually say that some of us had low moral character and nefarious agendas towards him -- I haven't seen that and I live in the neighborhood. So, if those flyers went out to somebody, I didn't see that and I actually take offence, because I have some actual, you know, opposition. I don't understand why a traffic study was not done when it's a right-in and right-out and we know that Meridian --

McCarvel: You can't -- just --

D'Andrea: With a right-in and right-out, we know that Eagle and Meridian -- excuse me -- Eagle and Ustick Road are very busy and I know the hours are late, but if you have

come by there, you live in that neighborhood, there is many a times where the Ustick light at Eagle is backed up past the other light that's at that next road, even up to 8:00, 9:00, 10:00 o'clock at night. Now you are going to have more people turning off of Eagle to go into -- because there is not going to be an -- an entrance off of Eagle from the northbound traffic, they are going to have to turn onto Ustick and, then, turn down into the -- you know, that street and, then, hopefully, with that egress that they mentioned coming in, yeah, that will be there, but still I don't understand why a traffic study wasn't actually part of this. Also with the parking he mentioned that, you know, with the four -- one-to-four ratio, that's four parking spaces -- or, excuse me, the 500 people with a hundred parking spaces -- you know, 125 parking spaces, you know, that's four, when we look at that where are the rest going to park. He hasn't looked into have they gotten the agreement from those people that are just south of them to have overflow parking and, if not, are they going to be parking in that high density residential area on the side streets and stuff like that. How is a -- how are they going to stop that from happening. I'm sorry, I wrote down a lot of notes during his talk and I'm just trying to go over most of them. So, I will say I appreciate Commissioner Cassinelli's response to him using race, creed, and marital status -- is kind of -- you know. And I know it's not important, but it's just playing to the times and it has bearing -- no bearing on this proposal whatsoever. I believe the Meridian Council and the Meridian Planning and Zoning will take everything into consideration as they need to for the project and he mentioned that at this time we do not have outdoor music planned. Well, can this be mandated, that they don't have outdoor music planned. Also in the proposal at the beginning when they said you won't be able to see it from the neighborhoods, well, with outdoor people it's not the seeing so much, it's the hearing and the noise that the traffic and those in the parking lot make that can be disturbing. What is going to change that? Also his last comment was on -- that they would have people monitor the parking lots for behavior that they don't want inside the club or outside the club. How often will that be, you know. And, then, to have -- early on when they gave the proposal -- when staff gave the proposal it was mentioned that mostly the citizens would have part of the obligation to contact police and stuff like that, while we work very closely with our law enforcement in our community, I'm not sure that setting up a new building and a new -- whatever you want to call it -- place that automatically puts the citizen in -- kind of in a proper position to say, hey, we have got to be in charge of enforcing law around here by calling is an appropriate thing to do.

McCarvel: Thank you.

D'Andrea: Is that my -- my time is up?

McCarvel: Yeah. That was your bell before.

D'Andea: Okay. I didn't hear a bell. I'm sorry. Thank you very much, Madam Chair. I appreciate your time.

McCarvel: Thank you for staying.

Weatherly: Madam Chair, next up is Darien Renee Gustafson. Okay. Next up is Michael Ebeling -- Ebeling. Sorry.

Ebeling: My name is Michael Ebling. 884 North Quartzsite Avenue, Kuna, Idaho. 83635. So, I would like to thank him for his community service as an officer. That's really awesome. And, you know, we all heard about all these different -- the studies about what can happen with nightclubs and stuff, the crime rates. People will say all the different stuff and there is arguments both ways. You know, it's sad to see, you know, there is going to be like so much increase in police patrols, prostitution, drunkenness, drug addiction, fights, gangs, vandalism, rape -- like these are all things no matter what side of the political aisle you are on you should be concerned about, but I mean this is just a study -- it kind of -- it's easy to -- you know, that's not me, that's not going to be us, but I can speak for myself, I grew up in Portland and I got addicted to drugs and alcohol and the nightlife and I spent all my money all the time in nightclubs and bars and that scene and had it not been from my work about nine years ago moving to Meridian where I got off of drugs and alcohol, I found a church instead of a nightclub, I got saved. I'm sober for nine years, roughly, and I think had it not been for that I would have just been stuck in that lifestyle forever, you know, in Portland and I was able to save up and I was able to buy my first house in Kuna. I got married and now I'm looking forward to my children and what are they going to have to deal with and I just see Meridian turning into Portland and Portland is renowned for all the things that Meridian is not known for and, you know, okay, it's only number 63 for the alcohol permit and, you know, it's only one more. But we need to draw the line. You know, there is enough options for people who want to drink. That's great if you want to do that, you know, but where do you draw the line at, you know, so that's all I have to say. Thanks.

McCarvel: Thank you.

Weatherly: Madam Chair, next up is Kyle Scheffler -- Scheffler.

Scheffler: Hello.

McCarvel: Name and address for the record and the floor is yours.

Scheffler: Yeah. Sure. My name is Kyle Scheffler. My address is 2003 North Ninth Street, Boise, Idaho. So, I am in support of Oasis. I'm in strong support of this. I'm actually the owner and operator of the Treasure Valley's newest community radio station 103.1 KFFI FM and the reason you haven't heard of us is because we are not on the air yet. We hope to be on the air within six months. Our station will be located in Boise, but we will reach the entire Treasure Valley. So, I believe that I am a person in the community with a strong interest in supporting people like Brian who are trying to bring art centers to where I believe it's sorely needed. It doesn't really exist that much outside of Boise and it seems like 20 percent of the activities or less is going to be considered -- this is not really just a nightclub, it sounded more like in community events center. Now, for a nonprofit, I -- we don't get any of our funding from the city, we don't get funding from the state or anybody, we pretty much fundraise, so by the community for the community, you

know, that's what that means when I hear of -- in a proposed venue owner offering their venue to nonprofits to the city for free, that's pretty -- that's -- I think that's pretty remarkable. Not to compare Big Al's to what this is going to be, but when Big Al's was coming were they offering, you know, free space to nonprofits and things like that? I doubt it. Maybe a discount at most. And I know firsthand how expensive it is to rent out event space and it cuts into the overhead of the causes that charities are trying to promote and just to address the gentleman before me with all due respect, if preventing a nightclub from opening is going to be the make or break of you using drugs or drinking, why not stop at nightclubs. We should be, you know, well, why don't we close liquor stores, too, and any stores that sell tobacco, which is also going to kill life. Thank you.

McCarvel: Before we go on, I think let's keep comments to the proposal and not the personal feelings. Let's move on.

Weatherly: Thank you, Madam Chair. Next is Kelli Russell.

Russell: Hello. My name is Kelli Russell. I live at 1530 West Ann Taylor Street, Meridian. 83646. Madam Commissioner -- Madam Chair and Commissioners, thank you for this opportunity just to make public statement. I also agree that I appreciate Mr. Tsai's service as a public -- as a police officer. I know that's a hard job. I appreciate what he's done there. I live in Meridian. I'm in the events industry and I can very much appreciate the need for event locations in Meridian and how the industry itself has taken such a hard hit and I appreciate Mr. Tsai's risk that he is taking and the way that he wants to bring some space -- some event space to this -- this city. I do have a few concerns that are logistical, as well as what has been said already. Apparently it's ACHD that does the traffic and those kinds of things, so I can take it up with them, but I do agree that Meridian tends to throw up buildings and think about traffic later. So, I just wanted to make that statement. I drive twice a day past this area and it's always bottlenecked and even at night it does have quite a bit of traffic still. I also just wanted to speak to the housing concern, the noise abatement. An event center I believe could be different than a nightclub situation and I -- if I'm understanding correctly, this is about a conditional use permit that goes more towards a nightclub. If I lived in that neighborhood I would definitely be concerned about safety, about noise, about people wandering into my neighborhood. I know that that's not the only neighborhood, that there is several popping up all around. That's just the nature of the city. So, specific -- specifically to the conditional use permit, just with the -- the understanding of that, if other venues like Boise State's Stueckle Center that's very much towards events and weddings and those kinds of things in nature have really served a great purpose and brought a lot of great things to our community, if this location is also something that can be used in that way, I believe that would be a great addition to our community. However, the nightclub model that it is leaning towards does concern me a little bit just due to the nature of the lateness and the traffic and being out mixing with alcohol and those things and so I just wanted to make those points known and, like I said, I will be contacting ACHD about my other traffic concerns. Thank you. And thank you, Mr. Tsai, for what you are doing to bring business to the city and I just appreciate what you said tonight.

Weatherly: Madam Chair, next is Joyce Mauck.

Mauck: I'm Joyce Mauck and I live in a close by neighborhood at 4031 East Conklin Drive, Meridian, Idaho. 83646. And good evening, Madam Chair and the Commissioners -- the Commissioner here. I have some concerns about this. I love music. I love going out and having a good time, but I have serious concerns with it so close to so many residential areas. The traffic -- Eagle and Ustick is one of the most dangerous and -- and heavily trafficked intersections in our area and -- and the fact tonight when I heard there was no traffic study done, that really shocked me. So, that's a huge concern. There is very serious accidents that happen there and I do believe it is one of the most dangerous intersections. Parking concerns is another one and, then, when I heard the four-to-one ratio that was another concern of mine. Safety issues. I heard him say that they were going to work -- or in the statement in the beginning when he was outlining everything on it that they will work with the police and the neighborhood watches. So, to me if they already know they have to work with them so closely that that's concerning to me, too, because I think a venue like this could increase DUIs, things like that, the drunken driving, the violence and things like that. So, that's a concern for me and I'm an Idaho native and I -- like I said, I -- I love the music and the arts and all that, but I don't want to see this going so close to our neighborhood and other neighborhoods. I think there is better places for a venue like this and I do think people that wrote in their concerns I think they -- they need to be valued for what they wrote in and although a lot of them are probably sounding a lot alike, it sounds like up here, too, we all have a lot of the same concerns. So, I don't think you can dismiss those and I think one thing when I have come to these City Council meetings I have always thought Meridian does a really good job of looking at what is best for our community and I really appreciate that. So, thank you for taking the time to really look at everything on what's truly best for our city. Thank you.

McCarvel: Thank you. And I think I will segue right off of that, because we have looked at all of the public testimony that was sent in and we do acknowledge that most of the concerns revolve around the traffic and the parking and the noise and so if you -- we are happy to hear everybody, but if we -- if you have new concerns other than those, I think the Commission is prepared to discuss those issues, so if you have new concerns, please, step forward, but if we are at the point where we are repeating those same concepts I think we understand those and as well the people who are for it that are loving having the potential of event space and a music venue in Meridian, I think we understand those. So, we will go forward with anybody else who wants to comment on anything else.

Weatherly: Thank you, Madam Chair. Next is Terry Silsby.

McCarvel: Name and address for the record, please.

Silsby: Yes. Terry Silsby. Address -- dwelling or business? It doesn't matter?

McCarvel: It doesn't matter.

Silsby: So, mailing address in Meridian is 104 East Fairview. 83642.

McCarvel: Okay.

Silsby: I have had -- I have grown up here in Meridian and I have spent a lot of years traveling up and down Eagle Road. I understand the area and I had a great deal of pleasure in working with Brian in finding that location and in working out the lease and working with him in the business plan and as you can tell from your visit with Brian about what a big pleasure it is to be involved in a business planning environment with him. He has got a great scientific mind and he is a great addition to our community. I do want to say I spent some time in right of way working in various corridors with the State Transportation Department and the Ada County Highway District as a -- working right-of-way projects. I do understand the issues of traffic in and out and ingress-egress. You have got the highway -- state highway issues, the -- the Ada County Highway District with its transportation department itself, you have got several different entities dealing with -- with the thoroughfare there. So, that is an issue that I think can easily be addressed, but what people don't realize is a lot of the traffic patterns that they are seeing here now is as a result of traffic being redirected onto the road from other areas that have been under construction and, then, on top of that they are adding different access to the freeway and things like that, so that -- and widening roads, so it's taking the burden off of Eagle Road. So, over time I see long term that there is going to be a change in traffic patterns and, then, relief of some of the pressure, but on top of that I think it's important to realize that -- and for everybody to look at this, that area was designated commercial long before the residential areas came in. So, while I agree some of the traffic issues need to be addressed and will be and I think are already being addressed, albeit fairly slowly. There is another thing I would like to make a point. If -- if -- if it was Barbacoa or the Yard House or other well known restaurants that also serve alcohol that were wanting to locate to this position and add a music venue, I don't know that we would have had exactly the same opposition to this, because those are well known names and people understand that they are a very high quality event. Brian has worked hard to look at having a professional chef involved, a very high quality event both for restaurant and to have the clientele appreciate and experience something that is going to be a quality and become something that they want to have their family members involved in as well. I have no problem planning in the future to bring my family to this environment when my daughter is 16, when she's old enough I'm planning to bring her there. I'm a member of the country swing dance community, if you will, and those are some of the friendliest, most agreeable people that you will ever meet, and he is going to be bringing those people to that environment. A lot of us travel great distances so that we can practice what we call the art form of swing dance and it's fun and I think a lot of the people here would also eventually participate as well. So, you know, that I'm in favor of this, but I also wanted to mention some of those points and -- and I think that there is already seven -- five or seven alcohol serving businesses in The Village and we haven't seen a lot of the problems that people have been bringing up. And one more point. I did talk to someone who is in a subdivision roughly a mile away and they have had someone put in their subdivision newsletter and broadcast that trying to create opposition for this event and so there does appear to be an organized attempt to try to suppress something that I think is a great addition to our community. Thank you.

Weatherly: Madam Chair, next is Zach Yates.

McCarvel: Please state your name and address for the record and the floor is yours.

Yates: All right. My name is Zach Yates. 814 Sage Creek Road, Nampa, Idaho. I'm in support of my friend Brian here and I would also like to -- as far as music goes, like I'm a really big fanatic for it as well, but I'm also wanting to venture out and -- and also expand my abilities to -- I guess maybe like DJ'ing, for example, but also get more of a taste for other artists as well. So, I think this -- I think this venue that he is developing and putting under construction is a really big influence for a lot of smaller artists to help get their name out. It is really hard to -- unless you are like really well known on major radio stations it can be really hard to get your name out there. But also as far as like the alcohol side of things, I was like he -- the gentleman earlier mentioned his restaurants, they serve it anyways. They have to have a license for it. Even event center areas or places that hosts events, they got to have that license anyways, because people are going to have that option. I mean it's like -- it's no different than any other event center around that would cater to maybe like parties, charitable programs, or even weddings. So, I just wanted to share that and show my support for my friend Brian here as well. So, thank you.

Weatherly: Dave Sattler, would you like to testify?

Sattler: Hi. I'm Dave Sattler. 2060 East Lobelia Street. 83646. So, as a small business owner myself I think it's important to be clear here that though there may be some time and space given to community organizations and nonprofit entities, that is not your business. I know as a small business owner you cannot operate for free. So, I think to say that you will be rarely at capacity, I think that's a little misleading, because your profit generating activity is your nightclub and I think it's a little mischaracterization to say that this is a music and arts venue when all of that is done under community engagement and free use of space, which is a nice gesture to get the conditional use permit, but is not driving any revenue for you, which, in my opinion as a small business owner, means that will go away. I think that friends and business partners as your supporters is also I think a little illustrative of the lack of support that those who live within any proximity to your business is lack of a support. I think that free is not an expression of community support. So, in my opinion, Council or Commission I think -- although that's awfully nice of him, that is -- that is a kind of gesture that does not generate any profit and thereby I wouldn't be surprised if it goes away. Knitting Factory parking is all over Boise. I think that the staff's opinion of four to one as an acceptable parking ratio for a nightclub I think is maybe a little bit inaccurate, as most people that attend to restaurants, which is what that ratio is based on, come together in a vehicle and it is my concern that that will be inaccurate or inadequate for the 500 plus individuals they plan on having there between the hours of 4:00 and 1:00. Also based on a -- also I would -- I am one of those 200 letters that was submitted. It was not a form letter. It was as though shared concerns do not mean form letters or copied letters. I do not feel that this fits the bill of a mixed use regional use. Based on surveys that I have provided in my testimony that I submitted, it is abnormal for mixed use regional designation to provide a nightclub establishment to fulfill that criteria.

In fact, in that survey, which, again, you can find in my provided testimony, it is common among major cities for there to be a distinctive designation for nightclubs because of the noise, their proximity to schools, public places, congested traffic and drunken behavior. So, there is also a correlation in nightclub drinking versus restaurant drinking. Restaurant -- or drinking is allowed in a mixed use regional, but I will note that research has indicated that nightclub drinking leads to more criminal behavior and an Oregon State Patrol study in 2006 said that ten -- their top ten locations for drunken behavior were those who had just recently visited a nightclub. That's, again, in my testimony. You can see that. They actually ended up conducting a sting that summer to address six of those in particular. So, while we are making the distinctions between restaurants providing alcohol and nightclubs providing alcohol, there is a researched, well documented basis for difference in behavior from those coming from those two establishments.

McCarvel: Okay. Can you wrap up your thoughts. That was your bell a few minutes -- a minute ago.

Sattler:: Sure. I think that the other -- the other thing that I would say is -- which has been noted here, Eagle Road is, obviously, already a very busy place. I think that there would be a better location for this business to actually do better than within two miles of seven elementary schools, four middle schools, and one high school. My children are pedestrians on that street and 42 percent of Meridian fatalities happen on that stretch of road within two miles of the proposed location of this nightclub and I'm concerned that with almost half of our fatalities coming from that stretch of land, increasing that type of behavior and that level of attendance puts my children and all the other thousands of children within two miles -- just two miles of the proposed location puts -- increases greater -- greater risk to our community. Thank you.

McCarvel: Thank you.

Weatherly: Eric Sherman.

Sherman: Hello to the Commission. My name is Eric Sherman. I am a local business owner in Meridian and I'm at 3340 North Eagle Road, which is directly adjacent to this proposed venue and I am not, for the record, Brian's friend, although I have met him when he came to my business to let me know about the proposed business that he was making. I actually started my company because of music. I have been a concert goer myself since I was 14. I can tell you I have been to hundreds and hundreds of concerts, I have been to a concert on a cruise, I have been to so many concerts and -- and just music is a big part of my life and a big part of my life with my wife and I am a father of three. I am a Christian. I live a good life. I work hard for my family. I moved to Meridian because of the slogan. I'm not sure if it's still the slogan, but I believe it was built for business, designed for living was what drew me to Meridian and the key word there is living. Not existing, but living. And I think that we do have a lack of places that can house the right type of scene, but local music is important. It's important to a lot of people. I actually employ someone that is in a local band that opens up for really really big bands. He opened up for a large band in Boise's just before COVID and the -- the passion that these

people have for their art is insane and if you are -- I'm not a musician, but these -- they -- they work so hard and they do all these things and if they don't have the right platform they cannot go anywhere and that -- Kyle there that I just met a few minutes ago, he said that when he was here at the stand and a lot of the things he said were awesome and he took a lot of steam out of what I was going to say and, then, also Terry, he touched on pretty much all the other things. I do want to talk about the traffic. Okay. So, I think I have a little bit of a unique platform, because, guess what, I have been there for six years on that intersection. Every single day, day in and day out -- you can ask my wife. She doesn't like it. But, anyhow, yes, there is traffic there. There is a lot of traffic there and I can name about three or four more spots where the traffic's worse in Meridian and the traffic is bad. However, my store until COVID closed at 7:00 p.m. and so I would literally leave at 7:05, 7:10, and by then it was pretty clear. Okay? So, now that we have changed our hours to 6:00 o'clock, I do hit a little bit of traffic. I was actually late for this meeting because of that -- that said traffic. It's there. It exists. I think that it needs to be talked about and I think that -- I think that Brian -- I have met him literally one time and, then, I saw what he proposed here today and I think that with the preparedness that he's shown I would -- based on just that alone I would want to -- I would want to be a patron of his business, understanding that I would be safe and that I would have a great experience in whatever he's doing, because he's that passionate and that -- that prepared.

McCarvel: Okay.

Sherman: So, thank you for hearing me out.

McCarvel: Thank you.

Weatherly: Christen French, would you like to speak? Josia Savino, would you like to speak?

Savino: Hello. My name is Josiah Savino. My address is 8598 West Wall Drive, Boise, Idaho. I have been in Boise nine, almost ten years now, and I'm a musician, singer, songwriter and when I moved to Boise the first thing I did was look for the most talented artists and collabed with them and I have been doing that nonstop sense. What I found was people would say, well, why don't you perform more and I would say, well, where would I perform. There wasn't any venues that actually had space for audiences that people were showing up for and, obviously, the marketing wasn't great here, great promoting, so I was pretty excited when -- unlike the other 600 people online when I heard, oh, there is going to be an event center, there will be a nightclub, and an event center, where I can do both and everything in life has a balance. I actually don't drink. I don't support drinking. But I still love to dance and like this last two weekends ago I went downtown, had the time in my life. I didn't touch alcohol. I -- I danced and had a great time with friends. So, I just think it's important to understand that you can have an environment, but everything in life has a balance; right? So, this event center can do remarkable things. You guys heard some of his visions and, obviously, he's passionate, he is going to be creating, working, you know, giving everything he can to create the most amazing experience, which sounds like no one else has done here, which is exciting for

me and also I spent the last two years of my life making an app. What is the app's vision? Is to create community. How do you do that? What do you like to do is the question of the app and you have a map and it shows activities in your area and I think that an event center like this would be great opportunity for -- for places to meet, even outside the club.

McCarvel: Okay. Thank you.

Weatherly: Madam Chair, we are ready to move to our online persons. Randy Black, I see you are on the telephone. I'm going to go ahead and unmute you here.

Black: Can you hear me?

McCarvel: Yes.

Black: This is Randy Black. Can you hear me?

McCarvel: Yes. Go ahead. State your full name and address, please.

Black: Randy Black, Jr. Address is 10789 West Twain, Las Vegas, Nevada. 89134. I'm the managing partner of the Villa Sport property on the adjoining site and, Brian, I would love to commend you on your presentation. I have done this for 30 years. That's one of the best most thought out presentations that I have heard. So, you are clearly a great business operator and take this seriously. I think that this event and the venue is a warranted benefit to the city. Still a lot of concerns. I can tell you that we have been kind of half talking to the Wadsworth guys. Our big concern is traffic circulation, late night policing, parking lot cleanup, bottles, trash, et cetera, and I think that site on the corner with the amount of square footage that's planned on the 3.4, I believe it is, acres is a very serious parking constraint that can be mitigated through hours of operation, et cetera. We do not have any agreement for any overflow parking, nor has one been proposed. We -- we would certainly entertain the thought of that concept. We would have to clear it with our tenant and make sure that they are A-OK with the use. We have a fairly detailed lease/policing cleanup maintenance agreement, et cetera. So, while we are not opposed to it, there is a lot of hurdles to get through to clear that part in the event there is a capacity event that occurs on site, so that we can accommodate all of those patrons. So, I would tell you that we are music lovers as well. I can see the need for this. Event space is at a premium. There is nothing available when you look in Meridian. So, while it's a warranted need, there is still a fair amount of those type of related items that would have to be addressed for us to be able to support it as adjoining property owners. But I think the use is compatible with an intersection of that type and volume. There is very limited access on Eagle, so a traffic study would without question be needed to determine how to address all of those issues and we would be willing to work with Brian on at least discussions on how we can handle this overflow portion, but I'm here to tell you as of now we don't have any proposals on the table and have had only passing conversation with Wadsworth, which I wouldn't put that on Brian, because if it meets code I could see the user here and the business owner thinking that was potentially sufficient, but the reality is we know for bigger events you have got to have something organized where --we have

495 parking spaces next door, but a fiercely protective tenant of their use of that. So, we would be happy to work with the applicant in this, so that we could potentially address that portion of the requirement, so that that box could be checked and, then, the rest of them could be addressed as Council sees fit on the balance of those questions. And I hear the bell, so that's -- that's all I have.

McCarvel: Thank you, Mr. Black.

Black: Thank you.

Weatherly: Madam Chair, next is Jon Hastings. Jon, one moment, please.

Hastings: Good evening. Can you hear me okay?

McCarvel: Yes. State your name and address for the record and the floor is yours.

Hastings: I will show you my video just for the fun of it. My name is Jon Hastings. 2973 North Eagle Road, Suite 110, Meridian, Idaho. 83646. I wasn't planning on testifying tonight, but I did see the applicant's presentation. I will echo the previous caller that I felt that it was a -- a well thought-out presentation that Brian had. He did show an empty folder for the vicinity properties and I -- I own the commercial building that's about 350 feet away to the south of the project and I did write a letter in there. I just felt like I should be in the blue folder, Brian. But, anyway, I had a few concerns that I wanted to bring up as a fairly close business owner and commercial -- commercial property. One, I know parking has already been talked about. I feel like people, when they park, will take the path of least resistance and so I certainly think that people coming from Ustick will enter the project and park in the designated parking spots. I have concerns that the people coming in from Eagle Road through the roundabout and, then, between the residential properties and -- and my property off of Cajun there will kind of park in the path of least resistance and not in the parking spots designated for the project. I also have a concern about just late night traffic and -- and loitering in general. I understand the applicant's desire that that will be kind of policed from sweeps of the parking lot and things like that. I just don't know how that's enforceable and kind of what the plan would be to enforce that in the long term. Things like outdoor security, drunk driving, how do we -- what assurances do we have beyond we have a plan to mitigate that. And, then, lastly, just as we have talked about Eagle Road access is difficult and so people leaving the venue will lots of them go to Ustick via various methods, but I have a concern that they will exit via Cajun Drive between the residential property and -- and our property there and, then, try to navigate the roundabout in the residential area to get to Eagle Road and do that after having had some alcoholic beverages and -- and I think that the idea that it's not a big deal to the residents in that area -- I just don't see that, because I think that you are going to have late night traffic navigating that space in the residential area and so those are my concerns. You know, I also agree that I think that this would be a great thing for our city, I just don't know that -- this location doesn't make a lot of sense to me for it based on those concerns and some of the other concerns that I have heard today and so I wanted to express my opposition. Thank you.

McCarvel: Thank you, Mr. Hasting.

Weatherly: Madam Chair, next is Jon Hoeger. John, one moment.

Hoeger: Madam Chair and Commissioners, can you hear me okay?

McCarvel: Yes. State your name and address for the record.

Hoeger: My name is Jon Hager. I live at 3664 North Summerpark Place in Meridian, Idaho. About a half mile from the site. I agree with Commissioner Cassinelli that race has nothing to do with this. I was born in Venezuela. I have married an Argentine American. We run a woman-owned business together that employs 46 people in a very similar square footage and we pay good salary. While race is irrelevant to the conversation, I believe that employment is. The applicant has made claims about who he is going to bring. You know, any other business is going to add jobs to the economy. Any other business is going to be able to probably provide more jobs. Thirty jobs in 7,000 square feet isn't a lot of job density. What any other business as well, but what we missed from discussion tonight is objectifying and demeaning women. I'm also concerned about the inconsistent marketing and this should be a concern to the Commission as well. My letter to the Council that I submitted before this meeting included screenshots encouraging men to be dressed in business attire, while women were encouraged to wear sun dresses or their best beach attire. I have five daughters and the objectification of women and inconsistency of the business model stated and they are against the stated mission and the objectives of the City of Meridian. Again, I will refer to my letter, which is part of public opinion. Charging 15 dollars for men and five dollars for women to enter is a common tactic that nightclub uses to attract more females whose sexual parameters are loosened through alcohol consumption. The recipe is a notoriously predatory environment with increased sexual assault, rape, and substance abuse. One of my five daughters catches the bus less than a thousand feet from the site and this marketing element has been changed since some of the opposing views have been voiced in the community. So, my question to the Council and to the Commission is what does the deliberate change of marketing say? What about the website now -- the website that now claims that there is going to be free weddings or that it's saving puppy dogs, which are things that it didn't say before. The weddings are free because he's going to be serving alcohol. What do the themes on the applicant's Facebook page when he said that the actuality was that he had 15 letters in support for every one that was against, when the actual count is 165 against to 34 that is for. What else is being misrepresented by the applicant? We have seen some other examples of this with the blue folder that was just mentioned by Mr. Hastings, who owns a business so close. So, when the applicant says that our questions -- those of us who are in opposition, that it should question the character of our intentions, I ask the Commission to stand up and question the intentions of the business model. On the same Facebook page he has also been deleting comments that were in opposition. He has been trying to silence the opposition. So, let's be clear. This is not an event center, it's a nightclub. It's not a restaurant. I will note that restaurants, like Barbacoa and Yard House, do not charge their female patrons less than the male customers. So, let's call a spade a spade. And, yes, there has been an

organized effort against something. That point should resonate with the Commission. An organized effort is not a bad thing. Organized efforts and grassroots politics are what this country is founded on. Frankly, it should raise a warning flag to the Commission that the community is not generally in supportive of this and I call on the commission to represent the communities that they serve. I'm also concerned about the thousand people that's now down to 500 people and no problem, now it's rarely going to be 500 people. I would say that either the applicant doesn't understand what the business model is or he is not telling the truth. Those are two major concerns I think that the Commission has a responsibility to look at and try to understand what the ultimate goal is of this. Thank you.

McCarvel: Thank you.

Weatherly: Madam Chair, next is Camille Schildan. Camille, one moment, please.

Schildan: Hello.

McCarvel: Camille, state your name and address for the record and the floor is yours.

Schildan: Hi. I'm Camille Schildan. I currently reside at 13963 West Hartford Drive, right off of Eagle Road, and I have to say The Oasis sounds fantastic. I think it sounds like a great place to have an enjoyable time. But my opposition in for that -- in previous statements this evening where it was stated that only 20 percent of the night -- that the center would only be 20 percent nightclub and all the rest of these other events that, you know, were mentioned to be free, how is the applicant going to be able to receive a return on investment if you are only using the space 20 percent of the time for what you intended it and the rest of it. And so it -- it kind of seems a little masked over, the statements as to what the real use is. I do think it would be a great place to have an event center. If it could -- I have been on the website, The Oasis website, and it does talk about doing some -- you can have dance recitals, just great things on there that I think would be great for the community and a great place, but the location I feel is completely inappropriate due to all of the reasons stated beforehand and I would also like to acknowledge that there are inconsistencies on the website. I have been watching it a couple times and it has now changed again to list like the free weddings, which wasn't on there before, and it was mentioned that we were hiring a -- that they were planning on hiring a chef. Nowhere on here on the -- does it mention anything about serving food. It does talk about serving five different cocktails each week, which could be fun, but nothing about being like a restaurant area and, then, I guess my other thing is if this place is so great and we are only using 20 percent of a nightclub, why don't we just take away the nightclub portion still allow it to be designated as the art museum and event center, something to promote music, but, then, just say, okay, well, alcohol consumption is maxed out at this and, you know, closing hours are midnight every night or something in agreeance to try and come to a compromise anyway. So, greatly appreciate all of your time and especially how late this is going. That's my comments.

McCarvel: Thank you. Is that it?

Weatherly: Madam Chair, that's all I see.

McCarvel: Okay. With that -- you know, I think we are about ready to move forward. I think the Commission has a good grip on the items that have been mentioned and I see a couple more hands being raised, so if you have something new to contribute we would welcome hearing that, but if you are agreeing with people that have already spoken, I think we can move on.

Weatherly: Madam Chair, I apologize. Jeff Vrba, I see you online. I apologize, I missed that you had signed up earlier. One moment. My apologies, Madam Chair.

McCarvel: Jeff, if you would unmute and state your name and address for the record, the floor is yours.

Vrba: Hello, Madam Chair and Commission. This is Jeff Vrba. Address is 3005 North LeBlanc Way in Meridian, Idaho. I live in the Jackson Square Subdivision. I'm the vice-president of the HOA here. We are located directly southwest of this facility that's going in. A couple things other than what most of the other people mentioned that I wanted to bring up was we had that meeting earlier this year here with them over at the pizza place. It was discussed at that time about their restaurant that they had in their facility and it was mentioned to us that it really wasn't a restaurant per se, it was -- they were going to be serving little fast foods for like your taco night -- or a little taco night if they are having a taco thing going on, rather than a sit down restaurant in there. I asked about if I could bring my family over there would I have to be a cover charge to get into the restaurant to eat and they said -- that's when they mentioned it was not full fledged restaurant, a sit down type restaurant to eat in. So, between that and what's going on here -- also in their conception floor plan, the one we saw earlier in the year where the Jamba Juice is at on the west side of the building, he said that was going to be a parking area, so -- for the Uber and ride share cars to come in to be able to haul the patrons out. Now, I see with the new floor plan there that's where they are going to have the smoking area. That's where they are going to have all this. So, the ride shares that he was saying they were going to be using -- that most people would be using going there, there is no place for them to park. Where are they going to be parking at now? The other item that they brought up during that other meeting was that they interviewed a bunch of the homes and areas around here and the people were so excited about that facility going in, because they could walk there. Okay. Most of the places around you got to cross Ustick Road, which is 45 miles per hour if the lights are green. You got to cross Eagle Road, which is 55 in that area if the lights are green. Do you want somebody under the influence of alcohol waiting for the stoplight to turn so they can walk across the road if they are crossing at the intersection, instead of jaywalking, and all of a sudden I'm just going to run across, I don't want to wait. Someone's going to get hit in that intersection. We have already had one death there within the last couple of years where somebody's standing on the corner and was run over and killed and they weren't under the influence, neither was the driver that hit them by accident. They also mentioned that they were going to have security outside all the time, not just randomly throughout the day checking stuff. My concern with that is is once -- if they are not making the money they are expecting,

who is going to get cut? Those security people that are going to be out watching that parking lot to make sure that the people are leaving -- making sure that the people aren't raising a ruckus out there or getting in a fight, the ones that they threw out. I live right around the corner. I do not want to see the extra traffic coming through my subdivision and items like that. And I agree with everything else that's been said earlier, too. Thank you.

McCarvel: Thank you.

Weatherly: Madam Chair, next we have Joe. Joe, one moment, please.

White: Can you hear me okay?

McCarvel: Yes. Please state your name and address for the record.

Weigt: My name is Joe Weigt. I live in 1598 North Leslie Way in Meridian, Idaho. Madam Chair and Commission, I appreciate your time this evening. I know it's getting late. I will be brief. I live directly west of the proposed facility and I do also find it offensive that my letter was not in that blue folder. I know all of my neighbors. I know where Mr. Vrba lives. I have not found anybody within that vicinity who is in support of this. I own a small business in the city and recently a dance company was put in next to us and when they ran out of parking space for their facilities they would try to park in our facility, making it difficult for my -- my business to function. I don't see how this can -- how logistically this can work. The reality is as the -- as his business model changes and his needs change, there are going to be some serious traffic concerns and serious parking concerns and the community around him is going to have to bear the brunt of that punishment. It's not fair to the citizens to have to police that and also put undue load on our Police Department, who already has to deal with the other things they are doing to keep our community safe, and now they are going to be driving around having to issue parking citations and trespassing and all these other things that -- that really we should not have to deal with around here. I'm not opposed to his idea. I think he is a -- he has got a good head on his shoulders, I think he is going to do well where ever he puts his business. I just think this is the completely wrong location for it. I thank you for your time and that's all I have.

McCarvel: Thank you.

Weatherly: Madam Chair, next is C. Kynaston. One moment, please.

McCarvel: Ms. Kynaston, if you would unmute yourself and state your name and address for the record, the floor is yours. There you go. Please state your name and address for the record. We can see you have unmuted, but we cannot hear you. I apologize, I don't think your microphone is working on the device you are using. You are unmuted, but we cannot hear you. If you would like to type your concern. Okay.

Kynaston: Hello? Can you guys hear me?

McCarvel: There you go.

Kynaston: I can't tell if anyone can hear me, hon.

McCarvel: Yes, we can hear you. Please state your name and address for the record.

Kynaston: Can you hear me?

McCarvel: Yes. Yes, we can hear.

Kynaston: Anybody?

McCarvel: We can hear you.

Kynaston: I can't figure out if they can hear me or not.

McCarvel: Okay. We can hear you.

Kynaston: Hello? Can you guys hear me?

McCarvel: Yes.

Kynaston: Oh. Okay.

McCarvel: Please state your name and address for the record, but I don't know what you guys heard and didn't hear.

Kynaston: All right. I guess I will start over. So, my name is Carolyn Kynaston. 3725 North Neith Avenue, Meridian, Idaho. 83646. Joe Dodson in his presentation of this in the very beginning made the comment that there is a ratio in support of this plan of 25 percent when you are counting the public participation and 75 percent is against and I just want to be clear that the numbers are exactly 154 are against this project, to the 32 who have written in as public testimony and that percentage is 80 percent against and 20 percent for. There is a lot of us who do not want this coming into our neighborhood and we are concerned with not just the business model or the business practice, but the business owner. He has shown repeatedly self interest and a lack of concern for our neighborhood and a lack of concern for the truth and he is constantly changing what he has to say about his business to meet the requirements that will just get it approved by the city. If you follow his Facebook page he made the claim of 115, when at that moment when he made that claim, it was actually 42-24, a ratio of two to one against his business, not in favor of it, and now the ratio is substantially larger, about five to one. His website changed from being objectification of women to totally removing that section, as Jon Hoeger spoke of earlier. We feel like he is doing all of this just to get the CUP approved and, then, it will be back to the business how he originally intended as soon as he has that CUP approved. He has declared that our property values will raise, when in actuality it will lower our property values significantly, and he claims it's a benefit to our schools

and it is not a benefit to our schools. He claims it will be a boon to our city and the people who live here definitely do not feel that way and it's going to be bringing in outside clientele, people who don't live here, who don't care about our neighborhoods, coming in and trashing our neighborhoods as they attend this place, get drunk, and go home and he claims his family values are the same as ours and we completely disagree. His family values are nothing like ours. He said to people who are opposed to him that our decisions to be against him were made in haste and that if we were against him and his nightclub that we haven't formed our own opinions. He also claimed that there were letters sent out to the neighborhoods that talked about prostitution and strip clubs. I received one of those letters and it didn't have either of those words in there. So, based on his track record of not telling the truth I can see him making up these things to support himself. And -- oh. As well as the testimony that is in his -- his folder of all the people who have written in to support him. Where is that support on the actual website? Where is the actual data? Because the actual data shows only 32 people have written in support of his project. I'm really --

McCarvel: If you could wrap up.

Kynaston: -- really upset about the idea of citizen enforcement of compliance. You are giving me a full-time job without pay to go to -- to this establishment and make sure that they only have 500 people --

McCarvel: If you can wrap up your thoughts. Your three minutes are --

Kynaston: -- and an EDM drug culture. Do you guys understand what an EDM drug culture is? This isn't just a --

McCarvel: Okay. Are there anymore people who would like to speak on this application? If not, I will ask the applicant to come forward and you have -- is it ten minutes to address the concerns of the public before we move -- before we have any questions or move to deliberations.

Dodson: Madam Chair, I had a couple of points I wanted to make in response to that -- that the applicant can't, just because he doesn't know the code like I do.

McCarvel: Yes.

Dodson: Okay. First was there were some questions, even from the Commissioners, regarding outdoor activity for the outdoor entertainment. Our -- the same code section that's referenced for the indoor activities in the music venue is applicable for the outdoor. That has specific hours as well, which is limited from 6:00 a.m. to 11:00 p.m. Obviously through the CUP if future outdoor services or uses were to be proposed those could be limited further than that, but I just wanted to note that it already was limited within the code if it were to happen in the future. But, again, he is not proposing that now. Secondly, I completely understand the traffic concerns there and if I -- you have no idea how much I would wish that the city had more control over the roads here, but, unfortunately, that's

not the way it goes. I did want to share my screen real quick. Just to reiterate, there were some concerns about only having one access point in and out and with -- that would be the right-in, right-out access to Ustick, but with the construction of the access point to Cajun Lane they will have another access out to Eagle Road. I know that there was a comment about only having one. Second to that I do have a condition that they work with the Villa Sport applicant, which apparently one of them was on the call tonight, and they would also help work with them to get a cross-access here, which they already have the agreement, but the driveway itself is not constructed yet. So, to get the driveway constructed earlier, sooner rather than later. And, then, I also didn't reiterate where the ride share was. I wasn't sure if the applicant was going to speak to that, but it's hard for staff to enforce that, so I didn't find it necessary to put that on the site plan, but the applicant has stated that these uses -- these spaces on the west side of the building would be used for the ride share, the pickup area, that they could restrict on site for that. Secondly, with the outdoor area that, has to be -- it can't be located within 50 feet of any property line. There they would have like ten feet right here that would be allowed to have it at all. So, they are going to run out of room to be -- and it is prohibited at all within 50 feet. So, I just wanted to touch on those few points that are related to code that the applicant wouldn't be able to touch on.

McCarvel: Okay. Thank you. Go ahead.

Tsai: Okay. All right. I know it's late, so I will be as quick as I can. As it's said, Socrates gave long speeches and his friends killed him, so -- these are just some graphics that I have printed off regarding some of the points that -- of the concerns. When we did our noise analysis I actually went out there with a spectral meter and stood along Eagle Road to compare the sound of the Eagle Road traffic in order to get these numbers. What I had mentioned earlier, the actual STC sound rating of just a single piece of plywood is what I base it off of, because there is a lot more to commercial building walls than just a single piece of plywood. That would yield our exterior sound pressure -- pressure as they designate in what's called Decibel A weighted, at one feet from the building about 75 decibels and, then, that is what this diagram shows, it's called the inverse square law and how that works is sound dissipates as a square of the ratio of this doubling of distance from the actual source. So, what that represents is here in the graph, the doubling of the distances, out to the closest property line you could show about 256 feet the pressure would be about 43 A weighed to decibels. What does that actually mean? Here is another graph. Forty-three A weighed decibels will put up just about here and that's just above what would be the volume of a very quiet whisper and above -- and just below that is the rustling of leaves will be the perceived sound effect at -- even before the actual first house and, keep in mind, there is -- you know, if -- and this is assuming even the Villa Sport never comes to fruition. Regarding the property values, this is actually handy, because a gentleman presented this on the last Planning and Zoning hearing and I printed it off, which is things that drag down the value of your home and you will notice that neither crime nor any of those make an appearance on here. Most of the things are like hospitals, power plants, cemeteries, homeless shelters, that type of thing. The biggest -- biggest difference I noticed about our overwhelming number of supporters -- and the reason I say that, those numbers exist in the opposition, because many of them have actually written

into the city multiple times. That's where those counts come from. In fact, there -- if you were to look through them line by line -- how I did it is I took an iPad and I just went through and I circled and numbered every person that had submitted multiple times. Some people have actually submitted eight times by the same person and, then, they are using those as counts of opposition. The biggest thing I noticed amongst the difference between the supporters versus the opposition is their reasoning. We estimate now that we have at least 25 to 30 supporters for every one person that's opposing it. Those are based on the numbers that we received off of our Facebook page, coordination, and, then, just word of mouth. Now, of course, I don't have any actual numbers to document these, an actual study. On top of the -- those are on top of the dozens of various businesses, groups, nonprofit organizations, wedding couples, associations and musicians that were excited to use our facility. These are things I believe in as a core concept to our business. We are not doing these just as a facade in order to obtain a business. That's just not how I operate my business practices. But as you know with your experience here on the Commission, supporters rarely promote their voice. The person standing on the corner with a megaphone usually isn't the one yelling, boy, we really want another Walmart here. People have been pent up with COVID restrictions for over a year now and they just want a place to let their hair down and dance and socialize again. The letters that both the city and I received were from people who were unique stories of why music was so important to them. They talked about that time that they had lost a family member and it was this song that they had remembered that pulled them out of a very dark place. They talked about the time that they got engaged and realize that this song was playing on the radio. They talked about the time that they were in a grocery store and randomly bumped into the person that turned out to be the love of their life and this song was playing on the speakers inside the store. Every one of their stories were unique and they support our project because they wanted to and not because somebody told them to. While those opposed to our project have very real concerns that have the potential to impact the community, such as drunk driving or traffic, you can see with our comprehensive analysis in both the original narrative and what we presented here today that we have worked diligently to ensure that none of these concerns have an impact to the families of Meridian when compared to the massive benefit in both economics and overall need this community as a whole has asked for for over a decade. We expect to pay over 6,000 dollars a month for insurance to operate as a multi-purpose venue. So, we are not here just to serve alcohol and let them leave. When compared to over a dozen licensed establishments in the area our insurance would never allow us to operate in a recklessly or an unsafe manner. The only way a bar would prevent real concern such as drunk driving to occur would be to prevent overserving. This is something I mentioned earlier in my -- it seems like a while ago now. On the other hand, we have the ability to post staff at the doors, seeing patrons as they enter and exit, training bartenders and staff above and beyond what is required by law and the combination of all those circumstances will allow us to effectively present -- prevent nearly all incidents of drunk driving should they occur from our facility and this hearing is to really discuss the potential impact of an alcohol establishment to our neighbors in the immediate area. Somehow this wasn't a concern to all -- to those opposed to our project when this very same committee approved the permit for the Villa Sport with an outdoor pool, a swim up bar, outdoor speakers, all less than 30 feet from the closest house. Our facility is ten times further, 1/12 the size,

and has zero outdoor activities of any kind. Now, when I met our neighbors by handing out the neighborhood meeting invitations in person, many of them spent time to ask me about the project, because they were excited to have a place not only to attend to event and socialize without having to go downtown, but also a place to get good food later at night. Most of them told me flat out they would not be attending our neighborhood meeting, because they supported the project. Now, many of our supporters tonight weren't able to attend because they are still at work. Now, we don't have the same noise concerns as the complaints some have pointed out, like the Revolution Concert House, because our sound system is not engineered to be as loud as possible. It's designed for clarity, while still allowing patrons at the rear of the building to carry on a conversation. We demonstrated that using sound scientific principles that even with zero soundproofing the outside noise of our facility when measured to the closest house would always be less than the sound of the ambient traffic from Eagle Road and even if the Villa Sport never comes to fruition, which would act as a massive steel and concrete sound barrier, our neighbors would never realize our facility in an operation unless they constantly thought about it. Now, at the end of the day this project is about one thing. The music. The rare thing in this world that doesn't care what age, race, gender or religion that you are and unlike those categories, music only serves to unite people and not to divide them in any way. Thank you, again, for your time and we ask for your approval for the project.

McCarvel: Any other questions from the Commission for this applicant? Mr. Yearsley, you came off mute. Did you have a question or a motion?

Yearsley: Now, I don't have any questions.

McCarvel: Okay. If there is no other questions for the applicant or staff, I would entertain a motion to close the public hearing for item H-2021-0004.

Holland: So moved.

Cassinelli: So moved.

Grove: Second.

Cassinelli: Second.

McCarvel: It's been moved and seconded to close the public hearing for H-2021-0004. All those in favor say aye. Opposed. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: Mr. Yearsley, were you wanting to start us off?

Yearsley: Sure. I -- I have to admit I'm a little conflicted on this one. I understand what he wants to do and I don't think it's a bad thing to do. I am concerned about how close it is to residential. He -- he keeps stating that it won't be -- the noise won't be greater than

the road, which the road noise is pretty bad by itself and, you know, I have never been to a concert that -- let's turn the volume down. So, I'm still concerned that the noise from the music will be loud and even if there is a concrete block in front -- to block that noise, still -- you will still hear that noise. We lived over off of Eagle and -- and Victory and we still hear the noise from the speedway. So, sound does travel well. So, I am concerned. My two big concerns are the sound and the parking. Where he doesn't have the other agreements in place I'm a little concerned about that. I would prefer to see those agreements in place. First a cross-access easement on the other properties as well before considering approval. And that's all I have for now.

McCarvel: Commissioner Holland, you are off mute.

Holland: I am off mute. I am the same. I am a little bit conflicted on this one. So, in general I think we all like music. I don't think that's the question. I think the challenge is location and making sure that this specific spot meets the needs of the Comprehensive Plan. You know, I think to places where music venues work really well -- I have been to Nashville many times, it's one of my favorite cities. Part of the reason that the venues there work for their nightclub atmosphere where they have lots of dancing and lots of music is that it's mostly in their urban core where it's very walkable and they have got easy access to get kind of in and out of places. The challenge I think with this specific site is its proximity to Eagle and Ustick. I think if it was a proposal within The Village I would feel differently about it than I do where it's at on Eagle and Ustick. If it was somewhere downtown I would feel different about it. Maybe even different in Ten Mile Crossing, because there is more walkability and connected pathways. So, if I was in the applicant's shoes I would say -- I certainly see Brian's enthusiasm and I appreciate and -- and encourage him to continue exploring this project. You know, I think he's put a lot of effort and a lot of really good comprehensive thought into it. I -- I think he definitely did some research when he was putting together his presentation to us, but for me it really comes down to the challenges of the location itself and making sure that we make that in the right spot. If it was just a restaurant being proposed that had alcohol being served and it was a place that happened to play music, I don't think I would have the same concerns. I think it's the nightclub atmosphere, which, again, I'm not opposed to having in Meridian, I think nightclubs are a great option for people who want to go out and dance and I don't think that we are opposed to dancing, we are not opposed to music, it's about finding the right location and I have concerns with the right-in, right-out and the way that traffic would flow in and out of this complex, that there could be some impacts on the residential community nearby. So, I would encourage the applicant to look towards maybe talking with the folks at Brighton who put in a request tonight for 83 commercial lots in the Ten Mile area or maybe looking at The Village or maybe looking at potentially a downtown property if they wanted to find an option and that's my initial thoughts. But, again, I -- I could be swayed hearing other thoughts from the Commission, because I -- I am torn. I don't want to say no to -- to new music venues and business opportunity, I just want to make sure it's the right place for the Comprehensive Plan and in the best interest of the city.

McCarvel: Commissioner Grove.

Grove: Madam Chair. I think Commissioner Holland summed up a lot of how I feel about this as well. Definitely torn. Personally I would love to see this downtown, but that's just a -- a personal preference probably on some of that. But looking at the criteria and the staff report for what we are to base this decision on, just kind of going through the eight points starting on page 18 of the report, and, you know, as I tick down the list, you know, for the most part it's coming up yes in terms of meeting those criteria. There is a few that I think deserve a lot of discussion, but there is going to have to be some very clear basis of what we are looking at I guess in terms of how we are making our decision and that's a little bit different than something that's coming in and asking for a rezone and -- and platting and all those types of things and so the -- the challenge -- and that's why I kind of asked Joe at the beginning what is the criteria that we are judging this against. I think taking the fact of what's been presented versus the -- a motion of what's been presented, is going to be key to coming to a good resolution on this application. So, I'm torn and I don't necessarily have a set vote yes or no yet, but I just kind of wanted to throw that out there as we started discussing.

McCarvel: Commissioner Cassinelli.

Cassinelli: Okay. Concerns. I -- I don't know if I'm -- the internal noise I don't see as a -- as a huge issue. To me it would be -- it would be issues out in the parking lot. That's why I did ask the applicant about what they were going to do, you know, for that and the plan might be to have security out in the parking lot, but is that going to happen. I think the parking lot and out behind the building are where issues might happen at, you know, 1:00 in the morning and some of this stuff I'm speaking from personal experience way back in the day. Traffic. My concern there is is -- it's Cajun Way. I think if this were -- if this were -- were in an area that wasn't so constrained, it wouldn't be -- it wouldn't be a big deal, I -- but this is a very -- again, I mean every time we get one of these in-fill things they are difficult. Throw us an in-fill deal like this that -- that has the use that it is, with a nightclub, makes it even a hundred fold. But if there were a real easy way in and out -- I'm not worried about the traffic at 1:00 in the morning, people leaving. I don't think that -- you know, that's not going to be an issue. There won't be cars on Ustick or Eagle. That's not the issue. So, I'm not super concerned about that. It's the -- it's -- it's how they are getting in and out of this space and using Cajun is -- that's a tough one, because, then, it -- that funnels people into that neighborhood behind there. If you have had a couple to drink you may not know which way Eagle Road is when you go through a roundabout and get twisted around, into the neighborhood and wind up hitting a parked car. Those are -- those are not -- those are -- there are narrow roads, narrow streets through there, so they are not -- they are not the normal -- normal width there. So, that's a concern. My other concern -- I don't think there is enough parking personally. I think the -- I think the numbers that we are looking at are -- are -- are a little bit under I would say. I think -- you know, I mean you look at employees there is -- on a Friday, Saturday night, 20, 25 employees based on everything they will have going on there, that -- then they will all come in one car -- in their own car. I don't see people piling in four and five to a car to go to a nightclub. It's going to be -- it's going to be three, probably, on -- on average going in there and certainly, you know, on the way home maybe you will utilize ride share, but -- but I don't know if there is enough parking. My two biggest concerns

would be the traffic that this would funnel out through the neighborhood and parking and right now they don't -- without -- if there were an agreement with Villa Sport -- but Villa Sport is going to be open until midnight on these nights, too. So, I don't know how open Villa Sport would be to allow parking. So, those are my -- my concerns and I just think it's maybe in this situation trying to stick a square peg in a round hole. I would love to see it. So, let me get back to that. I would -- you know, it may not be my -- my cup of tea, but -- but I think it would be a great -- a great asset to Meridian. I just don't think it's the best location. Maybe if they came in first and other things were built around it, it's -- again, trying to get it into this in-fill project just doesn't fit with the traffic. To me with the traffic and the -- and the parking are the big stickers I have.

McCarvel: Commissioner Lorcher.

Lorcher: I do, Madam Chair. I mentioned this at another Planning and Zoning meeting. Where there is a piece of dirt in front of your subdivision, unless you own that piece of dirt we don't always get a say of what it's going to be. We know it's going to be commercial, but it could be anything -- it could be anything and just because we might not be the patrons of it, is it our judgment to say that it belongs there, it doesn't belong there. So, I think because there is not a good neighbor agreement between the other businesses at this point in time and where there is going to be overflow parking in order for all of these businesses to work together, if that could be resolved I would support a conditional use permit. I don't -- I'm not worried about the noise. He is going to build a building that's got to be airtight and there is not going to be children walking around at 1:00 o'clock in the morning or even midnight and traffic will be -- can be negotiated. But unless he is a good neighbor and has that agreement -- I used to own a tow truck company. We used to pull people off of other people's parking lots all the time. You are looking at a minimum of anywhere from 125 to 300 dollars. If you walk out of your club and your car's not parked where it's not supposed to be and that's a huge, you know, financial concern, because you are just creating enemies instead of having good neighbors from whomever you are going to be. So, that would be my concern at this point in time.

McCarvel: Yeah. I think I will chime in. I -- I love the idea of this. I think, again, the applicant has, obviously, done a well thought out plan. I think it's something that would be beneficial in the City of Meridian. I am concerned that this exact spot is the right spot for it and I guess I'm looking at the reason it is -- it requires a conditional use permit is -- was given to us by staff in their narrative -- it's the indoor recreation facility is principally permitted in the C-G zone, unless it incorporates a music venue and is located within a thousand feet of an existing residence. It, then, requires a conditional use permit and that's just for -- because, then, you have got to lay some common sense eyes on it and say is -- is this a fit and at just a little over 300 feet, instead of a thousand, I think that's a concern. And the bigger concern in my mind is the parking. The math just doesn't work on that and I would agree with Commissioner Lorcher, that, you know, if there was an agreement in place for the parking that there weren't going to be constant issues, I think we are -- we are setting up, you know, creating bad neighbors amongst the business owners if that can't be resolved before this goes in and I agree. Unfortunately, this is the last thing in. You know, the building has already been approved. This is a conditional

use for the building. You know, if it's not this it will -- you know, it will be something else. It will be more stuff, like the Jamba Juice. But I think we are setting ourselves up for bad business neighbors if they don't -- if we allow this to go through without the parking being resolved. Commissioner Yearsley.

Yearsley: Just looking at -- from what I'm hearing from everybody else, there are some items that we have concerns about. You know, the two things that I see with it is we give him a continuance for a month and have him, you know, try to identify parking and try to get those agreements in place and other conditions or I'm hearing a denial is kind of what I'm hearing and so I'm kind of curious to where people -- really, I'm -- I would actually lean to a continuance for a month to give -- you know, give him an opportunity to work through some of that if he can.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I would -- I would be in favor of doing a continuance versus a denial. I think that we can definitely set some very set pieces of what -- what we need to see different on this.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: One other thing that just -- that just kind of popped into my mind that came up in the very beginning of this with regards to parking. If -- you know, even if it's -- the capacity is limited to 500, if fire code caps at it 700, if some of those numbers have been through there, you know, I mean how do you stop it at five and that -- not that the capacity inside would be an issue if there is room, but that goes to the parking. So, even -- I think if we -- if we continue it based on parking being one of the issues, I think we really need to see -- we need to see some real rock solid agreements, because, obviously, if that's what we are going to do we have got to give the applicant some guidance here. Some just rock solid, you know, that he can come back and say I have got -- you know, I have got double the amount of spaces available to me in this -- in this area or whatever the number -- whatever the number might be. I just -- because I could easily see the capacity going above 500 if the Fire Department has 750 and, again, one of the questions I asked early on is how do we -- how do we control that and -- and whatnot. So, it's -- that's a difficult thing to do. I think the applicant will probably say with the -- with the technology they are using at the door with scanning, you know, you cut the number off, but who is to say if there is a line outside and people want to come in you don't let him in if you -- if you are still under the fire code, because who is going to -- who is going to walk through there and try and count people that are moving. I think we just got -- he has got to plan for more than ample parking. I don't think it's near enough. So, the thought there on that capacity number.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm still a little bit worried about the traffic flow in and out, especially with the residential streets that's there. The -- just the proximity of this to that residential and I wish that I could pick up this project and move it to The Village or move it downtown or move it to Ten Mile, because I think it wouldn't be a question for me at all if that was the case. So, I'm still worried that if we extend it another month we give maybe some false hope that we might be able to accomplish what we are hoping to, but I don't know that finding enough parking is really going to fix some of the challenges of the way traffic is going to flow in and out of this site. So, that's still a concern of mine. I -- I want to reiterate I like Brian's enthusiasm. I like his energy. I like the concept of having a music venue in writing. I think it would be a nice amenity to have. I'm just -- this is not the place I would pick to put it. I -- if it was a restaurant that had music that would be a different story. But when it's a nightclub and you have got later operating hours and we do have Villa Sport that's got similar operating hours, I don't know that you are going to be able to work out a parking agreement that makes us all feel comfortable. So, I would hate to give false hope, but if the Commission would like to -- to move to continue it, I'm more than happy to give the applicant a chance to try and come up with coming back to us and I would say -- there would be three things I would ask him to do is, one, work out a parking agreement, make sure that they can show that he can meet their demands. Two, maybe come up with some sort of circulation plan of how they advise their patrons to come in and out of the site and, three, that they would maybe work with the Meridian Police Department on kind of a safety plan and protocol. I think that that was certainly a concern we heard from a lot of people, that when -- when they think of nightclubs, just making sure that they feel comfortable. I know from personal experience -- we have a nightclub we have worked with in Kuna and when the police department has a good relationship with the bouncers that work for the facility and they work collaboratively on coming up with a safety plan, it works much better for the community, so --

Lorcher: Madam Chair?

Holland: I hope that helps us, but --

McCarvel: Commissioner Lorcher.

Lorcher: I would agree with a lot of the things that Chairman Holland said. I would like to see a -- a solid good neighbor propose -- you know, plan in place and would, you know, support a continuance so that he would have time to be able to consult with Villa Sport and the other businesses around there, so that they have good neighbor relationships. Because that would kill the business right then and there.

Grove: What -- what parking totals would we be looking at?

Lorcher: Commissioner Grove, I don't know if it's so much as the totals as people just figuring -- if it's a continuous parking lot, they can go wherever they want. For example, when I had the tow company we worked out of Garden City and people would go to the Revolution Nightclub, but park in the Dairy Queen. Well, the Dairy Queen didn't want them. So, as soon as they would park there we would tow them. Like I said, at 300 dollars a pop every time. So, I think the -- the lines aren't really specifically drawn if they are all connected, especially with streets on either side. But if there is a good neighbor agreement between all the different businesses, then, you don't have to worry about that and that's going to save a ton of people a ton of money if you hire a tow company or security to be able to do that every night. I mean -- and that just -- that just makes everybody mad. I mean I can't tell you -- we never towed anybody and they came away happy, so -- especially after a night of drinking and they are like where the heck is my car. So, if to have an event like this where it's going to be a music venue and people are just going to go where they need to go, having a good neighbor policy for parking is going to be imperative for him to be successful.

Grove: Madam Chair?

Holland: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I don't necessarily disagree with that. I think, though, in terms of telling the applicant, you know, not just saying you need to have an agreement in place, but give him some target numbers for him to say like, yes, we have an agreement, but we only got five spots, that doesn't really go to what the nature of the need is here. So, I think we need to probably put some parameters around that just --

Holland: Madam --

Grove: -- so that we have something to gauge against and the applicant has something to, you know, work towards.

McCarvel: Commissioner Holland.

Holland: Madam Chair. Right now I believe they have 125 stalls available; is that what we heard? Four to one?

McCarvel: Yes.

Holland: So, if that's the case and we feel like a three-to-one ratio would be better, that would be 166. I think if we could say that they could meet 166 available parking stalls maybe that would meet that ratio or we could say 150. But maybe that gets us a little closer.

Cassinelli: I think that's a good target.

Parson: Madam Chair?

McCarvel: Yes, Bill.

Parsons: This is Bill. So, if you look -- if you look at the conditions of approval that we have in place, we are asking the applicant to establish a shared parking agreement with Villa Sport. I'm looking at their approved site plan and they had over 500 stalls and that's why when you are talking -- that's the concern that we had as staff is, yes, although the code requires one per 250, the code allows you to put more restrictive requirements on a conditional use permit and so in our -- when we were analyzing this -- I have dealt with that residential portion of that subdivision throughout the -- my tenure with the city and we put in speed humps -- or speed cushions in that private street because of the cut-through traffic from Jimmy Johns. There has -- there has been a lot of -- a lot of history that's gone on with that residential development just with the commercial along Eagle there and so that's why when Joe and I analyzed this project it was -- to me what makes it work is that this area is just underdeveloped right now. If Villa Sport was in and that drive-through that you acted on this evening was in, all of a sudden we are talking five or six hundred parking stalls and we have different -- multiple ways of getting in and out of here and that's really what Joe and I tried to lay out for you in the staff report. The only way this business is going to work is if there is cross-parking, because, you're right, you are going to create that situation where you are going to have business owners fighting against one another or having private property and no parking signs going up in the parking lot and we are just going to create a code enforcement nightmare for ourselves and all due respect, I love the -- the passion that the applicant has had, too. It's just sometimes -- you know, we are tasked with providing safeguards on the conditional use permit. So, don't think -- you know, even continuance out, I think that's a great idea to do that and try to get some -- see if we can solidify some of those shared parking agreements. I think that's really -- really critical. Him addressing the police and getting that safety plan, I like that suggestion. And also have him share with us how we plans to incentivize that Uber and Lyft drivers to come use patrons -- or people want to get discounted if they carpool and we just don't have a lot of these details. So, continuation is one avenue. The other thing is if you just don't think you can get there, you can again -- it's your -- it's your purview to deny it, but giving him directions on how to gain an approval. But he has the ability to appeal it to City Council. That's an option in the code. If -- if he doesn't agree with your -- your conditions or your decision, the applicant has the right to appeal that or go through City Council review, just like Villa Sport did. So, there is some options for you. But certainly from -- from my perspective this Villas Sport project needs to happen in order for this -- this area to work. A hundred and twenty-five parking stalls is just going to be pretty light. So, let's give him some time. At least I was happy to see the landowner for Villa Sport was on the line tonight saying that he's willing to work with Brian. I think that was a small sliver of hope to help him get some additional parking to help what he's trying to achieve here. But to me that's really -- we have got to have all these property owners working together and as you know that can be difficult sometimes.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Bill, if -- what would -- what would the applicant need in terms of an agreement with these other property owners that would -- that would really make sense. I mean it just -- I mean I'm not talking -- yeah, you know, you can use our parking spot on a -- on a cocktail napkin. That's, obviously, not good enough. How much detail are we -- are we talking about here? Is it -- would he get a number of spots from a -- from one of the neighboring locations? What would -- you know, from your experience what -- what exactly would he need.

Parsons: Well, anytime we get a -- get a written agreement for a project I always send them up to Ted in Legal, because I want him to make sure we are on solid ground, because I want them -- a lot of times these agreements have language in there that they can terminate at anytime and we want to make sure whatever we are agreeing to or whatever they are agreeing to, that it kind of stays in place for that business owner. But typically we can't always control a private contract between property owners. So, that's why we have tried to structure this approval to say, you know, coordinate or work with that property owner, establish a shared parking agreement. I don't have a site plan to share with you. I have the Villa Sport site plans pulled up, but to the south of this building in this multi-tenant building that we are talking about this evening, there is probably a hundred stalls to the south of them that I would think realistically the applicant should -- could or possibly negotiate use of that parking and, then, also that multi-tenant building with the drive-through this evening had an additional 32 stalls. So, we are looking at potentially doubling the parking just near the vicinity of this -- this building would I think help -- help this applicant tremendously to just provide some additional parking. I don't think he needs to go -- that drive aisle that comes off Ustick and ties into Cajun, anything kind of west of that, you know, Villa Sport, I think it probably preserves their interests there. It's just everything kind of south of this existing site that -- I think the negotiations need to happen and try to figure out how -- how they can come up with a game plan to get a shared parking agreement in place and a month may allow the applicant time to do that. I don't have a magical number for you. That's -- that's why we said work out an agreement and let's see if that's a good compromise. But I think at least getting more than what's out there is probably a good compromise.

Baird: Madam Chair?

Cassinelli: Madam Chair? A concern that that just brought up is -- you know, you -- Bill, are you saying it's a private agreement between two individuals. If --

McCarvel: Commissioner Cassinelli, our legal is ready to advise here for a second. I think he might answer your question.

Cassinelli: Okay.

McCarvel: Thanks.

Baird: Thank you, Madam Chair. That's what I was hoping to do. We look at cross-parking agreements the same way we look at cross-access agreements and in a cross-access it's like you can use my property, I can use your property, we can -- you know, free access in and out. Most cross-parking agreements just say this is my lot, this is your lot, people -- your people can park in mine, my people can park on yours. So, if you are going to do that you are going to need -- the Commission needs to identify which lots. Is it just to the south or does it include Villa Sport. Do you want everything -- I mean this is what a shopping center does is that every single business shares all that parking and I think that might be what you are looking for. As to the form of the agreement, they are recorded documents against the land. We would look to make sure that it runs with the land. So, if the owners change the property -- or the cross-parking stays in place. So, yeah, those are the type of things that we would -- we would review for and we are happy to provide. I can't draft it for him, because I can't be his legal counsel, but I can show him what we have approved in the past.

McCarvel: Okay.

Parsons: Yeah. Can the Commission see my screen?

McCarvel: Yes.

Parsons: So, this is -- so, here is where The Oasis or the building that Oasis is looking to locate on. So, here is what I'm talking about and there is -- here is all that parking to the south and, then, here is the drive aisle that comes off of Ustick. So, I think -- I don't -- I don't imagine Villa Sport is going to have too many people late night working out that will be using this parking and probably be more in this area here and they also have this out lot over here. But, again, if Villa Sport is willing to allow cross-access and -- or shared parking across all of this area, then, that works as well, too. But we don't know until at least Brian has that conversation -- the applicant has that conversation with the gentleman that spoke this evening and what they can get worked out.

Cassinelli: I would be willing to -- to give them that opportunity. My concern would be on a -- on a -- on a parking agreement would be if -- you know, if the -- if it was Villa Sport, just -- I don't know the name of the other development there, but if it was Villa Sport and every -- you know, every Friday morning, Saturday morning, Sunday morning that Villa Sport comes out, the parking lot is -- is a mess, it's got trash all over it, they may terminate -- decide to terminate that agreement and then -- and, then, we are in a bad spot. Now we have really got a -- then we really have parking issues. And, again, I would be willing to give the applicant a try on it, but I look at this -- I mean if you -- if -- you know, I know it's tough to find a spot in Meridian right now, but if -- you know, if he found a spot with better access, better parking, he can even up his capacity, then, to 700, a thousand, in a different location and -- not that I'm saying I'm not going to try and talk him out of this location necessarily, but, you know, I see almost more positives somewhere else. But I would be willing to certainly continue it to see if -- if they can get some -- get some agreements. I would want to see the agreements. I think we -- not just a verbal, yeah,

we got an agreement, I think it would be something that we would need to review and see how rock solid it is.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I think that there is enough voices that I have heard of people wanting to give them a chance to come back to us that I'm going to make a motion that we reopen the public hearing for H-2021-0004 for The Oasis for the purpose of setting a date to continue this application to make some requests.

Cassinelli: Second.

McCarvel: It has been moved and seconded to open -- reopen the public hearing for H-2021-0004. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: While we have got the hearing open, do we want to just set a date or do we want to ask the applicant what date he thinks he needs?

Holland: Madam Chair, I was thinking May 6th might give them enough time, because if we do the date before that it might be too tight to work out a parking agreement like that. But I wanted to see what staff thought and see if the applicant might be open to doing May 6th.

McCarvel: I'm getting a nod from the applicant.

Dodson: Madam Chair, staff would agree with that as well.

McCarvel: Okay. May 6th.

Holland: Madam Chair?

McCarvel: What -- if you are going to speak you need to come up to the microphone. And just to the date.

Tsai: Oh. Okay. That should be adequate. Sorry.

McCarvel: That's okay.

Tsai: I was going to point out something that was -- a lot of the parking was covered in the narrative with the analysis that we did, regarding ride share ratios and the comparison of another --

McCarvel: And I think the Commission has decided that --

Tsai: Okay.

McCarvel: -- it's not adequate.

Tsai: Okay. I'm sorry. I didn't know if that was -- that was --

McCarvel: Yeah. Okay. Yeah. No, we have decided it's not adequate -- adequate and we want to -- I think we are at either denial or continuing to see if you can resolve the parking issue.

Tsai: I certainly appreciate the chance to be able to try and work that out.

McCarvel: Okay.

Tsai: Thank you.

McCarvel: Thank you.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: You want me to make a stab at it?

McCarvel: Sure.

Grove: Madam Chair, real quick.

McCarvel: Sure. Go ahead.

Grove: Commissioner Holland, could you maybe in the parking piece of it make sure that -- I know it's been talked about, but just since we are going to have it brought back, make sure that the ride share parking or ride share access piece is very clearly addressed. Thanks.

Holland: I will try my best. I'm going to go slowly so you can all correct me if I miss something. After considering all staff, applicant, and public testimony, I move to continue application for The Oasis, H-2021-0004, for the hearing date of March 18th, 2021, to the hearing date of May 6th, 2021, for the purpose of allowing the applicant to help resolve a few issues for the Commission, which include, one, working with the Meridian Police Department on creating a safety plan and protocol and helping to follow any advanced guidelines that they might like to see for this establishment. Two. That the applicant would work on a circulation plan and a ride share promotion plan to help enhance safety of the development, making sure that there is dedicated space for ride share parking and

that they would come back with some enhanced notes for us on what that could look like. That they would put together a -- work towards establishing a shared parking agreement with their neighboring business owners and that we would be seeking to see a minimum of at least 170 stalls -- I'm going to throw a number out there -- that could help service this establishment and that -- that they would provide a copy of that agreement to the Commission for our review. And that they would come back with a visual of how that parking agreement looks and what their suggested circulation plan looks like for the facility for customers coming and leaving.

Grove: Second.

McCarvel: It has been moved and seconded to --

Holland: Oh, can I make a modification?

McCarvel: Sure.

Holland: I forgot one note. I would also move that we are not reopening the conditional use permit for public testimony, but that we are specifically opening it for the items discussed in that motion made.

Grove: Second stands.

Cassinelli: Can we do that?

Baird: Madam Chair?

Cassinelli: The second part of that?

Baird: I was going to chime in. I understand the intent of what was just stated by Commissioner Holland. When you reopen the hearing for specific issues and new information is provided to you and there will be new information on the safety protocol, the circulation plan, the ride share parking, and the shared parking agreement, those four issues the public would be allowed to comment only on those. No -- no repetition of what you have heard tonight. You have narrowed it down to these things and the applicant gets a chance to present what he's found and the Commission and the public get a chance to comment and he will get to rebut just like tonight. Those issues only.

Holland: I apologize and thank you for that clarification. I meant to say that we would limit it to discussion around those specific items -- that we would limit public testimony to those specific items. So, I would modify my motion to say that, again, we would limit public testimony to be related to the four items that we asked them to come back to us with.

McCarvel: Okay.

Grove: Second still stands.

McCarvel: It has been moved and seconded to continue The Oasis, H-2021-0004, to the hearing date of May 6th for the items stated in the motion. All those in favor say aye. Opposed? Motion carries. We will see you on May 6th.

MOTION CARRIED: SIX AYES. ONE ABSENT.

8. Public Hearing for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

- A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.
- B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

Holland: Madam Chair?

McCarvel: Oh, Commissioner Holland, I know exactly what you are going to say. How does the rest of the -- I will say it for you. How does the rest of the Commission feel about opening the next item or are we out of gas? And I guess I -- before we have that discussion, I will open it up to Madam Clerk to tell us what's on the next agenda before we make that decision.

Weatherly: Thank you, Madam Chair. Our next meeting is April 1st. On that meeting there are currently three hearings scheduled. One is a conditional use permit for an drive-through. The other is Meridian South Fire Station and Police Substation Annexation. And the other one is a conditional use permit for multi-family development, as well as a preliminary plat. The second -- oh, my apologies. Mr. Johnson just pointed out we actually have an additional hearing that night on 3175 North Ten Mile, which is a rezone. On April 15th there are currently three hearings. One is for annexation and a preliminary plat. Another one is a modification to the conditional use permit for Pine 43 Apartments. And the third is Roberts Annexation for annexation of two acres.

McCarvel: Given that what would the Commission prefer to do this evening?

Yearsley: I say April 1st.

McCarvel: Okay.

Holland: Agreed.

5. Public Hearing Continued from March 18, 2021 for The Oasis (H-2021-0004) by Brian Tsai of Balboa Ventures, Located at 3185 E. Ustick Rd.

- A. Request: Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district.

McCarvel: So, at this time we will continue the public hearing for CUP Item H-2021-0004, The Oasis, and as this is a continuance we have two Commissioners that were not here on the original presentation, I just wanted to verify that Commissioner Wheeler and Commissioner Seal, do you feel you are up to speed and ready to step in on the continuance or -- without going back and redoing the original presentation?

Seal: I feel that I'm up to speed. It's -- there was a lot of information and I read through all of it.

McCarvel: Okay. Great.

Wheeler: Yes.

McCarvel: Okay. Thank you. So, do we have any additional staff report on this or --

Dodson: Madam Chair?

McCarvel: Yes.

Dodson: Thank you. I don't have necessarily any additional comments. I did want to just note that these are the reasons for the continuance, so that everybody understands and is clear what was -- the guidance of -- at the time of Commissioner Holland's motion. I'm willing to answer any questions or I guess just generally speaking -- I will let the applicant speak more directly to all of these, but I will give a brief overview of what I know about what has transpired of these three items. First it is staff's understanding that the applicant reached out to the police department and that they generally do not participate in projects on this level or on the requested level until after they are approved. However, the applicant did create a safety plan and a protocol, which the Meridian Police Department has received from my understanding. That is part of the public record, so I hope that everybody was able to review that. Secondly, the applicant did provide a rideshare promotion plan. The circular -- circulation plan that I have seen is the same one that was in the application submittals and showed the circulation plan for the interior of the Wadsworth site. So, again, this is one of the lots within the Wadsworth site. Lastly on the last point regarding the shared parking agreement, no agreement was obtained and, therefore, that has not been submitted to us for review. Therefore, at this point I don't know what new information, other than the safety plan has been presented. So, I am -- I understand that the public has been adamant about this use, but as noted previously that the public testimony should only be regarding new information and after that I will stand for any questions or let the applicant speak his peace.

McCarvel: The applicant is before us and state your name and address for the record and the floor is yours.

Tsai: My name is Brian Tsai at 3085 Ustick Road in Meridian, Idaho. 83646. I did submit about five images for the presentation -- I don't know if somebody has a copy of those.

Dodson: I can pull those up. Give me just a second. Are you all still seeing my screen? Oh, that's right. I got to stop it and, then, reshare it and -- fun technology. Is that better?

Tsai: Yes.

Dodson: Okay. Brian, you should be able to just click the arrows to go through the pages.

Weatherly: No, that probably won't work, since the presentation is being shared on your screen at -- on your end.

Dodson: Oh, you're right. Well, Brian, let me know whenever you want to change it and I will move on.

Tsai: Okay.

McCarvel: Yeah, go ahead.

Tsai: Okay. I would just like to start out by acknowledging the passing of Commissioner Holland. It wasn't until earlier this week that I had heard the news and the names of those involved with the collision were released. Being the first hearing and the first item on the docket back since that tragic event this is, of course, the first one without her and I would like to express my condolences to her family members that are closest to her that have felt the loss. I can only imagine how the members of this Commission feel as well as you have gotten to know her over the few years and, hopefully, not just as a colleague, but as a friend as well. Having said that, there is certainly no easy way to segue into the matter at hand. When I last brought this project before the Commission I was presented with three action items that the Commission Members felt would make the proposal more cohesive towards an approval as the creation of the rideshare promotion program, addressing the parking issues, and the creation of an additional parking capacity and the creation of a safety plan in conjunction with the Meridian Police Department. In this first slide here that you are viewing is a diagram from the latest site plan showing the right-in, right-out configuration of the parking lot and additional areas of bi-directional parking flow. In the event that there is a sudden increase of parking, either ingress or egress, we have implemented procedures to address this within our safety plan, which I will get to later. Otherwise, I would hope that most people who know how to navigate a regular parking lot, as many people do it without an issue almost every single day. In the second slide, if you can go to that one. We have a rideshare flow plan that is also addressed in our safety plan. I have worked with the developers of this site to create this designated ride sharing area where vehicles can easily get in and out of this parking area without affecting the traffic flow for the rest of the site. In addition to that, we have the plan to promote the

increased use of the ride sharing services, because the spots are only as good as people who actually use them and this page, which I submitted to the record as well, outlines in detailed capacity thresholds at which the certain plan policies will be implemented as part of the safety plan. It also provides discounts on products or tickets, prices used in conjunction with the ride sharing service and providing security staff as needed to direct the rideshare vehicles into the designated rideshare area parking areas, as well as addressing the concerns of potential congestion within the lot itself, as well as during the ingress and egress process. And that's shown within the slide here. It will be designated I believe on that west side of that building where the pickoff -- or the pickup and drop off area is designated. As far as self enforcing our capacity, as mentioned previously, I'm sure that some people nearby will be monitoring our ingress as well to check for an overcapacity situation, but that is not their job, nor should it be required. That's something that's the responsibility of the business to enforce diligently and as a responsibility to the safety of the patrons. Our entrance scanner is a state of the art system that has never been implemented in any venue in the northwest to my knowledge. I think part of the concern is that after seeing the locations in Boise over the past couple of decades, people have been stuck with the idea that a club or venue of any kind looks to be poorly rated or dirty as some that might be found in other places in town. What they don't see are the upscale locations, like those found in other major cities around the country. Some that can charge thousands of dollars for a single table and still have a wait list. Of course we are not planning to the charge rates like that, but it serves as an example of a distinction to which Idaho has never seen. If we can go to slide four, please. Just skip one and go to the next one. We are not able to produce a documented count from Uber or Lyft, because they have never disclosed their use counts or destinations for the use history of either company. However, many studies have been conducted within documented use from occupants and drivers showing on average an analysis of multiple studies, approximately 40 percent who attend -- of people who attend the maximum capacity event will use some type of ride sharing services. Because these same numbers have been documented nationwide, we have no reason to expect our numbers to be any different. That means our previously proposed four-to-one parking ratio would, in reality, become closer to two-to-one with so many patrons using ride sharing or carpooling. Keep in mind that there are many venues around the valley with much higher persons capacities that seemed to operate just fine with absolute zero parking spaces dedicated to their use. And during the last hearing a managing partner of the landowners for Villa Sport called in and offered to work with us on a cross-parking agreement. However, that Friday immediately following the hearing it turns out that was not the case. It was, however, not in their discretion. It was actually within the Villa Sport tenants determination that cross-parking would not be allowed. Despite our best efforts in collaboration with the Land Baron group, the owners of the Villa Sport property itself, we were unable to get the Villa Sport tenants to even consider a cross-parking agreement. In response I entered into discussions with our developers at the Wadsworth Group to add temporary parking at the unimproved sites to the north of our facility. In talking with the city's planning staff I understand we would have to apply for a temporary use permit in order to use unimproved parking, that that would not be counted towards a potential count for permanent parks. A representative of the Wadsworth Group agreed to this use until such time as future pads would be under contract for future developments. In order to meet the requested three-

to-one parking ratio it would require an additional 41 parking spaces. Once the development is finished they expect to add approximately 70 additional spaces to the site. As a matter of course and compliance I voluntarily proposed an additional reduction of capacity to 400, only fractionally above the required number to meet the three-to-one parking requested threshold, using only the currently proposed paved and fully improved parking spaces. Whereas in reality the conjunction of ride sharing and temporary parking we would have a parking capacity far in excess of the requested ratio. I can imagine that this would be the Commission's preferred method as well, as a reduction in capacity would also serve to reduce the potential for any overcrowding and excess traffic. If we can jump back one slide to number three, please. Because the City of Meridian does not have a statute or code requiring specific requirements for parking of this use -- I often learned in my law enforcement career that anything that wasn't illegal was, therefore, legal. Using the most strict parking regulation as required by the City of Meridian only 38 parking spaces are required. In my last presentation I promised 125 parks to meet the four-to-one ratio requested by the planning staff in the original application. Because the city doesn't have an ordinance with parking requirements for venues or event centers specifically, I looked around at ten other cities around the country, many of which are nearby or have similar populations and have found those who have codes that have parking requirement for venues specifically. You can see in this chart that even at the four-to-one ratio that I have used in these calculations we have anywhere from 31 to 521 percent in excess of what is required across the country. That's more than five times the number of required spaces, depending on the comparison. Ever since the very beginning of this process parking has been the foremost concern. I spent a few weeks trying to find a similar location in the valley that I could use as a real world comparison. I found one that was easily recognizable and because I do some volunteer work nearby I'm often in the area -- if we can go to slide five, please. It's the Boise School District's administration building. It's very similar to our layout, as it's bordered by a major road, has primarily right-in, right-out only parking with no left turn egress and roughly the same amount of parking spaces. For the purposes of our proposal we are talking about a relatively small scale space and many of our patrons won't be leaving all at once after a show. So, I sat at this building a few times with a stopwatch and since most of the workers are salary workers they leave at 5:00 p.m. on the dot every weekday and enter into peak rush hour traffic. The lot is completely empty within on average five minutes, with no -- absolutely no additional congestion on Victory Road, which in comparison is only two lanes at that location. So, if the concern is traffic congestion, tens of thousands of vehicles travel through the Eagle-Ustick intersection every single day. Adding one hundred vehicles all at once would not add a discernible difference, especially at off peak hours, as it could be completely cleared for the facility and the parking lot in one normal traffic signal cycle. And I submitted our safety plan for review with the command staff of the Meridian Police Department. Having myself worked in many major stadiums and NFL games, I can say with absolute certainty that our safety plan is one of the best. I challenge anyone to find anything remotely similar in detail or scope anywhere else in Idaho. It was reviewed by multiple members of the Meridian Police, including a lieutenant that specifically deals in safety operations. They stated -- and I quote -- it was really well thought out and detailed. The only recommendation that they could find to make was an addition to add reflective vest to our outside personnel for identification and I agreed, having experience done such

thing and immediately ordered reflective vests and added them to our inventory. The safety plan promotes and enforces policies and procedures to maintain a safe atmosphere that is free from illegal activity to the best of our ability. Now, the recent incident that occurred at Wahooz is unfortunate, but it demonstrates that violence occurs anywhere and as the Meridian police acknowledged in a public statement, these are incidents that come with growth to become a large city. It's not related to any one location or business. The safety plan was created in conjunction with many other venue owners in other states across the country, to include addressing exactly when and how procedures will be implemented, responding to illnesses and injuries, security screening, disorderly conduct, fake IDs, potential drug use and fights. The plan includes portions for physical security, implemental -- implementation of adequate architectural lighting for video illumination, patrols of the sidewalk and outside areas, posting and distribution of security personnel, procedures for identification, employee safety coordination, screening of promoters for any past histories, fire safety, criminal incidents and even an extensive active shooter and terrorism protocol. It also includes a 12 -- a two page 12 action item document that facilitates our good neighbor policy, which will be distributed to our neighbors and posted prominently at the door to include urging patrons that are leaving to respect the quiet and cleanliness of the neighborhood. It includes items such as providing adequate lighting at all times, maintaining proper ventilation so doors can remain closed to mitigate any exterior sound, creating patrols to clean any possible litter that's found in the parking and surrounding areas and providing a cell phone number to our immediate neighbors to be answered all operating hours to address concerns of parking or noise. The good neighbor policy would additionally be furnished to Villa Sport despite their unwillingness to even start a discussion regarding cross-parking. As you can see I'm not here to do something half assed. If it's meant to be done, it's meant to be done right and with the safety of our patrons and surrounding community held as a paramount standard. Commissioner Seal, I'm glad you were able to join us. You weren't here on the previous one. I had noted in a previous speech that you believed in the 80-20 rule, as they call it the Pareto Principle and you are often involved in completing the remaining 20 percent. As you see here we are about 80 percent of the way there and, Commissioner Seal, you are a music supporter and fan yourself. You have attended events at the Egyptian and the Olympic venue and apparently grown quite an impressive beard over the -- over the previous hearings I have watched. So, you can see in the staff reports -- noted that our proposed facility is of a relatively small scale. I just wish I could pick up and go to an alternate location, but in case you haven't tried to lease any commercial space lately, there is already a waiting list just to get space into The Village and we were told by several dozen people before we picked this space this corner was perfectly suited for entertainment, right on the main drag of Eagle Road and situated just north of an existing entertainment hub. What I soon discovered is that the majority -- in fact, almost every single major developer, except for the Wadsworth Group, wouldn't even look at my proposal. They told me in the current state of development for Meridian they would lease exclusively to corporations with a national presence or to chain stores and would not even consider leasing to anyone else. So, you can see it's been a battle just for me to get to this step. But now that I have signed the lease with Wadsworth, I'm bound to this property, including half my liquidity, without even having started our improvements. So, how do we show that this is something that's a long time coming. In the last

presentation I had mentioned e-mail chains from the Meridian City Council Members, then and present, and their advisory boards that have been asking local promoters for over a decade how a venue could be brought to Meridian. Now to date we have over a thousand followers across our social media pages, despite posting no additional advertisements or photos. And we are not trying to squeeze a stadium where it doesn't belong. I wouldn't say it's trying to fit any type of square peg into a round hole, because the zoning has not changed. The zoning has been the same as far as I can tell over a decade, congruent with the City of Meridian's Comprehensive Plan and the reason that the C-G zoning district is being used as intended is the largest scale of any commercial use. As I mentioned in my previous presentation, all I'm asking for is a chance to start a new business that has been much needed in Meridian for over a decade, at a time when hundreds of thousands of bars and restaurants have already been closed for good due to COVID. I have never failed at anything I have aimed to accomplish in my life, but with so much writing on my project, including my home and personal assets, it's an uneasy feeling to have my entire livelihood in somebody else's hands. I have checked all the boxes extensively and diligently, fulfilled all the requests by the city staff, public sector professionals, law enforcement and of this commission and I can only respectfully ask for your approval tonight.

McCarvel: Thank you. Let's see. Do we have any other questions for staff or the applicant?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: You had mentioned the Olympic and that was one of the things that was kind of on my mind. How -- how does this facility compare to something like the Olympic?

Tsai: I have only kind of breezed through there, so I couldn't tell you specific details, but anyone that's familiar with going to a downtown venue is familiar that there is zero parking anywhere. So, anywhere -- if you want to say just go on a night out or -- or some something that's related to downtown, you know, typically the deal is you allotted 30 minutes or an hour in advance just to park, you know, seven, eight blocks away, it's over on Third Street or somewhere that's closed and, then, you have to walk the remaining seven, eight blocks to get there. Size wise the Olympic is more designed for specifically I guess intimacy, so to speak. The crowds are closer to the stage. They have a lower wattage of a sound system. Similar to us. It's designed for clarity, as opposed to overall sound pressure. So, it's not designed to be as loud as it can possibly be, but -- so, that if you are in the Olympic and enjoying the show, you can see that, but not be -- trying to shout over everybody else. I hope that answers your question, because I'm not overly familiar with the way the Olympic operates.

Seal: Well, just in terms of -- I mean overall parking and size and scale. That's more what I'm after. Because to me it seems like this, in my mind anyway, has a lot of similarities to the size and scale of what you are trying to deploy and to me I'm kind of

interested, because we have that venue here, albeit, you know, not as close as I would like it to be for sure, but to me it has a lot of similarities. So, we could, you know, learn something from that.

Tsai: I would certainly look into the reason. I can't give you a very concise answer is just because I'm not really familiar with their size and their operational scope. What I can say is that based on the capacity, you know, Boise valley as a whole gets bypassed very often because of the lack of venues of that type, either because of booking conflicts or any type of capacity issues. They might say, oh, well, we wanted to play on this weekend, but you have one venue of that size and they are fully booked, so they could just -- you know, they will drive from Salt Lake City through Boise all the way to the Portland. That's how the -- the usual scheme goes. So, comparison wise it would fill that niche of the tiered capacity that's typically constrained amongst those venues, especially if there is a need for in the city and that -- and by that I mean, you know, if there is a venue that fills a 50 capacity and, then, one that fills the next tier up at a hundred capacity and the next one skips to 500 and, then, a thousand. Well, if you -- if you are the type of musician that can fill those types venues, the next step up is to, you know, go to revolution and the next step up you are going to fill from there is to go from 2,000 up to 20,000. There is not really anything that, you know, fills those needs in between.

Seal: Thank you.

Tsai: Hopefully that answers your question.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Brian, I just wanted to -- you went through a lot -- first of all, I don't know that I have ever seen any applicant do the background and the homework that you have done on this. I think I mentioned that -- or at least several others mentioned that the first time around. But I didn't -- I wanted to make sure I heard you correctly on a couple of things. Number one is that you have agreed to drop to a 400 capacity? Is that -- did I hear that right? Okay. And you were at 600?

Tsai: I believe the fire code had it at six or seven hundred and we dropped it to 500 to meet the parking requirement threshold of four to one. Now with the extra spaces we will have in position that are permanent I'm willing to drop it to 400 and meet closer to that three to one that the Commission requested.

Cassinelli: Okay. And then -- and -- and to confirm, it sounds like it was that, but -- but you said the -- the cross-parking agreement that we had asked for you to seek last time, that did not happen; is that correct?

Tsai: Correct.

Cassinelli: Okay. Thank you.

McCarvel: Any other questions for the applicant or staff? Okay.

Wheeler: Madam Chair?

McCarvel: Yes, Commissioner Wheeler.

Wheeler: Just one quick clarification on that. With the cross-access agreement for parking, were you actually told no or did you just not going to reply back yet?

Tsai: We were actually told no. But that was -- that's been in place for probably over two years now. Since Villa Sport just originally started their proposals they had just -- before, you know, this was even just a plan, they had told other developers flat out that they would not entertain any cross-parking.

Wheeler: Okay. Thank you.

Tsai: Back in 2018, so --

Wheeler: Thank you.

Dodson: Madam Chair?

McCarvel: Yes. Joe.

Dodson: This is Joe. Sorry. Just to -- for Commissioner Wheeler, just a quick background on that. Yeah. The -- there is an existing cross-access agreement between all of these sites for the Villa Sport. The Sadie Creek, which is directly south on this site, and, then, onto the Wadsworth site. But specifically in that I think it was recorded in June of 2020, so almost a year ago, it specifically states that there is no cross-parking. I believe it was one of the Villa Sport owners or developers that was on the call last time and they had noted interest in working with the applicant, but, then, following the hearing it turned out that they -- they couldn't come to an agreement. I don't know what happened on the back end, but I -- it was pretty quick. I would agree with the applicant it was pretty quick that they rescinded that offer to get the cross-parking involved -- or a part of that. So, just wanted to make that clear, that there is an existing agreement, it just prohibits parking -- cross-parking.

Tsai: Thank you.

Dodson: You're welcome.

McCarvel: Okay.

Grove: Madam Chair?

McCarvel: Oh, Commissioner Grove.

Grove: Just so that we are all on the same page again, because this one is a little thorny, Joe, could you give us just kind of -- the parameters that we are hearing tonight before we go into public testimony in terms of what it is that we are ruling on and -- and also kind of how we are basing our -- what we are basing our decisions on in terms of what is applicable and not?

Dodson: Commissioner Grove, that's a great question. So, there is kind of two parts to that, at least for why the product should be approved or denied. Some of them being these reasons I was previously continued, but, then, more specifically these are the required findings in code. These eight findings for conditional use permits. So, you don't have to have all eight, you don't have to not have all eight. So, those are the things that need to be addressed. So, any -- any of these are reasons to be recommended -- or, sorry, this is a CUP, so any of these reasons to be denied or approved, depending on the application. The parameters of this -- the proposal tonight -- again, it is a CUP for a drinking establishment and a music venue slash nightclub. Multiple uses are kind of wrapped into that drinking establishment for the CUP. So, their -- originally in the narrative he had mentioned a thousand capacity. I don't -- I don't want to quote him as saying that that is what he was proposing, I just think he was saying that based on the size it could work. But regardless of that, I had recommended in my staff report to limit that to no more than 500 because of the parking and, then, following that the applicant has now stated that he's willing to reduce that even further to 400. So, I hope that answers your -- your question, Commissioner Grove.

Grove: Yes. Thank you.

Dodson: Absolutely.

McCarvel: Any other questions for staff or the applicant? Okay. There being none, we will take public testimony and remind everybody that that needs to be limited just to the discussions that were presented in this evening's presentations, so with that are there -- is there anybody who would like to speak on this application?

Weatherly: Madam Chair, we have several people signed in. First in house is Jerry Soulsby.

McCarvel: Okay.

Soulsby: My name is Jerry Soulsby. Address here 104 East Fairview in Meridian. I was here the last hearing and two points, mostly following tonight's information. So, regarding the -- the traffic flow, by my experience with the people that attend these facilities -- and I'm part of a community -- a group of people that do a lot of country swing dancing and so for the most part a hundred percent of those that I know mostly cooperative people, zero aggression in those groups meeting. The majority of the people and the families that I'm involved with they are people with children ages, you know, three to 15 years old. They

are people that are working, they get off work, they go home, they fix dinner, they arrange for childcare and they all go to classes, you know, Wednesday or Thursday nights, Friday or Saturday nights they go down and they -- they practice what they have learned. They are a great community of people. The majority of them are going to be attending a facility like this probably starting around 8:00 o'clock at night, some of them might get there as early as 7:00. The majority of the traffic that will be entering this lot will be after hours, after a majority of the traffic off of Eagle Road in the first place and, then, those that are departing will be leaving after -- nearly all of the traffic is gone on Eagle Road. So, it's not going to be during peak hours or peak traffic times as far as the flow and as Madam Chairman mentioned last time, no matter what you do at this corner it's going to be a business that draws some traffic. A lot of those businesses are going to be during the high traffic count time period. So, this would be the ideal business to have there where the traffic is concentrated after hours. Just wanted to make that point. So, I guess, you know, I'm just going to leave it at that. Thank you very much.

McCarvel: Thank you.

Weatherly: Madam Chair, next online we have Jeffrey Vrba. Jeff, one moment, please.

Vrba: Hello, Madam Chair. Are you able to hear me?

McCarvel: We can hear you. Please state your name and address for the record.

Vrba: Madam Chair and Honorable Councilmen, this is Jeff Vrba. Address is 3005 North Leblanc Way in Meridian, Idaho. 83646. A couple things that I'm really concerned with is on the November 19th Planning and Zoning meeting that you guys had there was proposed five buildings to go in that lot. Right now they have the one going in, which is the medical center that's going in there and possibly this building here going in. At that time they said there is 125 parking spaces in there -- in that corner lot there. If he's going to be taking up a hundred of those for his business that's leaving 25 spaces for the remainder of the four buildings that may be going in there. Granted I know that the buildings probably aren't going to be opened up much past 11:00 o'clock at night, but I don't know what type of buildings are going in there. So, if you are giving each one of those buildings only two to three spots, what are we going to do? The other thing I'm concerned with is last meeting he mentioned that he has up to 30 staff that will be there -- or possibly being there. So, it's up to 30 cars out of his 170 that we were going to ask him to have a spot for. If he's got bands coming in -- if they are a local band he may have anyplace from two to five cars there, depending on the size of the band and spouses or people that are helping with the stage and that -- if he's got people coming in from -- driving down, like he said to Portland, we have buses that are coming in or campers. Where are these planning on being parked at? The other thing was last meeting, too, he mentioned that on the side where he said the ride share is set up, that now that was going to be the smoking area for the smokers to be able to go out and have their cigarette just before they go back in. So, now all of a sudden that area gets changed again to the ride share area. Also another concern -- we are looking at just strictly at the nightclub at night. He did mention that he's going to be using this facility during the daytime hours, too. We

are -- we are talking 400 people at night. There is no limit on daytime. He could bring up to 700 people in for a cheer competition that might be going on there. In that case there -- the odds are most people aren't going to be using rideshares during the day coming into that. So, there is possible you have to 350 people that are wanting to go in there. They are going to be in -- parking in our neighborhood. My house -- I have three parking spots out in front of my house. That's all I have for my family or whatever else is coming over to visit us. Unless they pull around in the alley behind my house, park in the driveway and, then, have to walk half a block to a block to get around to the front of my house, so they can come in through the front door. We need to make sure that if this facility is approved with you guys that we have something in place that we can protect the homeowners out in this area, to protect our parking area, to protect our noise compliance, to protect us. We were here way before this was even planned to go in. That's something we need to look at. The other thing I would like to say is I want to have all the parking spots for roadways and prior to them going -- getting a conditional use permit. Right now there is only two entrances to the building. To be coming down Eagle Road you have to take a right in there to go in or you have to come down Ustick Road heading east and take a right to go in. There is no way to get in off of Centrepoint without going through our subdivision and we are highly against trying to get more traffic coming through our subdivision here and unknown people coming in at that time. My main concern is even with his facility there -- yes, he will get the parking spots by putting this extra parking in where the three businesses aren't going up yet, but when those three businesses go in we don't know how many parking spots they are going to need. If it's a restaurant going in there may be -- they may need 20 -- 20 to 25 spots. If he's using 125 that are in that area for his business, the new businesses going in there won't have anyplace for their patrons to park. We need to look in the future at the parking for that area, not in the present where he's trying to go through and say we can extend this out that way. Madam Chair and Honorable Councilmen, thank you for your time.

McCarvel: Thank you, Mr. Vrba. Madam Clerk, do we have -- who do we have next?

Weatherly: Madam Chair, we have others signed in, but no one else indicating a wish to testify. But we do have one raised in online.

McCarvel: Okay.

Weatherly: John, one moment, please. John, you have the ability to unmute yourself. Go ahead when you are ready.

Hoeger: Okay. Thank you. My name is Jonathan Hoeger. My address is 3664 North Summerpark Place, Meridian, Idaho. I commented the last meeting and I have comments specific to what has happened tonight. Two concerns that I have. The first is the requirement that was given was for him to be able to obtain a cross-parking permit, which has failed to happen. I think that making the adjustment in the top line in terms of the capacity of the facility is sort of a fool's errand. I operate a business. I have 46 employees. I don't know very many businesses that will have profit margins that are large enough that you can just take 40 to 60 percent, depending on what number you are saying

he started with, 700 or 1000 -- how many businesses can take half of their top line, reduce it, maintain the same debt service because the capital expenditures haven't changed and continue to be a going concern? If that's something that can happen in this business I'm in the wrong business. But I know a lot of entrepreneurs, a lot of business owners in town, I don't think this business is going to be feasible with the recommendations that we have made. I also would like to say that the research that he's done, while he's done a lot of work, I don't think he's necessarily done the relevant work. The cities that he's citing are not similar in size, neither are they similar geographic locations. He's choosing large urban centers, like Chicago, Los Angeles, San Francisco all on his list and other places as far away as Florida and Arkansas. These locations don't have similar parking requirements. If he's saying he's 30 percent better than what you see in downtown San Francisco or LA or Chicago, these numbers are irrelevant and they shouldn't be considered by the Council. I think that the last hearing it was clear that he had something that had to get done. He wasn't able to get it done. I'm recommending that the Council deny approval. Appreciate it.

McCarvel: Thank you, Hoeger.

Weatherly: Madam Chair, we have MK. One moment, MK.

Kynaston: Hello. Can you hear me?

McCarvel: Yes. Please state your name and address for the record.

Kynaston: Yes. Michelle Kynaston. 3725 North Neith Avenue, Meridian, Idaho. 83646. I would just like to add to the comment today that last time we talked the traffic circle was being used as a place to send traffic through, but that traffic circle is not an appropriate use for these kinds of businesses. It was a traffic circle meant for the location that's there right now and it would have to be rebuilt to accommodate the traffic that would be flowing through that neighborhood circle. Second of all, the other clubs that he is trying to compare himself to are not in neighborhoods and he admits he is very much in the middle of a neighborhood and there is no parking garage for anyone to go park in and attend his facility events and he has also made it clear that his people will have to park seven to eight blocks away. Those seven to eight blocks away are in our neighborhoods. They are across dangerous streets and in places where we have our children and we live and raise our kids and expect them to be in a safe place. He has also said that he has conversed with many people in the city and gotten it all approved and desirable by people in the city, but he didn't talk about the people in our neighborhoods and if he did he would discover that handily we do not want it here. We are up to 190 people saying, no, do not bring this in, to the 40 who I don't even know where they live, saying that they want it here. But this affects our lives and our neighborhoods. We would also like him to -- we would like him fact checked, because he has demonstrated an ability to say things that are questionable and we would like to -- the opportunity to challenge what he's saying, particularly on the list of property developments who have denied him. We in -- our greatest win-win here is for him to go somewhere else with -- with his business and not put it right here on this corner in our neighborhood. He said foremost the concern of

everyone is parking and traffic, but that is not true. Our foremost concern is the immorality of it and what it does to make our neighborhood unsafe for our women, for our children, for the City of Meridian, how it has been developed as a family neighborhood and we want to see that maintained and that is our foremost concern. We also feel like the reality of saying he wants a thousand patrons. Okay, now 500. Okay, now 400. Is really just an attempt to get the CUP approved, but there is no way -- and the police force has already declared that there is no way for them to enforce it. So, he can really just say whatever he wants and change it later and that's a great concern to us as well.

McCarvel: Thank you.

Kynaston: I think that's about it. Thank you so much.

Weatherly: Madam Chair, I see no other hands raised online.

McCarvel: Thank you. Sir, you may come forward. Yeah. Just come forward and talk in the mic. Yeah. And state your name and address for the record.

Sattler: David Sattler. 2060 East Lobelia Street, Meridian, Idaho. 83646. I think there has been a lot already said. I agree with many of the statements that have already been provided. I feel like this is a conditional use permit and I think the question that we have to ask ourself is there a compelling reason for us to grant an exception? And, quite honestly, I think that there isn't. I think that there was an inability to acquire the parking that this Council requested. I think that there is quite clearly a lack of community love for this particular establishment in this particular location. I don't think that anybody here is saying that a music venue is necessarily a bad idea. I think that what you are hearing is that this close to neighborhoods at this particular location isn't a good idea. I think that based on my research that I have done of nightclub zoning best practices, there are distinct designations and regulations and requirements for nightclubs that this applicant has been unable to meet and I think it behooves this board to benefit from those best practices. I think that would be, I guess, my opinion. There really is no compelling reason to grant an exception -- I think the -- the rule is there for a reason and I think granting an exception -- I feel like we are honestly forcing something that -- into a location that just isn't a good fit. With all of the energy and effort between the community and the applicant they have put into this, I feel like there has been a lot of good thought, but I just think it's the wrong location and I thank you for your time.

McCarvel: Thank you. Okay. If there is no more testimony, would the applicant like to come forward again.

Dodson: Madam Chair, real quick?

McCarvel: Oh. Go ahead, Joe.

Dodson: Thank you. I just wanted to address one thing, just to -- for clarification of both the public and the applicant and the Commission regarding the potential traffic going

through the neighborhood. One of our conditions of approval is related to working with the Villa Sport owners to construct the northernmost drive aisle on the Villa Sport site to get them to have another access to that Centrepoint Lane on the south side. So, that would be -- hopefully avoid some of that. So, I just wanted to mention that that was thought of and attempted to be addressed. And the rest I will leave to Brian. Thank you.

McCarvel: Thank you. Go ahead, Brian.

Tsai: Thank you, Madam Chair and the Commissioners. So, just as -- some of the calls had mentioned that our safety plan -- if you were to go through that entirely it is quite extensive, as I mentioned. It does cover our security staff directing traffic, where they are lawfully allowed to do so, which is in and out of the parking lot to -- you know, if you are leaving a parking lot I would suspect that most people would try to get to the main road, as opposed to trying to duck through a neighborhood and our staff is there to ensure that. Additionally, if there is any concerns, it's not like we will listen to the concern and address it later down the road. The reason that the safety plan implements that cell phone contact for the neighbors and anybody who might be affected adversely is so those issues such as noise or parking could be addressed immediately as they happen, not later down the line, and that, as I mentioned in the original testimony, would be provided to all the neighbors who are within that immediate vicinity. For the notices of this original hearing, I intentionally went farther out than what the city code had required as far as radius, just to ensure I had contacted some of those neighbors that otherwise would not have had an opportunity to voice their opinions. Let's see. The reason that this is still a viable business plan is not just because we are trying to squeeze it through, we are trying to, you know, accommodate as much as we can, but only a percentage of our overall operations, as I mentioned in my previous presentation, is reliant solely upon maximum capacity events and the reason for that is because we are not solely a music venue, just like we are not solely an event center. A lot of those venues do operate on tighter margins and capacities, therefore, they have to fill the house every weekend or, you know, that is part of their pertinent business plan. The reason for the cross-parking agreement in the previous request is because of the capacity and not the other way around. We didn't require the cross-parking because that was the prominent factor, it was that we would require the cross-parking based on the request for the three-to-one ratio, which the previous -- that was posed by the Commission previously. We had to go all the way back to the fact that this -- the scale of this business is small. It's in, you know, hundreds and not thousands. We are talking about hundreds of people and not thousands of people, we are talking about a hundred -- less than 200 cars. We are not talking about thousands of cars. What people are imagining now is trying to get out of the fairgrounds or trying to get out of the Canyon County Fair when everybody is trying to leave at the same time and we are doing it at a scale of thousands of cars and that's just not a realistic application for that vision. If we want to talk about facilities that are similar that do music and dancing that are closer to houses that are currently existing -- well, if you look at the Buffalo Club, there is a neighborhood right across the street. It's not hundreds of feet away. If you look at Cowgirls in Kuna, they are right next to houses. They are right across the street. They are not -- I think the -- 328 feet before we even touch the first house. As far as the opposition numbers, it's not really reasonable for someone to say, hey, there is 190

people against this. If you were to go through letter by letter there is many of those people who have actually written in ten or more times. So, to go back and say, hey, we have counted this person ten times as ten people who have written in in opposition is just not a reasonable assessment. As far as us just being dilly dally with the -- with the actual capacity, I would again mention that state of the art system that does alert us and allow us to crack down on load capacity limitations, not to mention the fact that we are looking at fines from the city, as well as our insurance may even refuse to cover us if we exceed our rated capacity that's approved. Going back to whether or not this community approves. Well, across the valley that we have over that thousand people who have already signed up just to see what we are doing, that are excited to be here. We have pledged over 20,000 dollars in free venue use to the Idaho Humane Society, Marine and Canine Rescue. The reason the cheerleading camp came up is because there was a group that wanted to come and use it for cheerleading competition. All these excessive uses -- we have pledged it to the Meridian Arts and -- Arts and -- Arts Commission. I'm sorry. And, then, also the major -- the majority of all the nonprofits are in support of it and I can even furnish you those messages, because they were excited that they were able to finally now have events in Meridian, as opposed to just be in Boise where their facilities are. As you can see there is no exceptions that are being requested. The only thing that I'm requesting is we have met the parking ratio request of the three to one, which was the original significant concern. Otherwise, we are just using this exact property for the exact general commercial use to which it was originally intended long before any of those houses were built and zoning has not changed. That's all I have, Your Honor. Or Commissioner.

McCarvel: Thank you. So, at this time can I get a motion to close the public hearing for Item No. H-2021-0004?

Cassinelli: So moved.

Seal: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0004. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

McCarvel: Comments?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I have got a -- I have actually got a couple of questions for Joe if we could -- if I could. Joe, do you have -- do you have a diagram at full build out what all the traffic flow -- the way the pads are laid out? Everything I see nothing connects. What I want

to see is the roads connecting up to Centrepont and, then, that roundabout. Do you have a slide with that by chance?

Dodson: Commissioner Cassinelli, I do not. This would be the connection to the south. This would be the corner of the property we are talking about and, then, this is the drive aisle that will connect there. I do know that the -- this drive aisle that also connects with Ustick is part of the construction drawings for the already approved CZC for this site, for this Wadsworth site, so that will be constructed as required. I would have to dig through and pull out some of the old Villa Sport stuff to see what else is going to be there. As for the -- this site, those pad sites up at the north end have not been applied for. There has been no administrative application put in for those yet. So, those are currently unknown.

Cassinelli: Is there -- is Centrepont the only way out or will there be a driveway that will -- that will be a right-in, right-out onto Ustick to the east of Centrepont?

Dodson: Yes, sir. Just this one right here on the -- the west end of the Wadsworth site.

Cassinelli: Okay. So, that is not Centrepont there where your cursor is?

Dodson: Correct. No, that's not --

Cassinelli: That's another -- that's another access point?

Dodson: Yes. This is their main access point in and out.

Cassinelli: Okay. But, then, to get directly onto Eagle Road it's southbound through the project to that roundabout off of -- is it Piccard?

Dodson: Yeah. Down Cajun Lane and then -- yes. So, come down here, connect, and, then, out to Eagle.

Cassinelli: Okay. And, then, if I could another question, a little different one. There -- we have talked a little bit about the capacity. The applicant has -- has agreed to go down to the 400, but is there an enforcement instrument or whatever in there that -- I mean because it -- fire code is -- is -- is what will trump everything and I think that's up there in the 700 or so. But if the applicant is just agreeing to 400 for parking, but five or six or seven hundred come in, I mean is there anything that -- that can be done on the -- on the city side to enforce that?

Dodson: Commissioner Cassinelli, a great question and we discussed this a little bit at the last hearing in March and, unfortunately, there is not a lot. There are other -- it kind of falls into the same guise or same -- trying to think of the word. Having a brain fart here. Same issue that we have with daycares when we limit those capacities. You know, I don't go in there and count all the kids. We are on a good faith system largely. I know that's not in code and I -- trust me, I understand the frustrations of the public for that. A lot of it is the self policing, as well as community policing. When we start getting complaints and,

then, police have to go out there and, then, hey, you are overcapacity, that's going to, you know, be an issue and you can have -- the applicant can have the CUP revoked for that. That is a thing. That can happen. It's, unfortunately, not something that we can -- short of me standing out there as part of my salary position I can't really guarantee that that will be adhered to, but we run that risk with anything that we limit the capacity on, underneath the fire code.

Cassinelli: Thank you. So, if I can follow up that with comments?

McCarvel: Sure. Go ahead.

Cassinelli: I'm torn on this. I know a couple of things from the last meeting and I think -- and I know Joe did address that question last meeting, but since the number changed I kind of wanted to address it again as far as the capacity. I don't know that the noise and some of the things would be as bad as -- as some of the people might think that they would be. I'm trying to think back in the days that I used to go out and -- and that sort of thing -- it's been a long time ago. You know, even in strip malls -- I can remember clubs that were in strip malls, maybe like Buffalo Club or something, that shared with other businesses and -- and, you know, outside of maybe some trash that would get picked up in the morning, everybody kind of is in that main area in front of the -- of the venue and, then, they are out of there. The problem that I have with this one is that there is -- so much of the traffic is going to be forced through -- I could just see people coming out after drinking, hitting that roundabout and not knowing which way is Eagle Road, you know drive through -- drive around that thing three times and, then, wind up going Cajun and up around some of those other streets. Going up to Centrepoint and turn left, instead of right, thinking that, hey, we can get out -- you know, maybe we can get out to Eagle Road going -- you know, turning left here and -- and wind up running around the neighborhood three times before they finally figure out -- figure it out how to get out of there. Most of these other -- you know, you look at that Buffalo Club, you look at -- at Cowgirls, their -- their access to a main road is -- is right there. Buffalo Club is right on Fairview. You can go left or right out there. There is a side road alongside that development. There is a lot of ways you can get out of there without having to go through -- nothing takes you through a residential neighborhood. We didn't get that cross-access parking and I'm leery about the -- the enforcement of the -- of the capacity. Fire Department can shut the event down if there is -- if they are over fire code on a given night. They can -- they can shut them down and force everybody to leave, but if they have got five or six hundred people in there, because they are over capacity, so to speak, from a parking aspect, you know, there isn't the -- there isn't the -- the code enforcement to really cover that as we -- as Joe mentioned. I think this is a great product. I think the city could -- could do well with it. I think it would be -- you know, it would fit ten times better even across the street, either -- either to the -- to the east or to the north where there is better access -- direct access to Ustick, direct access to Eagle Road where -- where with this one, except for the one -- the one right-in, right only -- right-out only to -- on to Ustick, there -- all the access is running through residential and that's my -- that's my -- that's my hang up on this one and that -- for those reasons I'm not -- I'm really leery about it. Again, if it was -- and -- and I can appreciate the applicant's trying to find space in this town. It's -- it's difficult. But I --

I look at it and it's just -- it's -- it's a difficult one, because you have got to -- you almost have to get to it through residential neighborhoods and that's a tough one for me.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I can appreciate the -- the concerns with going through the neighborhood. I -- I don't personally see that as a long term issue I guess. There is no out from that neighborhood in terms of -- you are not going to cut through that neighborhood to get somewhere. So, if you make the mistake one time, you are not doing it again the next time, essentially. So, I mean that to me is somewhat mute long term. Short term maybe. Long term not as much. But looking at what we asked the applicant to go back and get information on, he brought back the first two and he answered the third one, which was the cross-access parking by doing -- not being able to achieve that, but showing another step and, then, looking at the eight things that we have in here for meeting the required findings for the CUP, I'm having a hard time finding a reason, based on what is in front of us, that I could get behind denying based on what we are tasked with grading this against I guess. Would I like to see it somewhere else? Sure. But that's not necessarily what we are being asked to judge this request on. It's -- does it meet these requirements? Yes or no. And for me it -- it meets all of the requirements and he also came back and met or addressed the -- the additional concerns that we had from the previous hearing.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I would like to add onto what Commissioner Grove said. I think the challenge is whenever you live in a neighborhood and there is a piece of dirt in front of your neighborhood, you, as a homeowner, don't have control on what that's going to be. What if it was a hospital? What if it was an In and Out Burger where there is constant flow of traffic? The fact that almost all four corners have a drinking establishment already leads me to believe that -- you know, Winners has football and -- and they can get rowdy over there. There is the Land Ocean New American Grill is going to go in. There is Pinnacle Sports Bar. There is Chili's. And like Commissioner Grove said, he fulfilled the requirement findings for the CUP. The parking is disappointing. I think he will have his challenges to being able to be good neighbors and being able to take care of that without having two companies involved, but that's a challenge that he is going to have to deal with and if he aggravates and upsets his customers, he's not going to be in business very long. So, again, I agree with Commissioner Grove, I'm having a hard time finding the one through eight items that he hasn't addressed or acknowledged.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Just a quick question for Joe. Is the -- the reason for the CUP is it because -- is it because it's close to residential or is it just because of the type of business?

Dodson: The CUP? It's for the drinking establishment period. That's a conditional use within the C-G zoning district.

Seal: Okay. I just wanted to make sure that we weren't -- there wasn't something tied to the closeness of the residential.

Dodson: A proximity thing? No. The only part of the code that could loosely, in my opinion, be tied to that would be the specific use standards for the indoor rec center, which talks about if there is an outdoor music venue. It talks about the outdoor -- meaning outdoor sound, period, can't be within a certain distance of a resident of district. But this is not going to be outdoors. So, that's -- that part is not applicable. The concept of a music venue in general, there is nothing specific in code, unfortunately, that dictates that.

Seal: Okay. Another question. I don't remember seeing one. Was there a sound study done as part of this?

Dodson: The applicant did provide some sound analysis and noted certain materials that would be used. I'm not a sound engineer, obviously. That's not something typical that we have or do.

Seal: Okay.

Dodson: I don't know what I would be basing it against, unfortunately. But, obviously, for good sound you want it to stay inside, otherwise, there wouldn't be a point. Internally, you know, to have the good music, so I -- but other than that I do not know, sir.

Seal: Okay. We have had stuff submitted before. Generally it's to -- because there is freeway noise or something like that where people have submitted basically engineering sound -- sound plans in order to mitigate the -- the freeway sounds or the sounds of something that's noisy next to them. So, didn't know if this had something along those lines.

Dodson: Within his narrative he did provide some information to that, yes.

Seal: Okay.

Dodson: I just don't know if it was a full sound study.

Seal: Got you. I'm really torn on this one. I mean the -- the parking is not ideal. That said when they put the medians in on Eagle Road it kind of made everything not ideal as far as in-out. But I understand why they did it, so -- we have got something that's going to be close to a subdivision -- and to put that into perspective, all the people that are in that subdivision -- I'm sure every single person on Leslie Drive came in here and was

against that proposed subdivision, because they were there first and they didn't want their neighborhood ruined and they didn't want all the people coming in and they didn't want all those little tiny houses in there and all the low income people it was going to bring and that's the way of -- that's the way it is right now. Right now there is a lot of play things that can go into a lot of places and they are not going to make people happy. But it is where you live. Fortunately or unfortunately that's the way that I see this. Everybody's always for something, they always come up and they say I'm not against something like this, I just don't want it in my neighborhood. I want it somewhere else. Which is unfortunate. There is a lot of things I don't want to go in close to my neighborhood. They are going to. It's coming. The growth is unstoppable at this point in time. It's going to happen. No, parking is not ideal. My biggest question -- well, I guess a question for Joe is on the -- the capacity portion of this, the rated capacity versus the enforced capacity, you have touched on the enforcement of it a little bit, but I guess maybe it's more of a question for legal is if they have a rated capacity and we try to enforce a different capacity, can that affect their insurance and everything as the applicant said or is that more conjecture than anything? Because, again, they are going to build a building for a rated capacity and we are going to try to enforce a different capacity on that.

Dodson: Commissioner Seal, the -- I don't know about the insurance side of it, but I do know that changing the capacity with the conditional use permit is -- is allowed. I mean that is one of the parameters that is largely used, as you know better than me. Regard on the -- regarding the private side of it and insurance and things like that, I -- I can't speak to that. I don't know if legal can.

Baird: Madam Chair, Members of the Commission, I don't think it's -- it's one of your decision analysis to worry about his insurance. It's can you enforce the 400 capacity that is under the fire code. The fire department shows up, sees that it's under 500 or whatever their rating is, and they are fine. If the city gets reports, as Joe touched on, that they are potentially exceeding the 400, the city would have to probably send out code enforcement personnel, who generally aren't available on weekends and evenings, but that's the procedure for how that would be enforced and, as Joe mentioned, if the city finds that that 400 capacity is being exceeded, then, the remedy is to commence proceedings to revoke the conditional use permit. So, that kind of gets -- gets to your evaluation criteria. The proposed use, if it complies with all conditions of approval and not adversely affect other property in the vicinity, it's -- it's -- what are your conditions of approval and will they be effectively enforced.

Seal: Understood. Mine was more to -- to be able to help put teeth into the enforcement. I mean if -- if that's a -- if it was a true statement it might help with, you know, ease people that, yeah, this guy could lose his insurance and it -- you know, we have the ability to -- or the city has the ability, I should say, to enforce lose of the conditional use permit. So, I mean it does already have teeth in it. My worry is, you know, as far as a business perspective why would you build a building that can hold a thousand people and agree to only ever put 400 in it? Why not build a building that can hold 400 people? That's the biggest question I have in a business sense. The other side of this is, unfortunately, you are going to be located very close to residents, affected or not, who are going to make it

their mission to pick up their pitchforks and axes and call the police every time somebody drives wrong, every time somebody flashes their lights, every time somebody flicks a cigarette butt in the wrong direction and that's what I see happening here and I find that to be unfortunate, because I -- I think a lot of the criteria has been met. I think there are very valid concerns as to the project. Personally I would like to see something like this come into Meridian. I think we are sorely lacking in that area. We are lacking in things like this, as much as we are bike paths. I mean -- so I -- I would like to see this come in. I'm not discounting the concerns that are out there and I do share similar feelings on -- on the parking, on how it's going to work, on -- on how that would turn out. But I think the single biggest problem that we are going to have is people are mad, they are going to -- maybe only short term, but possibly long term, try to make life extremely miserable for you and especially when you are operating in a completely reduced capacity. I just don't know how that's going to work and how much the city is going to have to be involved and how much misery and pain that's going to bring on to people. So, it's concerning.

Parsons: Yeah. Madam Chair, Members of the Commission, if I may provide you some context. So, I'm looking at the code, I'm looking at our ordinance for conditional use permits, and certainly, you're right, your job is tasked to enforce the code. With the conditional use as you could add -- and I will quote it here. It says you -- you can require more restrictive standards than those generally required in this title to -- to safeguard the public interest and so I'm hearing all of this talk and, you are right, you guys are struggling with this decision, because you hear somebody that's passionate about opening a business and you hear the concerns of the neighbors, but the other part of the conditional use is the duration and timing of the use and that's really to me where we are at here. You hear Joe or the city staff wanting to limit the occupancy. Let's say, for example, we do that and all of -- right now when you look at the aerial of this site there is nothing else to construct out there and that's really the concern I think from staff's standpoint is -- and what I'm hearing from the Commission is if we don't have all that connectivity and any parking in place, people are going to park on dirt, people are going to drive through dirt to get to the light, people are going to cut through the neighborhood. That's really the concern here. So, what you have with this conditional use permit is if you feel inclined to approve it you can have that condition that says they are capped at 400 and at such time as Villa Sports happens and everything else develops, if they want to come back and modify that conditional use permit and it's working and, then, he has the ability to make -- to modify those conditions and say, hey, we are working -- we haven't had any complaints, Commission, we think we want to increase our capacity and now we have a shared parking agreement and we want you to allow us to operate the way we envisioned when we first came before you, I don't know, three or four years ago. That's how you can probably mitigate some of these concerns. You can cap them at 400, with the caveat that if they want to expand that in the future they come back to this body through a CUP process, you have the ability that they can't go beyond 400 until they have a shared parking agreement in place with the surrounding developments or you can say, you know, we don't feel you have adequate circulation or parking for this. You can deny this and the applicant has the ability to appeal your decision to City Council. So, there is -- there is different avenues you can take here and, you are right, I have dealt with this site in the past and I have been at neighbors' houses out there talking with them about other

commercial businesses in the area and we have had to rectify some of those past decisions and I don't want to see that happen here and we want to be sensitive to that. So, to me if you guys are inclined to recommend approval of this tonight, I think I would put some sideboards on it. You can do this in -- in such time as you get cross-parking agreement or you don't get to operate until you get a cross-parking agreement. Certainly you have that ability with the CUP.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: With the CUP, just on protocol, does this go to City Council or are we the defining -- we are the decision maker here?

McCarvel: We are the decision maker.

Lorcher: Okay. Thank you.

McCarvel: Yeah. We are not making a recommendation, we are saying yes or no.

Lorcher: Okay.

Dodson: Madam Chair?

McCarvel: Joe.

Dodson: The one caveat to that is that applicants or members of the public can appeal decisions to the Council --

McCarvel: Sure.

Dodson: -- following the action done by the Commission. It's the one caveat.

McCarvel: Okay.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: I would like to add some comments here, too. I am -- I'm in agreement here with Commissioner Grove and Commissioner Lorcher here on taking a look at the staff report and looking at their findings. That's -- everything seems to be in the line here. They are using terms in here like there is no results and no damage, this -- this proposal here for this use will not be detrimental for any persons, will not be detrimental to the economic welfare of the community or create excessive additional costs for public facilities. It seems like there is a lot of things that are just buttoned up for -- for this to

happen and another thing that I took a look at here as I was looking at the -- the out pads, the extra building pads that are, they are around, I know there has been concern about some of those being used -- or the parking kind of spilling over into that area. From -- from my experience it seems that those -- those pads need to carry their own weight of parking and if they can't, then, the -- then the developer of that proposed use will come before this board again and -- or this body again and we take a look at it to see if we want to grant some sort of cross-parking agreement at that time or just the parking requirements. But I see the need for -- or I can hear that people here in this community see a need for such use on this and it seems that the staff has done a thorough job on taking a look at what could cause any sort of issues and you have addressed these things in a very thorough and organized fashion.

McCarvel: Okay. Any other comments or discussion? Yeah. I have gone back and forth on this. I -- I love the idea of this. It would certainly be much easier if it was somewhere else and I guess the comment that Bill made was exactly my question is, you know, as this develops out and there is more adjustments as time goes on with additional parking, can they come back, because I really don't see how -- as well thought out as every other thing in your business plan was, that it -- it still functions by keep lowering the capacity. But I guess that's not what we are here to parent over. If he feels he can make it work at 400 and that's what -- and this -- although he didn't bring in a cross-parking agreement, I believe -- I think he adhered, I guess, to the spirit of what was intended. I guess -- at this point I guess if somebody's got a motion we can -- or any other comments we can move forward.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Yeah. I'm still -- still struggling with this one, so --

McCarvel: Yeah. Well, keep going.

Seal: Right -- right now the -- the capacity limitation is -- is self imposed by the applicant; is that correct, Joe?

Dodson: Yes, sir.

Seal: So --

Dodson: That -- that 400 number is -- I did not make that -- we did not make that. To Bill's point you can -- you can pick a different one based upon the concerns noted.

Seal: Okay. I just want to make sure, because if that's an issue we would have to put that in a motion to --

Dodson: That is correct, sir. Yes. I have a current one in there regarding -- I think it's 500 and I spoke about how I got to that number with the four to one ratio of the -- the number of capacity versus patrons. But, yes, you are right, you would have to -- if it's going to be a different number you have to have it in your motion --

Seal: So, is that --

Dodson: -- along with the -- any of the timing that Bill spoke about.

Seal: Is the -- is it limited to -- is that limit on customers or is that limit of the capacity of the building period?

Dodson: Great question. In my -- wow, it's been a long week. It's like a -- yeah, in my condition I noted that it does include the employees as well. So, it's going to include, basically, that -- that tenant suite -- patrons, customers, as well as the employees, because they will -- the employees will be the ones that use -- utilize the parking the longest.

Seal: I will ask a long question here that probably has a short answer. Since this is -- we are going to limit this to four -- 400 and I don't see it exceeding, I can't imagine that doubling and people being happy about it. Can we limit the amount of space that they are -- can we limit the building to a capacity as far as what it's capable of holding or is that part -- was that already addressed in a development agreement?

Dodson: That is not addressed in the development agreement. That is what you guys are doing now. Are you saying that you could have a step process saying that you will have a lower -- lower capacity now in saying that in the future it will never exceed a certain amount?

Seal: Just essentially limit the -- limit the building's capacity to a certain number of people by constraining it to a certain size.

Dodson: Yes, essentially, that's what you can do through this CUP.

Seal: Okay. Because right now we are allowing him -- I mean he could build a building that could hold 2,000 people and we are saying you can only have four people in there -- 400 people in there, so --

Dodson: Well, to be more specific on that, that until this use applies for a TI and that's this specific use, the fire plan reviewers will not be able to give us a dedicated number. How the interior of the tenant suite is laid out is very important to determine that, because as soon as they start adding tables that changes their ratios. If they have how big their dance floor is -- all of those things go into that. I loosely got a number from the fire plan reviewers just based on a preliminary floor plan that I was given and it was a range anywhere from five to 750, depending on if there is additional tables and things like that. So, there is -- there is definitely room to play with what the fire capacity will even be. I

think that based upon my conversations it's probably going to be the lower end of that, probably between the five and six hundred. So, fire capacity may limit it more than what has been discussed in this hearing. So, a thousand was never going to be part of the question period and I don't think 750 is either. So, if that helps you guys. I hope that does.

Seal: It does. And in the picture you have there, which is that oriented north-south or is that -- do you know?

Dodson: It -- south is to the top of the picture.

Seal: Okay.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: For our motion I would propose that -- what Commissioner Seal said, to have a capacity, but I think that the applicant should have the ability to come back to increase his capacity if his business model is working and he does get cooperation with the other tenants for parking.

Seal: Madam Chair? And --

McCarvel: Commissioner Seal.

Seal: Question for Joe. That -- that's kind of built into the process; correct? Or does that require that we state that in a motion? The ability to come back and ask -- ask for more capacity in the future.

Dodson: It is my understanding that they -- regardless of if you note it, that the applicant can just do a mod -- a CUP modification at a future date. However, for whoever is on the Commission in the future date, if there is already a condition noting that this was something that was discussed that might be worth adding.

Seal: Okay. Thank you.

Dodson: But process wise it's not a requirement, no.

McCarvel: Okay.

Dodson: Well, let me -- let me say that further, now that I'm thinking about it more. The only way that it would be a requirement is if there is a certain timing associated with it, as Bill alluded to. If there is a -- once you get A, then, you can request it, then, yes, that's going to be a requirement of the motion.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: So, we can't say just a future date, have it be ambiguous, it has to say when a tenant agreement or parking agreement happens -- we have to have something definitive or can it be more vague?

McCarvel: No. We -- my understanding --

Dodson: Commissioner Lorcher.

McCarvel: Go ahead, Joe.

Dodson: Sorry. Yeah. If it's going to be vague, then, in the normal process and the allowance of a future modification is what you should just -- and just -- and just not say anything if it's going to be vague. If there is something specific, the cross-parking as an example, but also part of the CUP you could put a certain sunset date period and say not until after five years can you come back. Those are all things that are in your parameters to add.

Lorcher: Thank you.

Dodson: You are welcome.

McCarvel: Yeah. I'm thinking mentioning it as just a courtesy to a future Commission that it was thought of and we weren't -- they don't have to rehash it all. But I don't think a sunset is necessary. I mean to come back --

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I think maybe how we could help future is to put in something along the lines of how we have been approaching the percentage essentially of parking. So, not just getting a parking agreement in place with neighbors, but having -- being able to hit that -- a certain threshold with that to keep it consistent with what we have discussed might make it a little easier for future commissions to have an idea of where we were coming from.

McCarvel: Okay. Thank you.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: If anybody else wants to comment I'm -- I'm ready to make a motion here, but I want to make sure that -- I mean, essentially, the capacity is really -- the capacity and their ability to come back at a later date to ask for more parking -- is there anything else in here that somebody is wanting to see if we were going to make a motion on this?

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Commissioner Seal, I tried to write something down for the -- for the first time, but -- so, I will defer to your expertise. I just had -- I just had like with the other tenants nothing specific as a -- as a cross-parking agreement, because if the other tenants aren't -- that -- that's not within their business model, they are not willing to do that, then, that limits this applicant any future growth. But it -- as a collective group of tenants together, they have kind of a gentlemen's agreement or a business agreement that they have it, but not necessarily in writing, so maybe not have it saying if it is a cross-parking agreement I have more of parking with the other tenants on the site, as just a general rule.

Dodson: Madam Chair?

McCarvel: Go ahead, Joe.

Dodson: Commissioner Lorcher, there already is an existing cross-parking for all of the tenants and all of the future building sites within this five lot subdivision. So, that cross-parking is already existing. The main crux would be additional parking beyond what is going to be constructed on the site and that's where you could impose saying if you -- you cannot come back -- or I should -- you know, if you get that cross-parking, then, you can increase your capacity, that type of a situation. Beyond the site. Yeah.

McCarvel: Commissioner Cassinelli.

Cassinelli: Not to keep -- keep going down the road here and, Commissioner Seal, I know you are about ready to go forward, but another question came up for Joe. A member of the public that spoke brought up a point of future tenants in this. If there were something -- a business, perhaps a restaurant or something, that competed hour wise with this that wanting to go in, how would their parking -- I mean most of these businesses, if they close up by 8:00, they are not going to -- you know, their parking is not going to impact the parking here. But if there was something else that had hours 10:00 or 11:00 say, his parking might be -- be impacted by this parking. How is that -- how do you view that down the road?

Dodson: Great question, Commissioner Cassinelli, and for the Members of the Commission. That's a good learning thing. One, unfortunately, there -- there isn't specific parking requirements for this specific use. You know, a drinking establishment, for example, versus a restaurant. That's all wrapped into one. So, one for 250 -- 250 square

feet that is the -- all of the future sites and what is already existing will be based on what their proposed use is and the minimum parking required by code. I can't require more, so as long as they are meeting those minimums, then, those sites could be utilized based upon the size of those buildings. If they get to a point where they exceed it, then, we can't approve it and they have to come through us each time. For the hours portion, the applicant -- or the landowner is actually doing some self policing there. For example, the Jamba Juice and that's going to be in the other suite in this building and I have seen the agreement that they are limiting them to close at -- I believe at 7:00 p.m. -- or 6:00 or 7:00 p.m. or something like that. So, as part of their agreement with some of these new tenants that are coming in, so I think that some of that will get quelled and, again, I don't want to speak for the landowners, but I do believe that one of the uses on the other side might be a bank, which does not have late hours and, then, there was word of a coffee shop, but I don't know if that's going to happen and those generally don't go later into the evening either.

McCarvel: Okay.

Seal: Madam Chair, one -- one thing that I would like to add -- and I don't know if it's going to help anything or not -- and the reason I asked the -- the orientation of the building is I would like to put something in here that the sound direction is concentrated away from the closest -- focused away from the nearest housing. Thank you. That's what I have written down here. Just trying to -- just trying to make sure that -- you know, essentially where the sound -- where the stage is, where the sound is focused, the direction that it's going to be emanating is away from the nearest housing as much as possible. Right now with the orientation of it it's kind of going that direction, so that's a little bit of a concern for me. With the construction that they are proposing I think it's less than an issue, but it is, you know, a way to mitigate some of the concerns that are out there as far as sound. Anybody have any issues with that let me know.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Didn't the tenant or the applicant fulfill the requirements for sound? Wouldn't that be redundant to put it in there specifically or you would just like to have it as an extra reminder?

Seal: Madam Chair?

McCarvel: Yeah. Commissioner Seal. Yeah, I kind of have the same thought. I think the building itself was designed as fairly sound proof.

Seal: I agree, but there was -- I mean there has been no true sound study done. We are relying on the applicant's analysis of what the sound can and will do. I just think this adds another layer of trying to get along with one's neighbors as well as possible, so -- and, again, I mean if you have been to a venue when you are walking up on it -- if you come

in from behind the building I will -- you know, use the Revolution Concert House is a great example. If music is going on and you walk up -- or you are in the -- behind the buildings, you don't hear a lot. If you are out in the parking lot you hear everything. So, that's -- you know, I mean the sound direction focus can definitely be -- play into something. So, if it's focused in that direction kind of no matter what it is, the bass is going to escape and it's going to float that direction. So, if you want to challenge that just have some teenager turn up their car driving down your road.

McCarvel: I have one of those.

Seal: Exactly. So, it was just a concern that kind of -- I mean to me the sound of this needs to blend in with the neighborhood as much as possible, so just a concern. So, with that, Madam Chair?

McCarvel: Commissioner Seal.

Seal: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0004, as presented in the staff report for the hearing date of May 6, 2021, with the following modifications: That the capacity will be limited to 400 people. That the applicant can come back at a later date to ask for an increase in capacity when more permanent parking is available. And that sound direction is focused away from the nearest housing.

Dodson: Madam Chair?

McCarvel: Oh. Joe.

Dodson: Sorry. Sorry. I know. One last thing that I do have an existing condition in there that talks about the cross-parking, but because that was not able to be obtained your motion should include striking that condition.

McCarvel: In lieu of the 400 capacity maybe? Okay. What's the condition number on that, Joe?

Dodson: 8-A-3.D.

Seal: That we strike condition 8-A-3.B.

Dodson: D as in David, sir.

Seal: Oh, sorry. D as in David.

McCarvel: Is there a second?

Grove: Second.

McCarvel: Okay. It has been moved and seconded to -- to approve Item H-2021-0004 with conditions. All those in favor say aye. Opposed?

Cassinelli: Nay.

McCarvel: Motion passes. Madam Clerk, do you need a roll call or --

Weatherly: Madam Chair, for the record I want to confirm that was Commissioner Cassinelli who said nay.

Cassinelli: That is correct.

Weatherly: Thank you.

MOTION CARRIED: FIVE AYES. ONE NAY.

6. Public Hearing for Mountain America Credit Union Drive-Through (H-2021-0019) by Mountain America Credit Union, Located on the West Side of N. Ten Mile Road, Approximately 750 Feet South of Chinden Blvd.

- A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of a residential use and zoning district for a financial institution on 1.16 acres of land in the C-G zoning district.

McCarvel: Okay. Thank you. Next item on the agenda is -- and we are just full of CUPs tonight. H-2021-0019, Mountain America Credit Union Drive Through, and we will begin with the staff report.

Dodson: Thank you, Madam Chair. Sorry, Commissioners, you get to hear me more. I am told I have got a radio voice. So, maybe it's nice. I don't even know at this point, but -- as noted, this is Item No. 5, Mountain America Credit Union CUP. The applications before you are a conditional use permit, administrative design review was already approved for the building at staff level, which we allow concurrently with CUPs. The size the property is 1.16 acres, currently zoned C-G and it's on Lot 13 of the Lost Rapids Subdivision, which is part of the Costco site. It is on the west side of North Ten Mile Road and about an eighth mile south of Chinden. And to the north, as noted is more commercial. The two lots directly above are undeveloped and, then, the corner lot is the Costco fuel station. To the south is more C-G zoning and undeveloped, but directly to the south is the other drive though site that was approved by this Commission I believe last month. To the east is Ten Mile Road and, then, to the east of that is R-8 zoning and detached single family uses. To the west is C-G zoning and the Costco site, the larger building lot here. The future land use plan does constitute this site as a commercial designation, which, obviously, allows a plethora of commercial uses. The conditional use permit is requested for a drive-through. It is for a financial institution that is within 300 feet of a restaurant drive though that I noted is directly to the south. As you can see on



AGENDA ITEM

ITEM TOPIC: Public Hearing for The Oasis (CR-2021-0005) by Michael and Cherilyn Kynaston and Jon and Cheri Hoeger, Located at 3185 E. Ustick Rd.

A. Request: Council Review of the Planning and Zoning Commission's decision of approval for The Oasis Conditional Use Permit (H-2021-0004) to operate a drinking establishment, nightclub, and music venue on a portion of 3.26 acres of land in the C-G zoning district.



PUBLIC HEARING INFORMATION

Staff Contact: Joseph Dodson

Meeting Date: July 13, 2021

Topic: **Public Hearing** for The Oasis (CR-2021-0005) by Michael and Cherilyn Kynaston and Jon and Cheri Hoeger, Located at 3185 E. Ustick Rd.

- A. Request: Council Review of the Planning and Zoning Commission’s decision of approval for The Oasis Conditional Use Permit (H-2021-0004) to operate a drinking establishment, nightclub, and music venue on a portion of 3.26 acres of land in the C-G zoning district.

Information Resources:

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

July 14, 2021

MEMORANDUM

TO: Mayor & City Council

CC: Cameron Ariel, Community Development Director

FROM: Joseph Dodson, Associate Planner

RE: The Oasis, Planning and Zoning Commission Approval

Dear Mayor & City Council,

On May 6, 2021, the Planning and Zoning Commission approved The Oasis Conditional Use Permit for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district located on the southwest corner of Eagle and Ustick Roads. The project was originally heard on March 18, 2021 and at both hearings public testimony was taken with a majority in opposition of the project based on a number of factors (see Exhibit A of the Findings for the complete Commission Recommendation overview).

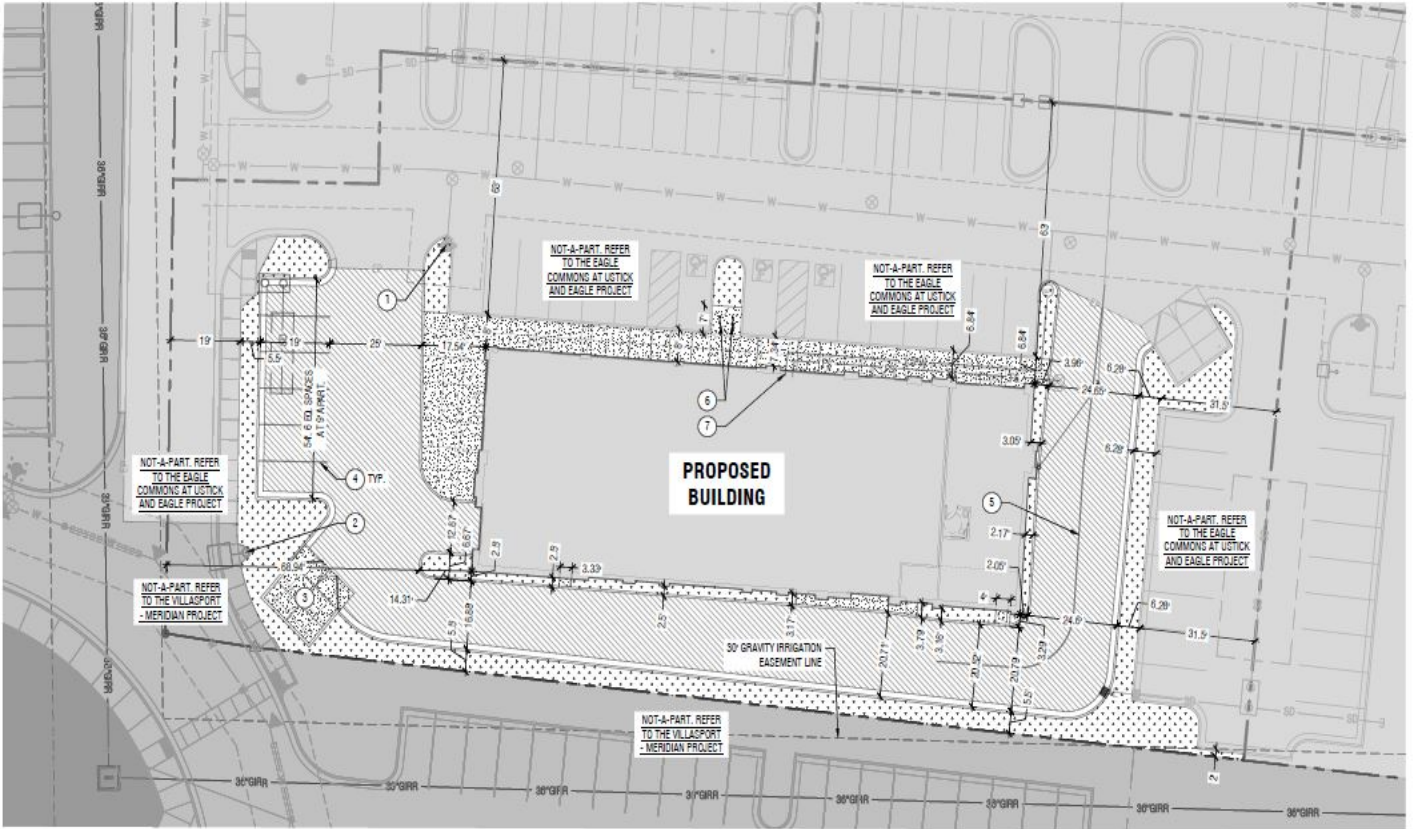
The Commission ultimately approved this Conditional Use Permit per the findings in UDC 11-5B-6E and the conditions of approval within the staff report. The Commission added the following conditions to the project in addition to Staff's recommended conditions:

- limited capacity to 400 persons;
- required that amplified music be focused away from the nearest homes;
- and allowed for additional capacity when more permanent parking is available (i.e. a shared parking agreement).

Following this approval, two groups appealed the Commission decision within the allotted 15 day period. The appeals are based on a number of the same issues discussed at the Commission hearing on March 18th and May 6th.

Staff is attaching the administratively approved plans that approved the multi-tenant building and not the specific use.

A. Site Specific Site Plan (dated: 2/26/2021) Approved under A-2021-0012



CZC-Site Plan

Horizontal Scale: 1" = 20'



C. Approved Elevations (dated: 02/05/2021)



design west architects
 200 WEST WASHINGTON
 SPOKANE, WY 83402
 208.325.1234

WADSWORTH - OASIS / JAMBA JUICE
 300 S. WADSWORTH BLVD.
 WADSWORTH, WY 83402

DATE:	02/05/21
SCALE:	AS SHOWN
PROJECT:	WADSWORTH - OASIS / JAMBA JUICE
BY:	ARCHITECTS

3D VIEW FROM THE NORTHEAST

A - VIEW 01



design west architects
 200 WEST WASHINGTON
 SPOKANE, WY 83402
 208.325.1234

WADSWORTH - OASIS / JAMBA JUICE
 300 S. WADSWORTH BLVD.
 WADSWORTH, WY 83402

DATE:	02/05/21
SCALE:	AS SHOWN
PROJECT:	WADSWORTH - OASIS / JAMBA JUICE
BY:	ARCHITECTS

3D VIEW FROM THE NORTHWEST

A - VIEW 02

(Recess: 8:06 p.m. to 8:16 p.m.)

7. Public Hearing for The Oasis (H-2021-0004) by Brian Tsai of Balboa Ventures, Located at 3185 E. Ustick Rd.

- A. Request: Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district.

McCarvel: Okay. So, back to it. We will open at this time Item No. 7, the Oasis, H-2021-0004, and we will begin with the staff report.

Dodson: Thank you, Madam Chair. Hold on. This is not working the way I want it to. There we go. Can you see my screen?

McCarvel: Yes.

Dodson: Awesome. Thank you. Now, onto the fun one. Let the fun begin. This is Item No. 7, as noted, for The Oasis. It is for a conditional use permit. The site -- or the specific site is a portion of the three acre parcel shown on the screen. It is currently zoned C-G and is located generally at the southwest corner of Ustick and Eagle. There is a couple of things I want to note before we get going. One is the public testimony that was submitted, there was -- as of 4:00 p.m. there was 225 pieces. So, appreciate the -- the involvement of the community, honestly, whether it's good or bad. It's always good to have that. So, thank you. So, I would say probably 25 percent were in support, 75 percent were against it. Those that were in supportive of it noted a desire to have a music venue for entertainment here within the city, instead of in other cities nearby. Now, those who opposed the project note concerns over increased traffic, overall safety of having this kind of use near a residential development, drunk driving, parking count and how it would degrade the moral character of the city. That came up a lot. There are a couple of instances -- and I want to touch on this just for the clarity of the processing about how -- how could the city even entertain this by allowing it to be applied for it. That's not how development works. It's not how code works. We don't get to dictate those types of things. Even if it -- frankly, even if it's prohibited by the code an applicant could still ask for it and go to hearing and get denied. But they could still technically ask. So, we have to go through the process, we have to do our due diligence for that. Second to that, there were a lot of people -- I got some angry e-mails about -- you know, related to that, but also about how there is site work going on currently. That has some to do with this and absolutely nothing to do with this. That doesn't mean that this has been approved at all. That's why we are here tonight. The site work out there is from previous approvals, all the way back dating to 2019 that have been approved. I approved the overall site improvements. I also approved the building to the east of this and the building that this is proposed within. So, all of the dirt being moved out there has very little to do with this use. This is a use within a building that is not yet constructed, but has been recently approved as of three weeks ago. But the building -- again, nothing to do with the use. The use is being requested for the conditional use permit. So, just to make those items

clear. Now we get to the actual presentation. The subject property -- again, this is a little bit of history here -- was annexed in 2003 as part of a larger annexation area. There was a development agreement associated with this annexation and it was modified in 2019 to remove this property from that DA and enter into a new one serving just this site. In December of 2020 the landowner, which is not the applicant, received preliminary plat approval to subdivide the property into five lots for future ownership purposes. The subject property is proposed within a new multi-tenant building in the very southwest corner of the overall three acre site. It is part of a larger mixed use regional area that includes the commercial developments to the north, the northeast, east, and the Villa Sport site to the west, which would be the remaining area here. And even the Sadie Creek, which was the first application up tonight. A project of this small size, meaning one use within a -- one building on a small site, cannot and is not intended to comply with all of the mixed use regional Comprehensive Plan policies and goals. However, in conjunction with the existing and approved uses in the general area, the mixed use policies have been met for the regional area. A few of the Comprehensive Plan policies that staff did find relevant are as follows: The proposed use can diversify Meridian's economic base to establish and maintain a self-sustaining, full service economy. Require pedestrian circulation plans to ensure safety and convenient access large commercial and mixed use developments. Enhance crime prevention awareness to the education of neighborhood watch groups, multi-family property management companies, homeowners associations and other organizations. In this case it would be the other organizations and the applicant and police working together. Require appropriate building design and landscaping elements to buffer, screen, beautify and integrate commercial multi-family and parking lots into existing neighborhoods. In regards to the last policy noted, there is no neighborhood directly adjacent. So, meaning that there is no residential zoning directly adjacent to the property line of this subject application. But the closest home is approximately 330 feet from the southern property line. Future commercial buildings and parking lots will separate this project from the existing -- sorry -- from the approved multi-tenant building. With the recently approved CDC and design review, the approved landscaping meets all code requirements and helps to beautify the property, while offering an appropriate visual landscape buffer to the closest neighborhood to the southwest. Likely the subject site will not be directly viewable from the neighborhood directly to the southwest once other properties redevelop. The parking is located on the interior of the overall property, which will be largely screened by the buildings and landscaping from the adjacent properties, which is a benefit. Usually the parking is one of the most noise inducing elements of a commercial site. Other general Comprehensive Plan policies were discussed and analyzed within the staff report. But the ones noted even within this staff report is in no way an exhaustive list of the applicable policies, either in support or against the project. The approved building that would hold the proposed use is constructed with a modern and urban design that should integrate with the overall design of the other commercial buildings within this commercial development and with those adjacent to the site. However, according to the applicant, the real buffering of the proposed use comes from within the building, where there is proposed soundproofing materials, techniques and technologies. When it comes to the screening and buffering of the building and use, staff does find that the proposed landscaping and the internal building materials to be sufficient. This does not mean issues like parking and capacity are just by landscaping

and sound proofing. Just to be clear. The administratively approved building, Eagle View Retail Center, will be approximately 8,300 square feet in size, with two tenants suites as seen. The Oasis is the larger tenant suite and is approximate -- approximately 7,000 square feet in size and the building and use meet all of the code required dimensional standards, meaning setbacks, height, et cetera. The proposed business is a combination of a nightclub and music venue, which falls under the drinking establishment and indoor recreation facility uses within our development code respectively. The indoor recreation facility is a principally permitted use within the C-G zoning district, unless it incorporates a music venue and is located within a thousand feet of any existing residence, which, then, requires a conditional use permit, as is the case with this application. The drinking establishment is a conditional use within the C-G zoning district outright. Therefore, the applicant is requesting this conditional use permit for these two uses to reside within one building and one business, The Oasis. I already showed this, but for this point it is anticipated that directly south of the approved building there will be additional landscaping, a larger parking lot, and a drive aisle. This parking lot and landscaping received preliminary approval with the Villa Sport application. The main access to and for this development will be via a shared driveway connection to Ustick Road, which would be a continuation of this further up and it will be limited to a right-in, right-out access regardless of this use. The landowner is currently constructing this shared driveway across -- or this driveway access for their development, because this site is developing before the Villa Sport project and this also ensures there is more than one way to get to the entrance of the site. This drive aisle will connect to North Cajun Lane, which is this portion here to the south. There are no public streets as part of this commercial development and therefore -- and, therefore, no stub streets. Instead, there are private drive aisles as our standard for commercial developments. The applicant does have an existing cross-access agreement with the adjacent commercial property, so the Villa Sport property, but this agreement does not currently include a cross-parking agreement. In addition to the shared drive aisle that abuts the property to the west, the Villa Sport site improvements and recorded cross-access agreement will include an additional Ustick access road -- access point further to the west, which would be the North Centrepoint Way -- I guess -- yeah. This road. These access points to the arterial are approved for the site. Staff finds they are adequate and safe access to the site at full build out and also at the time with only the most adjacent Ustick access in conjunction with the drive aisle connection to Cajun Lane, which, then, goes onto -- I believe it's Seville and goes out to Eagle Road. However, to help mitigate any residential cut-through traffic, meaning accessing the drive aisle here and, then, cutting through here, to help mitigate that the applicant and landowner should work with the Villa Sport applicant to construct a driveway through the Villa Sport site in line with where ever that was approved previously. So, I believe there is a drive aisle approximately here. This driveway will provide a more direct means of accessing North Centrepoint Way and, again, help mitigate any cut-through traffic adjacent to the homes and it would get them to the existing traffic signal on North Centrepoint Way without having to use the roads adjacent to the subdivision. ACHD is the leading agency on access points and traffic mitigation for the City of Meridian and Boise, for that matter, and other adjacent cities to the east. Because peak traffic times should not be drastically affected by the proposed use on any access point, ACHD did not require a traffic impact study for this application. Even with the assumed capacity of

a thousand persons in the initial submittal, this was not required and restricting the capacity to 500 people should help with traffic concerns of this type of use. Further analysis regarding access should be addressed to ACHD, as they are the defending limiting body there. Staff also agrees that at peak hours of -- of business, which would be after 8:00 p.m. more than likely, access to the site should be improved as adjacent traffic levels on Ustick and Eagle should be much less than when it is at 5:00 or 6:00. With the proposed uses of a music venue nightclub, capacity and hours of operation are, obviously, integral factors in determining the compatibility of the uses with the neighboring and employment development, both commercial and residential. The applicant proposes hours of operation for The Oasis on the weekdays, which I labeled as Sunday through Thursday, as 4:00 p.m. to 1:00 a.m. On the weekdays -- sorry. Those are the weekdays. 4:00 p.m. to 1:00 a.m. and 4:00 p.m. to 2:00 a.m. on the weekends, Friday, Saturday. For reference the Villa Sport site is approved to remain open until 12:00 a.m. midnight, which would cover a majority of the same operating hours. The Oasis is further away from the existing residential than Villa Sport, but this does not mean any negative impacts are automatically alleviated. Therefore, staff recommends the weekday hours be limited from 4:00 p.m. to midnight to match the Villa Sport and, then, the weekend hours be limited to 4:00 p.m. to 1:00 a.m. These hours of operation match or, again, one more hour than the Villa Sport closing time, which makes it more compatible with that use and nearby residential development. These limitations as noted are one less hour than what the applicant originally requested. In order to meet UDC minimum parking requirements, the suite size of 7,000 square feet would require a total of 28 parking spaces and this is based on the restaurant use, which is one space per 250 square feet of gross floor area. The -- our development code does not specify parking standards beyond that -- for specific uses beyond that. That is our most restrictive parking ratio. With the approved CZC, which was for reference a certificate of zoning compliance, which is a site plan review, this is from that approval. The overall site improvements, the -- and the additional spaces, which are on the site specific one, 102 parking spaces are proposed on site and would likely be all used, because there is an existing cross-access and cross-parking agreement for this site in place. Both the landowner and the applicant understand the entire site will likely be used for parking for this business. The approved plans do not show any parking along the future northern commercial lots here and the landlord has agreed that those spaces will be built prior to this use commencing. Depending on how the parking is configured on the north side of the site, there is actually physical room for approximately 37 additional parking spaces, which includes the required width of nine feet and including for landscape planters, which is in line with code requirements as well. Again, this is a maximum, but does -- but does show additional parking will be provided and can be provided on site beyond what is currently being shown. Because of the anticipated parking issues for the proposed use, staff has recommended the applicant-landowner obtain a cross-parking agreement with the adjacent properties to the south and to the west and increase the amount of available parking for this use. In addition, a minimum of 125 total parking spaces shall be constructed. That's an additional recommendation. Which would obtain a parking ratio of one to four in accord with previous approvals. In the applicant's original narrative an estimated capacity of approximately a thousand patrons for the 7,000 square foot tenant suite was proposed. After receiving a conceptual floorplan as already shown, preliminary discussions with fire plan review discuss a

maximum capacity closer to 700, but the exact number for the map -- the building occupancy -- so fire occupancy and building occupancy -- cannot be known until architectural plans are submitted with building permit submittal at a later date. However, through the CUP process, which we are currently in, capacity can be limited further. Because of the issues outlined, staff recommends that -- that the capacity be limited to no more than 500 people, including the employees. Staff made this distinction because employees will likely take up parking spaces for the entire hours of operation, not just a portion of -- and, then, therefore, they should be included in the maximum capacity. Staff arrived at this number because it is the same ratio as the minimum parking for the proposed use. Again, one to four, which one space for 250 square feet is not one to four, I do understand math to that point, but most commercial developments are based off of thousand square feet of gross floor area. So, 250 square feet of a thousand would be one space for every -- four spaces for every thousand square feet. So, that's why 500 persons and 125 parking spaces equate to one space for every four people, based on the maximum capacity. However, it should be noted that enforcement of any of these capacity limits will be difficult for the city to enforce. The applicant should discuss how they intend on enforcing these limits without requiring constant fire or police presence on site. Staff does recommend approval of the requested CUP, because the proposed use meets or exceeds the minimum code requirements as outlined in the staff report and after that I will stand for any questions.

McCarvel: Any questions for staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Joe, a couple quick questions. The capacity that you -- you are recommending capacity at 500 persons?

Dodson: Yes, sir.

Cassinelli: And if that's less than fire code and whatnot, how is that enforceable?

Dodson: Commissioner Cassinelli, Madam Chair, that -- through the CUP process. That happens quite often. We do it more often with daycares to limit the number of children being served, but through the CUP process and this entitlement process we can limit that beyond the building requirements.

Cassinelli: But how is that -- how would that be enforced on a nightly basis?

Dodson: That is a good question and that is something I -- frankly should be left up to the applicant to -- as part of the CUP process to show us how that can be and should be enforced. I understand those concerns, which is why I noted that at the end of my presentation.

Cassinelli: And then -- although I thought you were referring to parking, but you were referring to indoor capacity as well?

Dodson: Correct. Not just the parking. I -- they are tied together, so I imagine that if we can enforce the actual capacity, including the employees, the parking issue should be somewhat mitigated.

Cassinelli: Okay. But there wouldn't be a -- if they are under the fire -- if they are within fire code, but over the 500, is there a -- does the city have a mechanism to enforce that and whatnot?

Dodson: Commissioner Cassinelli, my understanding would be that they could have their CUP revoked. Other than that it would probably be code enforcement citations and things like that, which is how we would track that and -- and, no, my assumption is that if this were to get approved with the behemoth opposition to it, that there would be many residents who might actually count people and report that, which the previous city I worked at that's how code enforcement worked. They did not do drive-bys and drive-throughs through the cities, they just operated off of complaints. So, it can be rather efficient.

Cassinelli: Okay. I have another question if -- if I'm okay. If anyone else has a question first.

Bongiorno: Madam Chair?

McCarvel: Yes. Officer --

Bongiorno: Chief Bongiorno.

McCarvel: Bongiorno.

Bongiorno: Bongiorno. How is everybody tonight?

McCarvel: Good. And you?

Bongiorno: So, to kind of go along with what Commissioner Cassinelli was saying and -- and Joe was one hundred percent correct, we -- we can't be everywhere all the time. Obviously I don't have the staffing for it to track how many people are in the building. You know, there has been some tragic -- tragedies throughout the United States where we have had buildings over capacity where hundreds of people have lost their lives in buildings similar to this. So, in this case this building is going to be sprinklered. It's going to have fire sprinklers on it. And so it should have the latest and greatest of everything life safety wise. But Joe is one hundred percent correct, the bulk of it would be done off complaints of people using their gut and just saying, man, there is too many people here and, then, we can send PD or whatever to take a look at the building and make sure that

they are not overcapacity and if they are, then, we tell them they either have to shut down and everybody out or they have to remove people from the building.

McCarvel: Okay. Thank you. Commissioner Cassinelli, did you have another question?

Cassinelli: I did. Thank you. Joe -- and I seem to have picked this up from a couple of the comments. I wasn't able to read all 455. I think that's what the number was. But there were -- there were several and I know you kind of alluded to it up front as far as previous approvals and whatnot just on the buildings themselves. But can you address -- from what I have picked up there were a lot of -- there were several complaints about noticing and that sort of thing. Can you just reiterate or talk to that, that everything was -- you know, all proper noticing, mailing, those sorts of things were done?

Dodson: Commissioner Cassinelli, Madam Chair, my understanding, yes, the noticing part, that's done from the city. So, I hope we didn't mess that up. Adrienne never does, so I'm not pointing any fingers. Those are mailings that we mail out to -- within 500 feet. The signposting I believe was one thing that had come up. I had -- I had driven by randomly and it did look like the sign was a little off of it being adjacent directly to the site, but, nonetheless, it was adjacent to Eagle, which is where it should be and there was one adjacent to Ustick and the reason for that was -- well, the reason why it was a little off site is because of the construction that is going on and there was an opening where probably the sign should have been where the construction workers were accessing the site in and out. So, as far as I know -- as far as I have been told and understand that it was all noticed correctly, including the neighborhood meeting. There were -- I know there were a couple issues with some changes in code and I will take a little bit of brunt of that, I did not let the applicant know that that had been changed from Monday to Thursday, because, frankly, I wasn't aware of it at the time. And, then, it -- he did correct and change it to the correct hours and we -- we move forward with that. But it's my understanding that everything was code compliant.

Cassinelli: Thank you.

McCarvel: Thank you.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Joe, do you know is there an outdoor component of this use that's being proposed?

Dodson: Commissioner Grove, no, there is not. Obviously people congregate on the sidewalks, but nothing is formally being proposed with that and I wouldn't -- through the narrative and no discussions with the applicant has that come up.

Grove: Okay. And I can ask the applicant about that. My main concern there is the nature of this type of business, but assuming they don't allow smoking indoors when -- when you start drinking there is typically a congregation point, so making sure that they have some contingency plan in place. And, then, I had a second question, just so that -- by the time we get to the deliberation and discussion point I am more certain than not that we will have a lot to undertake, but just kind of from the outset could you very clearly define what our parameters are in terms of what we are ruling on and what we are not litigating.

Dodson: Commissioner Grove, that's a good question. Yes, if Mr. Baird wants to weigh in at all that would be wonderful as well, but from Planning's perspective the -- you stick to the findings. Those are what we have to base these things off of when we -- when we do this. Some of the comments in the public were talking about location. We can't necessarily deny something just because we say we don't like where it's being proposed. That can be a component of the denial, if this is -- if that happens. It can be a component of the approval. It just can't be arbitrary. It can't be we don't like the number of parking spaces for any unknown reason. It has to be a little bit more based in code, which is, again, why I could not recommend denial. I do not think that I had enough gumption or power within code to do that. So, you guys kind of -- I don't envy you tonight -- have that authority to do that tonight and recommend basing it in the findings of the conditional use permit, which are at the end of my staff report.

Baird: Madam Chair?

McCarvel: Yes, sir.

Baird: I concur with what's been said. This is a conditional use permit and the way I look at that is -- and you, as the Planning and Zoning Commission, find appropriate conditions to place on this such that it will fit within -- within the rules. You have got a little bit more leeway than the staff does as far as, you know, he's -- he's come up with a -- with an arithmetic way to limit the number of people. If you don't think that that's appropriate and it needs additional conditions, the Commission can certainly do that. So, that's the way I would -- I would approach it as the Commission.

McCarvel: Okay. Thank you. And with that, if there is no more questions, I will ask the applicant to begin their presentation.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Sorry. I'm going to ask this question at some point, so I may as well throw it out there now. This is actually to -- is it -- is it Chief Bongiorno or Deputy Chief? I'm sorry. He's muted.

Bongiorno: No. I'm here. So, it -- either one works.

Cassinelli: Well, I want to give you proper respect there.

Bongiorno: Deputy Chief is my official title, but --

Cassinelli: Okay.

Bongiorno: -- a lot of people call me chief.

Cassinelli: All right. Chief, I will -- there wasn't an actual report in there from the Fire Department that I -- unless I completely missed it. There were comments in the staff report, but what I'm -- what I would like to know is just your overall -- and I don't know how much flexibility you have with -- with giving an opinion, but I wanted to -- just want to be real comfortable, because, obviously, with this -- I think, you know, fire safety is an enormous component, as you mentioned yourself there. You know, we have heard stories over the years -- obviously, sprinklers are a big issue, but heard stories over the years where a place like this, you know, where there has been terrible tragedies. So, I just want to make sure that the Fire Department is -- is comfortable with the -- the layout, the access, capacity, and all that.

Bongiorno: Madam Chair, Commissioner Cassinelli, yes, the way this sits -- so, my -- the things I potentially -- I initially look at is access, water supply, and just kind of the overall layout to make sure that we have full access to everything that we are looking at. So, as far as the internals of the building, I didn't have any comments on it, because that will all be handled through the plans process when they submit their -- their plans. So, our -- our plans reviewers through the building department we will go through the interior to make sure that everything meets building codes, everything meets fire code, you know, it's got the proper number of exits, we have got proper exiting for up on the mezzanine, you know, they are not putting flammable materials on the walls. That's all the kinds of things that they will be looking at as far as the interior of the building and the capacity of the building as well. Because depending on how they lay out the building with either standing room only or if there is tables and chairs or if there is just chairs, that capacity is going to change depending on how it's laid out. So, that 500 number that -- that Joe threw out could change and it most likely will, depending on how they present the plans to the city and how the layout and seating is going to be, because that dictates capacity, the occupant load of the building.

Cassinelli: I guess with all that said and as -- you know, as you are involved in the process of all that, are you fairly comfortable with -- with the Fire Department's ability to respond to any emergency, as long as you have your input when they are laying out the proper exits and all that, are you -- are you and the department comfortable with response to them and availability to get there and deal with any situation?

Bongiorno: Yeah. Commissioner Cassinelli, honestly, the -- the only thing that I brought up as a concern to Joe and the owner was the parking situation, because, you know, we didn't know at the time what the occupancy load of this building was going to be, we weren't sure how many parking spaces were going to get used. There is other

businesses, obviously, in this complex and so that's why we were looking at do they have a parking -- a cross-parking agreement with the people next door to make sure that the overflow parking is allowed to be, you know, captured in the next parking lot over, so we are not blocking fire lanes and anything like that. That was my biggest concern.

Cassinelli: Thank you.

Bongiorno: You bet.

McCarvel: Thank you. And we have the applicant present. Would you like to begin your presentation?

Tsai: Can you hear me okay?

McCarvel: Yes. And, please, state your name and address for the record.

Tsai: My name is Brian Tsai at 3085 East Ustick Road here in Meridian, Idaho. That's the project site. I thought for a long time about how I would start this presentation until recently I received this fortune cookie that said your contributions to your community can be felt near and far. I'm Brian Tsai, I'm the owner of The Oasis, and the reason I'm here tonight is after pouring my heart and soul and every penny I have had into this project, I was very disheartened to see the letters of opposition for something I have spent almost my entire life putting together as something for the entire community to enjoy. This project is a culmination of over a decade worth of ideas and that includes every penny I have made in those last ten years and, then, some. Half of that time I spent as a state trooper near the United States and Mexico border. I lost count of how many bodies I have moved or how many times I have heard bullets zipping past my head, knowing it was full well probably meant to end my life. It's a sound that you will never forget. So, I left that life behind in pursuit of a lifelong passion for music, to turn a bunch of ideas sketched across the endless napkins into something tangible and real. A multi-purpose venue that can be enjoyed by all ages, family uses, walks of life and the community as a whole. Just to reach this point in development I have already taken a second position lien on my house, received high interest net leases on equipment and, then, additionally, signed that collateral just in order to secure this lease for the building. They say nothing great comes without great sacrifice. Having been born and raised in Boise, like Commissioner Holland, Commissioner Cassinelli, Commissioner Grove, I, myself, am an Idaho native. So, when I say I grew up in this valley, I saw and experienced everything it had to offer for music, arts, entertainment and nightlife. As far as Commissioner Holland, your role as the city of Kuna's director of economic development, as well as the Boise Valley's Economic Partnership and a Boise native yourself, you understand first how -- firsthand how much a benefit a music event alone can bring to both a city and the surrounding community. As you would say in your mantra, you never stop learning, you never stopped doing, and you never stop giving. Now, why did I think this belonged in Meridian? I could have easily paid in rent half as much and put it in another city. I believed that was because Meridian was the most premier and upscale area that could accommodate a venue that was intended to be just as nice. When I met with an advisor from the Small Business

Administration, it turns out he was well connected in the music industry and had e-mails from the city -- then City Council of Meridian all the way back to 2010 asking if he knew anyone who was interested in building a venue in Meridian. These lead up to the recent years -- for example, when former Meridian Arts Commission Member Hilary Blackstone, advisory board of the City Council, and now who works at the Idaho State Department of Education, wrote a letter to the coordinators of the Tree Fort Music Festival and asked them what it would take for a company to build a venue in Meridian, because it had the potential to bring millions of dollars of revenue on top of coverage for arts and entertainment of all forms. Now, Commissioner McCarvel, your role in the Boise Convention and Visitor's Bureau, I'm sure you understand how much attraction would come to the Treasure Valley and Meridian specifically to have a truly world class facility in the area. In these folders are letters of opposition that I have -- been sent to the city regarding our application. I have read every single letter twice. It appears the majority of them were copied and pasted messages from the same three people. I sorted them into several folders here just for the reference. This yellow folder here represents all the addressable concerns that have been posed by members of the community and I'm here to assure the community that a project will have no detriment to the community in which it belongs. Is a concern -- these are addressable concerns such as noise, crime increase, drunk drivers and, of course, traffic and parking as we have heard throughout the staff report. In our noise analysis we assume that the walls will be made of nothing but a single sheet of plywood, which is, obviously, impossible as far as building construction goes. The chart in our analysis shows that the outside noise will at all times be lower than the ambient sound of highway traffic coming from Eagle Road. Regarding crime for the sake of comparison, in a five year period from 2015 to 2019, which is the most recent FBI crime statistics under the Uniform Crime Reporting report, which is the UCR report, shows in comparison 2,217 incidents of aggravated assault occurred in Boise over that time period. These are incidents which resulted in significantly bodily harm or death, including a fourth multiplier, such as an implement with a knife or a gun. Of those 2,217 only exactly one occurred as a direct result of a bar or club in downtown Boise, where dozens of such facilities exist. This means compared to the incident rate per capita you are six times more likely to be stabbed or shot going about your daily life in Boise versus attending an alcohol serving establishment in downtown. Crime occurs where it's naturally drawn. That's the reason why Beverly Hills has a lower violent crime rate than in midtown Los Angeles. If one incident occurs once every 2,217, that's an anomaly, not a trend. By that same logic we can look at the several armed robberies that occurred in the past month at gas stations and banks here in the Treasure Valley. Does that mean we remove all the banks and gas stations because a violent crime occurred at their premises? Commissioner Lorcher, I believe you are the most recent addition to the Commission, but before -- before coming here you have worked at three different alcoholic beverage brokers. So, you know the alcohol industry. Well, you have also attended events at a number of venues around town, including the Morrison Center. You have stated in your application to the Commission that you encouraged smart growth, which will benefit both existing and new residents, for the business and the community. Having both of those in mind, I'm sure you recognize the immense benefit a multi-purpose venue of this type can provide for the entire community. Regarding DUI crime in my law enforcement career, I personally arrested over 200 DUI drivers. Of those, since we actually track where those

drivers are coming from as part of our interview process, only two or three of those originated from bars or clubs of any kind. The other 198 or so, rounded for the sake of estimation, came from private residences. The reason for this is because those who visit establishments to consume alcohol -- almost all of them have already made arrangements in advance to get home safely, either through a designated driver or a ride sharing service of some kind. This, however, is not the case when they are forced to leave a private residence. And, lastly, of the traffic concerns, which were mostly resolved by reducing our planning capacity by half, the city planning staff, as well as the fire marshal and the Meridian Police Department, agreed in consultation that this would alleviate, if not significantly remove any issues with the parking or traffic. As noted in the staff report we have provided over 450 percent more parking spaces than what is required by code. So, four and a half times the required amount. At this intersection with two major arterials, even if all one hundred vehicles left the exact same time, it could be possibly cleared out in a single cycle of the traffic control signals. Now, we are certainly not the first. There are several bars on this mine drag of Eagle Road that are close -- then close at the same times as our project, if not later. A drive down Eagle Road shows the commercial use as far as the eye can see. There are approximately a dozen licensed liquor establishments within less than a mile of our location, including at least five to ten more that were added in the City of Meridian in 2020, with no marked increase of DUIs by percentage and in total there are already 61 other liquor licenses that are currently in operation in Meridian. We are just asking to be number 62. This red folder, approximately 80 to 90 percent of the opposition's letters were letters that didn't address any particular concern, but stated they were opposed to the project because it went against their family or moral values. Now, if I don't like vanilla ice cream I don't go out and try and get everyone else to hate vanilla ice cream, I just try -- or I don't try and go get companies to stop making it, I just don't eat it. Similarly, if not perhaps, but when somebody wants to build a strip club in Meridian, as they have in Boise, in no way would it affect my family values or my personal moral stance, because I don't allow them to. Personally I don't morally agree with strip clubs. It doesn't reflect on my personal values, because I don't attend them. And, finally, this folder here I labeled within radius, because this is the radius defined by law as the area of potential impact. The state law designates as 300 feet. The City of Meridian has increased that and designated that to be 500 feet. These are the letters that were received within that radius. Which means when I cross referenced the letters of objection from the list of owners and their residents on file with the city, I discovered that not only did not a single one of the opposition actually live within the lawful zone of impact, a smear campaign was presented by several of those opponents, intentionally spreading fear and rumors regarding our facility. Some of the residents that are living in the area that support the project, including five of which who were -- live within this radius, said that they had received flyers on their doorstep claiming that our facility was intended to operate as a strip club, including outdoor music and lights that would be distracting, and others that claimed that we had paid to promote prostitution from our facility. None of which could be further from the truth. When I reached out to some of the citizens who had written letters of opposition, they were surprised to discover the real practices of our business and responded to me saying that they didn't actually oppose our project, but only wrote the letter because they were instructed to. The fact that our opposition would go to such great lengths to spread misinformation to demonstrate the

character of their intentions. The bottom line is this. Idaho Code Section 67-6512(a) of the Idaho Local Land Use and Planning Act states that the permit may be issued provided if conditionally permitted by the ordinance, which it is, and submitted to the -- subject to the conditions of the ordinance in which Meridian Unified Development Code 11-4-3-10 meets all the requirements of not being located within a church or educational institution and, in fact, absolutely nothing is located within 300 feet. Over a four full football field away, which is the radius designated by the Idaho law for potential impact regarding conditional use permits. Now, several dozen experts and consultants at the city's planning staff wrote their staff report that this permit approval would be in compliance with over eight different requirements for that approval. That appears at the end of the staff report and added that the project -- and I quote will add to the city's commercial base and will likely be a higher benefit to the users of future Villa Sport and residents to the southwest of this site. The proposed business offers a new commercial use, not only to this area of Meridian, but to Meridian as a whole. End of quote. They added in conversation that much of the city staff, including the planners, love the proposed use and, indeed, sincerely want it in the City of Meridian. In addition, the project promotes the Action Item 6.01.02(d) in the Comprehensive Plan to develop indoor or outdoor multiple use facilities for a variety of recreational, educational and cultural sports purposes and uses. Commissioner Holland, I watched the previous Planning and Zoning meeting. You stated in the last hearing that the determination of conditional use should primarily include if the use fits the Comprehensive Plan. You have heard how the staff report demonstrates that it does and, additionally, promotes the intended action items by the city as a whole. The report goes on to state that our project -- and I quote: Gives Meridian residents more opportunity to share in music and art and potentially bring new cultural experiences to Meridian through this business and value. Also in the last hearing I believe it was Commissioner Seal, who is not in attendance with us today, has stated as a city we are trying to grow up and we need more businesses and we need more places of employment to exist. We are starting with the addition of at least 30 jobs supporting all local businesses and musicians as a whole. I'm not sure who would be against a minority owned business trying to open during a pandemic when the global music industry has lost over a trillion dollars in revenue at a time when over 150,000 bars and restaurants have permanently closed their doors as a result of COVID. Now, having been a minority business owner for nearly a decade, I experienced discrimination in seeking loans, filing applications, securing leases. These are all occurrences that are well documented nationwide. I refuse to sit back and be stepped on by opposition whose personal or business beliefs perhaps might stand on businesses being owned solely by white two parent nuclear households. Statistically speaking Idaho has one of the lowest rates of minority owned businesses in the entire country. It appears at the bottom five of the entire 50 states. All I'm asking for here is a chance to start a business. Of the few people who chase a dream of something they have always wanted to do to bring something to Meridian that has been missing for decades and provides a massively positive community opportunity, but financial and economic growth as well. This provides growth for both citizens and government, which, in turn, increases available funds for school, education, and other community programs. In addition to the letters of support that have been sent in, we have received several hundred messages, each with a unique reason for each individual of the importance of such a venue and why music is important to them. I

included them here. It's over 16 pages with at least ten or 12 messages per page of those supporters. Our Facebook page, despite having no advertising done, has already amassed over 600 followers based on the excited word of mouth alone from local residents. Now, in reality, less than 20 percent of our operations can be considered nightclub use. That's where we dispel a lot of the problems and the stigma surrounding facilities that are purely nightclubs. In fact, we have booked over ten couples, many free of charge, to have their weddings and receptions at our facility. We are putting both the Idaho Humane Society and the Meridian Canine Rescue on our calendars, opening the venue to pet adoption events, welcoming all ages, including kids and family events. A representative of the Meridian Canine Rescue, just a couple miles away from our site, stated -- and I quote: They are very grateful for the opportunity to use our venue space. The Idaho Humane Society stated they appreciated us bringing such an important and much needed space to the Boise-Meridian area, since they were not able to reach out to Meridian due to the lack of Meridian's venue spaces. We have several local dance clubs to be featured at our space and excited to bring dance styles, including hip hop, ballroom, and country western. These groups span all ages, including a local swing dancing group comprised primarily of age 60 and over members. We are even working with some local high school cheerleading groups, so they can host their seminars and meets at our venue as well. We have also reached out to the Meridian Arts Commission and offered them the use of our space completely free of charge for any of their future uses. As Commissioner Yearsley said in an October 7th, 2013, introduction, he called Meridian -- and I quote: One of the greatest cities in Idaho. The number one in Treasure Valley and we are not going to be a bedroom community anymore. End of quote. And you can't be the greatest without having a single venue of any kind for the arts. In total, based on our estimated expenditures, labor, and operating costs, we have already pledged over 20,000 dollars of free venue use to the City of Meridian, several nonprofit organizations and community uses that include both child and teenage programs due to the multiple use nature of the building. Almost done. A developer once told me that many groups interested in booking before you even open is a sign that the community as a whole is highly supportive of your project. I would like to thank the Commission for their time and I would ask the Commission member make a motion for approval, including, in closing, only to point out that there would be no outstanding reason, lawful or otherwise, not to approve the permit at this time.

McCarvel: Thank you. Any questions for the applicant?

Holland: Madam Chair?

McCarvel: Commissioner Holland, you have come off mute.

Holland: Was it Brian is your first name?

Tsai: Yes, Commissioner.

Holland: I'm sorry, I didn't catch your last name, but I -- I appreciate you taking some time to give an overview for us. I am curious if you can talk a little bit more about safety for

us. That's probably one of the biggest concerns we have seen. But what are some of the safety protocols you are proposing that might help mitigate some of the concerns the community is going to be bringing forward tonight?

Tsai: First thing I will address is the issue with capacity, just as that was posed as a question just kind of right off the bat. We use a system that's created by a company called Token Works. They are the same company that makes the identification authentication programs and the machines that they use -- that the TSA uses at the airport. So, they scan the ID from top to bottom, they verify the age and that the ID is actually authentic using a number of different techniques that are forensic based on certain states. That system as a whole, then, links to a network of other known -- like potentially known offenders that exist within the system. So, if you -- if this person -- typically people who create violence, people who have inappropriate conduct, people who are -- who commonly drink too often, these are people who have not done that for the very first time. They have typically been to other venues before, therefore, if they get kicked out or if they get flagged for follow up or they get blacklisted from a venue, we will know that immediately upon entering of their attempted entry into our facility and we could deny them entry into the facility prior to that point. As far as the other safety issues are concerned, we have -- and it's posted on our website, we have absolutely zero tolerance for any type of inappropriate behavior, overconsumption of alcohol, or any of these other things that are typically associated with somebody going to a facility that's just a nightclub and, then, getting a little too out of hand. Among these things, for example -- well, let's say -- well, how would you do this versus a regular bar and I believe I have this in my follow up rebuttal as well, which is that a normal bar their only way to prevent overconsumption is by not over serving. That falls onto the bartender and their training to recognize the signs and symptoms of potential intoxication and, then, stop it before that actually happens. However, the bartenders they are attending the bar, they are not there to tend to the rest of the business. So, it can very -- very easily slip through their observation that this person might go out into the parking lot and drive away drunk. The way we have mitigated that is through our plan not only having the security staff posted at the entrances and the exits, but to have our actual bartenders and service staff trained above and beyond what the City of Meridian requires in order to recognize the signs and symptoms prior to them even leaving the building and if need be they -- we can arrange for them to have safe transportation versus just letting them out of the parking lot and, you know, whatever happens from there. I hope that answers most of the things. I know there is a -- there is a whole lot of things that can go around the concept of safety and just as a -- as a base principle I suppose I would say that during any of the times where typically more incidents happen, which is admittedly, you know, later in the evenings, more towards the night times, we do intend to have our security staff at the doors screening every person that comes in for any potential weapons or alcohol that they would like to bring in.

Holland: Thanks, Brian. That's it for now for me.

McCarvel: Okay.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I'm just curious on -- there is lots of three acre parcels throughout the City of Meridian that can be developed. What drew you to the corner of Ustick and Eagle?

Tsai: I have actually been looking at sites for over two years before we had ended up picking this one. There was a selection of about eight different sites that were available for commercial use. Unfortunately, based on us being a startup business in this particular realm, a lot of those weren't able to cater to being built to suit buildings, so to speak. We were able to find this particular developer that was very open to our concept. My -- my broker is actually here in the room today. He -- he basically beared with me over two years of picking -- trying to pick through these different sites. Six of them were rejected immediately based on incorrect zoning. As you know, the City of Meridian has 15 different zones, only four of which require alcohol and this use of any kind, and, then, the largest scale of them being the C-G or the general commercial. So, based on those restrictions we were able to narrow it down to this particular site, which was to us an ideal location, because it was situated just north of The Village where it was this up and coming prominent entertainment corridor that's recognized across the entire valley, but at the same time maintains that kind of buffered zone between any type of residential impact and is only -- only buffered -- I should say only abutted on other -- all sides by only other commercial zones.

Lorcher: Thank you.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Brian, first of all, I appreciate your passion and your preparation. It blows me away and I think probably the -- the rest of the Commission as well. I want to say up front something I'm going to say here, that if I misinterpreted what you said I'm going to apologize up front, but I'm a little bit offended that you would come out and -- and possibly indicate that we might reject this based on race or minority status. That's -- that -- that got me and I want to tell you that's not how I view things. I think you know that this is just the nature of the business, it's probably a bit of a hot topic, and -- and has nothing to do with -- with anything else. That said I have got a couple of quick questions for you. Are you okay with the recommendation of the reduced hours?

Tsai: Yes. I almost said yes, Your Honor, but that's just a habit.

Cassinelli: Are you okay with the -- with the reduction in -- with the capacity recommendation by staff of 500?

Tsai: Yes. That was actually our recommend -- or our kind of agreement with the actual planning staff that -- as a -- kind of working together we came down to -- to that number.

Cassinelli: Okay. And, Madam Chair, I have got a couple of other quick questions if I might as well.

McCarvel: Sure.

Cassinelli: Parking. Have you talked with the -- with the Villa Sport people? Because I'm guessing that overflow parking might go into their parking lot. Have you had a conversation with them and can you elaborate on that if so?

Tsai: I'm actually not entirely familiar with that, just because I'm only dealing with our project as a -- as a specific, but I understand that our developers are working with them with that. There are just a handful of issues, because some of those permits have -- or -- or may have already expired, but I believe they are working on that in order to work on some type of cross-parking agreement.

Cassinelli: Okay. And, then, finally, if you can -- can you kind of give me a little bit better understanding, because I didn't go to the Facebook page or anything like that, of the -- the overall -- you mentioned some of the people that you might want to -- that you have invited to utilize the club and I think that's great as far as opening it up to different groups in the community. You mentioned all ages. But can you kind of give a little bit -- a little bit better -- you have already ruled out the strip club aspect, but can you give me a good understanding of what the club will be?

Tsai: Sure. So, to me -- I mean oasis, frankly, is a very common name. I found it to be immensely appropriate for this area, because a typical oasis is a -- kind of like a desert setting where water is congregated and, then, subsequently palm trees and animals and even people have gathered in that area as kind of like a watering hole. I felt that to be very appropriate since Idaho here we are in the middle of a desert and, then, we are building this kind of beach theme facility right in the middle of it and that's what I imagined as our -- as our facility, the reason we -- you know, we are -- I have poured the millions of dollars into this facility and, then, the lease and all the obligations that go along with it. It's just because, you know, I want people to walk in -- you know, there is very few people in this world who don't like the beach. I want people to walk in, I want -- I want them to be amazed that -- you know, the amount of technology and lighting that we have installed in this facility to make it truly multi-purpose. The kind of floor-to-ceiling palm trees. The mezzanine areas. The type of the multi-use from that. To give you one example of how that could apply to all ages would be to say -- for example, I work with one of the owners of Dirt Road Dancing. They are -- they are the guys who kind of host all the local dance classes at various facilities around town. In fact, he's actually teaching a class tonight, which is the reason he wasn't able to attend. But when they teach those classes they are typically situated at places that are 21 and up. For example, like the Buffalo Club, they are not going to invite kids in there to join in those classes. However, if you are endorsed under the Idaho State -- the liquor license as a multi-purpose venue that allows us to

designate certain 21 and up locations. You -- either within the facility or as hours as a whole and that allows us to bring those instructors in, not only for just 21 and up crowds, but also for all ages, including kids and children -- or kids and teenagers as well.

McCarvel: Okay.

Cassinelli: Thank you.

McCarvel: Commissioner Grove.

Grove: Madam Chair, thank you. Question for you, Brian. With what I posed to the city staff was what is the plan for outdoor gathering for patrons of the establishment?

Tsai: Okay. Sorry. I forgot to address that as part of that portion. But as -- at this time we have no plans for any type of outdoor music or patio space -- at this time I should say of any kind. As far as the concern regarding, you know, a smoking area we have intended to designate kind of like that -- I believe it's the west end of that building where they have left us a pad that could be potentially used as patio space in the future, that's right next to that kind of roll-up door structure there is a set of double doors there. Starting out for our intended uses we don't have -- plan to have any outdoor activities, lights, music of any kind, but we may designate that area as kind of like a smoking area, so they are not kind of, you know, just loose and running around in the parking lot and, then, have to get back in.

Grove: Okay. Thank you. That's one of my concerns just in terms of, you know, that -- people are going to be out there doing that and so if they don't have, you know, lines and places to follow, it makes it a lot harder to keep that noise abatement in control. Also just in -- I -- I understand -- it's a little off topic I guess, but Commissioner Cassinelli's comment, I understand what he's saying. I personally did not hear it that way. So, know that there is multiple ways that people heard the -- the response that you had in your opening piece.

Tsai: Yeah. And I apologize. That was in no way directed towards the Commission itself. That was more of a response to the smear campaign that we were up against.

McCarvel: Okay. I think I did have a question. You have got -- it wasn't -- this -- staff has recommended that you and the landowner obtained cross-agreements with the adjacent properties for more available parking. Has that been successful or where are -- where are we at on that?

Tsai: I'm going to be honest with you, I'm not -- I'm -- you know, a lot of the reason that a lot of this stuff got kind of done out of order, just because I'm not a land planner and we weren't able to hire one for this project, so as far as I understand that, they are -- they are currently working on it. I'm just -- I'm so far on the -- so far down on the totem pole, so to speak, of what the developer has as far as agreements that I'm not sure where they are on top of that. It was my understanding that the parking ratio itself would be adequate in conjunction with our operating hours and the extra parking spaces, that four-to-one ratio

would be adequate based on maximum capacity events. The reason that would be a lesser concern, so to speak, is that the majority of our operations will be far below the maximum capacity. These are things like private events, small wedding receptions, that type of thing. It would be on the rarity that we would have a maximum capacity event that strains the limits of the available parking.

McCarvel: Okay. And I think staff had also asked that you address how do you intend on enforcing the limits without requiring the fire and police constant presence.

Tsai: So, that Token Work system, the one that integrates with all the other facilities of a similar type and that will store with a list of blacklisted names or anything like that, that keeps a very specific and tight count on the actual ingress, because every person that enters the facility is -- passes through that -- that station as part of the screening process and, additionally, that's where we check for weapons, illegal drugs, illicit materials, anything like that and it's for that reason that we can constantly track and monitor how many people are in the facility at any time.

McCarvel: Yeah. Because in just reading the reports and everything, the capacity -- your original narrative you had almost -- you were anticipating a thousand patrons and quickly agreed down -- all the way down to 500, so -- and now you are saying that it probably rarely will even be at 500. So, I'm just trying to get a grip on where you are really at on --

Tsai: The reason I originally picked that one thousand capacity number is just because, you know, a lot of this information is second or third hand to me. A lot of it I just have to learn on the fly. So, for example, I took comparisons of the actual capacity versus parking space versus occupancy numbers of -- for example, like the Revolution Concert House, the Knitting Factory downtown, the Buffalo Club, various, you know, venues spread across the Treasure Valley. Based on there standing room only regulations a maximum capacity events, there is really a cap off on some of those, I assumed a number of about one per -- or, sorry, one person per every eight square feet, which was, you know, threshold of standing room only and I would base that figure based on that number of our available floor capacity versus square footage, but when I realized that that number wasn't congruent with the other approved uses of those facilities in town, that's when I agreed to cut that capacity down significantly in order to accommodate the actual size and space of use.

McCarvel: Okay. Any other questions for the applicant?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Brian, can you address -- I think in -- in a situation like this one of the concerns out there is -- it's -- it's noise, it's drunk behavior, it's fights, those sorts of things. A lot of

that doesn't necessarily tend to happen inside and if it does usually those people are bounced. What kind of security would you have in the parking lot area?

Tsai: And that's an excellent question. Thank you for bringing that up as well, Commissioner. I did have that in my original narrative, as well as the revision. That's part of our security plan is we do intend to have staff not only within the facility, but also conducting periodic checks of the parking lot, as well as the perimeter of the facility as a whole. That came up very early on in our planning process as a concern of, hey, there is going to be people who have -- are at various levels of alcohol consumption congregating in your parking lot specifically after you have closed for business. How are you -- how do you intend to address those concerns and we addressed that using those security staff that not only checks inside, but also outside the facility and -- and mitigate -- I guess mitigate those circumstances to prevent any type of excessive noise or potential for violence and that -- at the same time they can also check for any -- anybody who intends to drive after they have had too much.

Cassinelli: Okay. Thank you.

McCarvel: It looks like we have no more questions for the applicant, so I will turn it over -- we will start the public testimony.

Tsai: Thank you.

Weatherly: Thank you, Madam Chair. First is Jeffrey D'Andrea.

McCarvel: And please state your name and address for the record.

D'Andrea: Thank you, Madam Chair. My name is Jeffrey D'Andrea. 2347 East Wigle Drive, Meridian. 83646.

McCarvel: Thank you.

D'Andea: While I appreciate Brian's drive and desire and all of his work that he's put into this project and his background -- and his background in the music, I, too, have a background in music. I'm a drummer. Played in many bands. I love the music and everything else. I don't think some of our opposition to this is about that and for him to actually say that some of us had low moral character and nefarious agendas towards him -- I haven't seen that and I live in the neighborhood. So, if those flyers went out to somebody, I didn't see that and I actually take offence, because I have some actual, you know, opposition. I don't understand why a traffic study was not done when it's a right-in and right-out and we know that Meridian --

McCarvel: You can't -- just --

D'Andrea: With a right-in and right-out, we know that Eagle and Meridian -- excuse me -- Eagle and Ustick Road are very busy and I know the hours are late, but if you have

come by there, you live in that neighborhood, there is many a times where the Ustick light at Eagle is backed up past the other light that's at that next road, even up to 8:00, 9:00, 10:00 o'clock at night. Now you are going to have more people turning off of Eagle to go into -- because there is not going to be an -- an entrance off of Eagle from the northbound traffic, they are going to have to turn onto Ustick and, then, turn down into the -- you know, that street and, then, hopefully, with that egress that they mentioned coming in, yeah, that will be there, but still I don't understand why a traffic study wasn't actually part of this. Also with the parking he mentioned that, you know, with the four -- one-to-four ratio, that's four parking spaces -- or, excuse me, the 500 people with a hundred parking spaces -- you know, 125 parking spaces, you know, that's four, when we look at that where are the rest going to park. He hasn't looked into have they gotten the agreement from those people that are just south of them to have overflow parking and, if not, are they going to be parking in that high density residential area on the side streets and stuff like that. How is a -- how are they going to stop that from happening. I'm sorry, I wrote down a lot of notes during his talk and I'm just trying to go over most of them. So, I will say I appreciate Commissioner Cassinelli's response to him using race, creed, and marital status -- is kind of -- you know. And I know it's not important, but it's just playing to the times and it has bearing -- no bearing on this proposal whatsoever. I believe the Meridian Council and the Meridian Planning and Zoning will take everything into consideration as they need to for the project and he mentioned that at this time we do not have outdoor music planned. Well, can this be mandated, that they don't have outdoor music planned. Also in the proposal at the beginning when they said you won't be able to see it from the neighborhoods, well, with outdoor people it's not the seeing so much, it's the hearing and the noise that the traffic and those in the parking lot make that can be disturbing. What is going to change that? Also his last comment was on -- that they would have people monitor the parking lots for behavior that they don't want inside the club or outside the club. How often will that be, you know. And, then, to have -- early on when they gave the proposal -- when staff gave the proposal it was mentioned that mostly the citizens would have part of the obligation to contact police and stuff like that, while we work very closely with our law enforcement in our community, I'm not sure that setting up a new building and a new -- whatever you want to call it -- place that automatically puts the citizen in -- kind of in a proper position to say, hey, we have got to be in charge of enforcing law around here by calling is an appropriate thing to do.

McCarvel: Thank you.

D'Andrea: Is that my -- my time is up?

McCarvel: Yeah. That was your bell before.

D'Andea: Okay. I didn't hear a bell. I'm sorry. Thank you very much, Madam Chair. I appreciate your time.

McCarvel: Thank you for staying.

Weatherly: Madam Chair, next up is Darien Renee Gustafson. Okay. Next up is Michael Ebeling -- Ebeling. Sorry.

Ebeling: My name is Michael Ebling. 884 North Quartzsite Avenue, Kuna, Idaho. 83635. So, I would like to thank him for his community service as an officer. That's really awesome. And, you know, we all heard about all these different -- the studies about what can happen with nightclubs and stuff, the crime rates. People will say all the different stuff and there is arguments both ways. You know, it's sad to see, you know, there is going to be like so much increase in police patrols, prostitution, drunkenness, drug addiction, fights, gangs, vandalism, rape -- like these are all things no matter what side of the political aisle you are on you should be concerned about, but I mean this is just a study -- it kind of -- it's easy to -- you know, that's not me, that's not going to be us, but I can speak for myself, I grew up in Portland and I got addicted to drugs and alcohol and the nightlife and I spent all my money all the time in nightclubs and bars and that scene and had it not been from my work about nine years ago moving to Meridian where I got off of drugs and alcohol, I found a church instead of a nightclub, I got saved. I'm sober for nine years, roughly, and I think had it not been for that I would have just been stuck in that lifestyle forever, you know, in Portland and I was able to save up and I was able to buy my first house in Kuna. I got married and now I'm looking forward to my children and what are they going to have to deal with and I just see Meridian turning into Portland and Portland is renowned for all the things that Meridian is not known for and, you know, okay, it's only number 63 for the alcohol permit and, you know, it's only one more. But we need to draw the line. You know, there is enough options for people who want to drink. That's great if you want to do that, you know, but where do you draw the line at, you know, so that's all I have to say. Thanks.

McCarvel: Thank you.

Weatherly: Madam Chair, next up is Kyle Scheffler -- Scheffler.

Scheffler: Hello.

McCarvel: Name and address for the record and the floor is yours.

Scheffler: Yeah. Sure. My name is Kyle Scheffler. My address is 2003 North Ninth Street, Boise, Idaho. So, I am in support of Oasis. I'm in strong support of this. I'm actually the owner and operator of the Treasure Valley's newest community radio station 103.1 KFFI FM and the reason you haven't heard of us is because we are not on the air yet. We hope to be on the air within six months. Our station will be located in Boise, but we will reach the entire Treasure Valley. So, I believe that I am a person in the community with a strong interest in supporting people like Brian who are trying to bring art centers to where I believe it's sorely needed. It doesn't really exist that much outside of Boise and it seems like 20 percent of the activities or less is going to be considered -- this is not really just a nightclub, it sounded more like in community events center. Now, for a nonprofit, I -- we don't get any of our funding from the city, we don't get funding from the state or anybody, we pretty much fundraise, so by the community for the community, you

know, that's what that means when I hear of -- in a proposed venue owner offering their venue to nonprofits to the city for free, that's pretty -- that's -- I think that's pretty remarkable. Not to compare Big Al's to what this is going to be, but when Big Al's was coming were they offering, you know, free space to nonprofits and things like that? I doubt it. Maybe a discount at most. And I know firsthand how expensive it is to rent out event space and it cuts into the overhead of the causes that charities are trying to promote and just to address the gentleman before me with all due respect, if preventing a nightclub from opening is going to be the make or break of you using drugs or drinking, why not stop at nightclubs. We should be, you know, well, why don't we close liquor stores, too, and any stores that sell tobacco, which is also going to kill life. Thank you.

McCarvel: Before we go on, I think let's keep comments to the proposal and not the personal feelings. Let's move on.

Weatherly: Thank you, Madam Chair. Next is Kelli Russell.

Russell: Hello. My name is Kelli Russell. I live at 1530 West Ann Taylor Street, Meridian. 83646. Madam Commissioner -- Madam Chair and Commissioners, thank you for this opportunity just to make public statement. I also agree that I appreciate Mr. Tsai's service as a public -- as a police officer. I know that's a hard job. I appreciate what he's done there. I live in Meridian. I'm in the events industry and I can very much appreciate the need for event locations in Meridian and how the industry itself has taken such a hard hit and I appreciate Mr. Tsai's risk that he is taking and the way that he wants to bring some space -- some event space to this -- this city. I do have a few concerns that are logistical, as well as what has been said already. Apparently it's ACHD that does the traffic and those kinds of things, so I can take it up with them, but I do agree that Meridian tends to throw up buildings and think about traffic later. So, I just wanted to make that statement. I drive twice a day past this area and it's always bottlenecked and even at night it does have quite a bit of traffic still. I also just wanted to speak to the housing concern, the noise abatement. An event center I believe could be different than a nightclub situation and I -- if I'm understanding correctly, this is about a conditional use permit that goes more towards a nightclub. If I lived in that neighborhood I would definitely be concerned about safety, about noise, about people wandering into my neighborhood. I know that that's not the only neighborhood, that there is several popping up all around. That's just the nature of the city. So, specific -- specifically to the conditional use permit, just with the -- the understanding of that, if other venues like Boise State's Stueckle Center that's very much towards events and weddings and those kinds of things in nature have really served a great purpose and brought a lot of great things to our community, if this location is also something that can be used in that way, I believe that would be a great addition to our community. However, the nightclub model that it is leaning towards does concern me a little bit just due to the nature of the lateness and the traffic and being out mixing with alcohol and those things and so I just wanted to make those points known and, like I said, I will be contacting ACHD about my other traffic concerns. Thank you. And thank you, Mr. Tsai, for what you are doing to bring business to the city and I just appreciate what you said tonight.

Weatherly: Madam Chair, next is Joyce Mauck.

Mauck: I'm Joyce Mauck and I live in a close by neighborhood at 4031 East Conklin Drive, Meridian, Idaho. 83646. And good evening, Madam Chair and the Commissioners -- the Commissioner here. I have some concerns about this. I love music. I love going out and having a good time, but I have serious concerns with it so close to so many residential areas. The traffic -- Eagle and Ustick is one of the most dangerous and -- and heavily trafficked intersections in our area and -- and the fact tonight when I heard there was no traffic study done, that really shocked me. So, that's a huge concern. There is very serious accidents that happen there and I do believe it is one of the most dangerous intersections. Parking concerns is another one and, then, when I heard the four-to-one ratio that was another concern of mine. Safety issues. I heard him say that they were going to work -- or in the statement in the beginning when he was outlining everything on it that they will work with the police and the neighborhood watches. So, to me if they already know they have to work with them so closely that that's concerning to me, too, because I think a venue like this could increase DUIs, things like that, the drunken driving, the violence and things like that. So, that's a concern for me and I'm an Idaho native and I -- like I said, I -- I love the music and the arts and all that, but I don't want to see this going so close to our neighborhood and other neighborhoods. I think there is better places for a venue like this and I do think people that wrote in their concerns I think they -- they need to be valued for what they wrote in and although a lot of them are probably sounding a lot alike, it sounds like up here, too, we all have a lot of the same concerns. So, I don't think you can dismiss those and I think one thing when I have come to these City Council meetings I have always thought Meridian does a really good job of looking at what is best for our community and I really appreciate that. So, thank you for taking the time to really look at everything on what's truly best for our city. Thank you.

McCarvel: Thank you. And I think I will segue right off of that, because we have looked at all of the public testimony that was sent in and we do acknowledge that most of the concerns revolve around the traffic and the parking and the noise and so if you -- we are happy to hear everybody, but if we -- if you have new concerns other than those, I think the Commission is prepared to discuss those issues, so if you have new concerns, please, step forward, but if we are at the point where we are repeating those same concepts I think we understand those and as well the people who are for it that are loving having the potential of event space and a music venue in Meridian, I think we understand those. So, we will go forward with anybody else who wants to comment on anything else.

Weatherly: Thank you, Madam Chair. Next is Terry Silsby.

McCarvel: Name and address for the record, please.

Silsby: Yes. Terry Silsby. Address -- dwelling or business? It doesn't matter?

McCarvel: It doesn't matter.

Silsby: So, mailing address in Meridian is 104 East Fairview. 83642.

McCarvel: Okay.

Silsby: I have had -- I have grown up here in Meridian and I have spent a lot of years traveling up and down Eagle Road. I understand the area and I had a great deal of pleasure in working with Brian in finding that location and in working out the lease and working with him in the business plan and as you can tell from your visit with Brian about what a big pleasure it is to be involved in a business planning environment with him. He has got a great scientific mind and he is a great addition to our community. I do want to say I spent some time in right of way working in various corridors with the State Transportation Department and the Ada County Highway District as a -- working right-of-way projects. I do understand the issues of traffic in and out and ingress-egress. You have got the highway -- state highway issues, the -- the Ada County Highway District with its transportation department itself, you have got several different entities dealing with -- with the thoroughfare there. So, that is an issue that I think can easily be addressed, but what people don't realize is a lot of the traffic patterns that they are seeing here now is as a result of traffic being redirected onto the road from other areas that have been under construction and, then, on top of that they are adding different access to the freeway and things like that, so that -- and widening roads, so it's taking the burden off of Eagle Road. So, over time I see long term that there is going to be a change in traffic patterns and, then, relief of some of the pressure, but on top of that I think it's important to realize that -- and for everybody to look at this, that area was designated commercial long before the residential areas came in. So, while I agree some of the traffic issues need to be addressed and will be and I think are already being addressed, albeit fairly slowly. There is another thing I would like to make a point. If -- if -- if it was Barbacoa or the Yard House or other well known restaurants that also serve alcohol that were wanting to locate to this position and add a music venue, I don't know that we would have had exactly the same opposition to this, because those are well known names and people understand that they are a very high quality event. Brian has worked hard to look at having a professional chef involved, a very high quality event both for restaurant and to have the clientele appreciate and experience something that is going to be a quality and become something that they want to have their family members involved in as well. I have no problem planning in the future to bring my family to this environment when my daughter is 16, when she's old enough I'm planning to bring her there. I'm a member of the country swing dance community, if you will, and those are some of the friendliest, most agreeable people that you will ever meet, and he is going to be bringing those people to that environment. A lot of us travel great distances so that we can practice what we call the art form of swing dance and it's fun and I think a lot of the people here would also eventually participate as well. So, you know, that I'm in favor of this, but I also wanted to mention some of those points and -- and I think that there is already seven -- five or seven alcohol serving businesses in The Village and we haven't seen a lot of the problems that people have been bringing up. And one more point. I did talk to someone who is in a subdivision roughly a mile away and they have had someone put in their subdivision newsletter and broadcast that trying to create opposition for this event and so there does appear to be an organized attempt to try to suppress something that I think is a great addition to our community. Thank you.

Weatherly: Madam Chair, next is Zach Yates.

McCarvel: Please state your name and address for the record and the floor is yours.

Yates: All right. My name is Zach Yates. 814 Sage Creek Road, Nampa, Idaho. I'm in support of my friend Brian here and I would also like to -- as far as music goes, like I'm a really big fanatic for it as well, but I'm also wanting to venture out and -- and also expand my abilities to -- I guess maybe like DJ'ing, for example, but also get more of a taste for other artists as well. So, I think this -- I think this venue that he is developing and putting under construction is a really big influence for a lot of smaller artists to help get their name out. It is really hard to -- unless you are like really well known on major radio stations it can be really hard to get your name out there. But also as far as like the alcohol side of things, I was like he -- the gentleman earlier mentioned his restaurants, they serve it anyways. They have to have a license for it. Even event center areas or places that hosts events, they got to have that license anyways, because people are going to have that option. I mean it's like -- it's no different than any other event center around that would cater to maybe like parties, charitable programs, or even weddings. So, I just wanted to share that and show my support for my friend Brian here as well. So, thank you.

Weatherly: Dave Sattler, would you like to testify?

Sattler: Hi. I'm Dave Sattler. 2060 East Lobelia Street. 83646. So, as a small business owner myself I think it's important to be clear here that though there may be some time and space given to community organizations and nonprofit entities, that is not your business. I know as a small business owner you cannot operate for free. So, I think to say that you will be rarely at capacity, I think that's a little misleading, because your profit generating activity is your nightclub and I think it's a little mischaracterization to say that this is a music and arts venue when all of that is done under community engagement and free use of space, which is a nice gesture to get the conditional use permit, but is not driving any revenue for you, which, in my opinion as a small business owner, means that will go away. I think that friends and business partners as your supporters is also I think a little illustrative of the lack of support that those who live within any proximity to your business is lack of a support. I think that free is not an expression of community support. So, in my opinion, Council or Commission I think -- although that's awfully nice of him, that is -- that is a kind of gesture that does not generate any profit and thereby I wouldn't be surprised if it goes away. Knitting Factory parking is all over Boise. I think that the staff's opinion of four to one as an acceptable parking ratio for a nightclub I think is maybe a little bit inaccurate, as most people that attend to restaurants, which is what that ratio is based on, come together in a vehicle and it is my concern that that will be inaccurate or inadequate for the 500 plus individuals they plan on having there between the hours of 4:00 and 1:00. Also based on a -- also I would -- I am one of those 200 letters that was submitted. It was not a form letter. It was as though shared concerns do not mean form letters or copied letters. I do not feel that this fits the bill of a mixed use regional use. Based on surveys that I have provided in my testimony that I submitted, it is abnormal for mixed use regional designation to provide a nightclub establishment to fulfill that criteria.

In fact, in that survey, which, again, you can find in my provided testimony, it is common among major cities for there to be a distinctive designation for nightclubs because of the noise, their proximity to schools, public places, congested traffic and drunken behavior. So, there is also a correlation in nightclub drinking versus restaurant drinking. Restaurant -- or drinking is allowed in a mixed use regional, but I will note that research has indicated that nightclub drinking leads to more criminal behavior and an Oregon State Patrol study in 2006 said that ten -- their top ten locations for drunken behavior were those who had just recently visited a nightclub. That's, again, in my testimony. You can see that. They actually ended up conducting a sting that summer to address six of those in particular. So, while we are making the distinctions between restaurants providing alcohol and nightclubs providing alcohol, there is a researched, well documented basis for difference in behavior from those coming from those two establishments.

McCarvel: Okay. Can you wrap up your thoughts. That was your bell a few minutes -- a minute ago.

Sattler:: Sure. I think that the other -- the other thing that I would say is -- which has been noted here, Eagle Road is, obviously, already a very busy place. I think that there would be a better location for this business to actually do better than within two miles of seven elementary schools, four middle schools, and one high school. My children are pedestrians on that street and 42 percent of Meridian fatalities happen on that stretch of road within two miles of the proposed location of this nightclub and I'm concerned that with almost half of our fatalities coming from that stretch of land, increasing that type of behavior and that level of attendance puts my children and all the other thousands of children within two miles -- just two miles of the proposed location puts -- increases greater -- greater risk to our community. Thank you.

McCarvel: Thank you.

Weatherly: Eric Sherman.

Sherman: Hello to the Commission. My name is Eric Sherman. I am a local business owner in Meridian and I'm at 3340 North Eagle Road, which is directly adjacent to this proposed venue and I am not, for the record, Brian's friend, although I have met him when he came to my business to let me know about the proposed business that he was making. I actually started my company because of music. I have been a concert goer myself since I was 14. I can tell you I have been to hundreds and hundreds of concerts, I have been to a concert on a cruise, I have been to so many concerts and -- and just music is a big part of my life and a big part of my life with my wife and I am a father of three. I am a Christian. I live a good life. I work hard for my family. I moved to Meridian because of the slogan. I'm not sure if it's still the slogan, but I believe it was built for business, designed for living was what drew me to Meridian and the key word there is living. Not existing, but living. And I think that we do have a lack of places that can house the right type of scene, but local music is important. It's important to a lot of people. I actually employ someone that is in a local band that opens up for really really big bands. He opened up for a large band in Boise's just before COVID and the -- the passion that these

people have for their art is insane and if you are -- I'm not a musician, but these -- they -- they work so hard and they do all these things and if they don't have the right platform they cannot go anywhere and that -- Kyle there that I just met a few minutes ago, he said that when he was here at the stand and a lot of the things he said were awesome and he took a lot of steam out of what I was going to say and, then, also Terry, he touched on pretty much all the other things. I do want to talk about the traffic. Okay. So, I think I have a little bit of a unique platform, because, guess what, I have been there for six years on that intersection. Every single day, day in and day out -- you can ask my wife. She doesn't like it. But, anyhow, yes, there is traffic there. There is a lot of traffic there and I can name about three or four more spots where the traffic's worse in Meridian and the traffic is bad. However, my store until COVID closed at 7:00 p.m. and so I would literally leave at 7:05, 7:10, and by then it was pretty clear. Okay? So, now that we have changed our hours to 6:00 o'clock, I do hit a little bit of traffic. I was actually late for this meeting because of that -- that said traffic. It's there. It exists. I think that it needs to be talked about and I think that -- I think that Brian -- I have met him literally one time and, then, I saw what he proposed here today and I think that with the preparedness that he's shown I would -- based on just that alone I would want to -- I would want to be a patron of his business, understanding that I would be safe and that I would have a great experience in whatever he's doing, because he's that passionate and that -- that prepared.

McCarvel: Okay.

Sherman: So, thank you for hearing me out.

McCarvel: Thank you.

Weatherly: Christen French, would you like to speak? Josia Savino, would you like to speak?

Savino: Hello. My name is Josiah Savino. My address is 8598 West Wall Drive, Boise, Idaho. I have been in Boise nine, almost ten years now, and I'm a musician, singer, songwriter and when I moved to Boise the first thing I did was look for the most talented artists and collabed with them and I have been doing that nonstop sense. What I found was people would say, well, why don't you perform more and I would say, well, where would I perform. There wasn't any venues that actually had space for audiences that people were showing up for and, obviously, the marketing wasn't great here, great promoting, so I was pretty excited when -- unlike the other 600 people online when I heard, oh, there is going to be an event center, there will be a nightclub, and an event center, where I can do both and everything in life has a balance. I actually don't drink. I don't support drinking. But I still love to dance and like this last two weekends ago I went downtown, had the time in my life. I didn't touch alcohol. I -- I danced and had a great time with friends. So, I just think it's important to understand that you can have an environment, but everything in life has a balance; right? So, this event center can do remarkable things. You guys heard some of his visions and, obviously, he's passionate, he is going to be creating, working, you know, giving everything he can to create the most amazing experience, which sounds like no one else has done here, which is exciting for

me and also I spent the last two years of my life making an app. What is the app's vision? Is to create community. How do you do that? What do you like to do is the question of the app and you have a map and it shows activities in your area and I think that an event center like this would be great opportunity for -- for places to meet, even outside the club.

McCarvel: Okay. Thank you.

Weatherly: Madam Chair, we are ready to move to our online persons. Randy Black, I see you are on the telephone. I'm going to go ahead and unmute you here.

Black: Can you hear me?

McCarvel: Yes.

Black: This is Randy Black. Can you hear me?

McCarvel: Yes. Go ahead. State your full name and address, please.

Black: Randy Black, Jr. Address is 10789 West Twain, Las Vegas, Nevada. 89134. I'm the managing partner of the Villa Sport property on the adjoining site and, Brian, I would love to commend you on your presentation. I have done this for 30 years. That's one of the best most thought out presentations that I have heard. So, you are clearly a great business operator and take this seriously. I think that this event and the venue is a warranted benefit to the city. Still a lot of concerns. I can tell you that we have been kind of half talking to the Wadsworth guys. Our big concern is traffic circulation, late night policing, parking lot cleanup, bottles, trash, et cetera, and I think that site on the corner with the amount of square footage that's planned on the 3.4, I believe it is, acres is a very serious parking constraint that can be mitigated through hours of operation, et cetera. We do not have any agreement for any overflow parking, nor has one been proposed. We -- we would certainly entertain the thought of that concept. We would have to clear it with our tenant and make sure that they are A-OK with the use. We have a fairly detailed lease/policing cleanup maintenance agreement, et cetera. So, while we are not opposed to it, there is a lot of hurdles to get through to clear that part in the event there is a capacity event that occurs on site, so that we can accommodate all of those patrons. So, I would tell you that we are music lovers as well. I can see the need for this. Event space is at a premium. There is nothing available when you look in Meridian. So, while it's a warranted need, there is still a fair amount of those type of related items that would have to be addressed for us to be able to support it as adjoining property owners. But I think the use is compatible with an intersection of that type and volume. There is very limited access on Eagle, so a traffic study would without question be needed to determine how to address all of those issues and we would be willing to work with Brian on at least discussions on how we can handle this overflow portion, but I'm here to tell you as of now we don't have any proposals on the table and have had only passing conversation with Wadsworth, which I wouldn't put that on Brian, because if it meets code I could see the user here and the business owner thinking that was potentially sufficient, but the reality is we know for bigger events you have got to have something organized where --we have

495 parking spaces next door, but a fiercely protective tenant of their use of that. So, we would be happy to work with the applicant in this, so that we could potentially address that portion of the requirement, so that that box could be checked and, then, the rest of them could be addressed as Council sees fit on the balance of those questions. And I hear the bell, so that's -- that's all I have.

McCarvel: Thank you, Mr. Black.

Black: Thank you.

Weatherly: Madam Chair, next is Jon Hastings. Jon, one moment, please.

Hastings: Good evening. Can you hear me okay?

McCarvel: Yes. State your name and address for the record and the floor is yours.

Hastings: I will show you my video just for the fun of it. My name is Jon Hastings. 2973 North Eagle Road, Suite 110, Meridian, Idaho. 83646. I wasn't planning on testifying tonight, but I did see the applicant's presentation. I will echo the previous caller that I felt that it was a -- a well thought-out presentation that Brian had. He did show an empty folder for the vicinity properties and I -- I own the commercial building that's about 350 feet away to the south of the project and I did write a letter in there. I just felt like I should be in the blue folder, Brian. But, anyway, I had a few concerns that I wanted to bring up as a fairly close business owner and commercial -- commercial property. One, I know parking has already been talked about. I feel like people, when they park, will take the path of least resistance and so I certainly think that people coming from Ustick will enter the project and park in the designated parking spots. I have concerns that the people coming in from Eagle Road through the roundabout and, then, between the residential properties and -- and my property off of Cajun there will kind of park in the path of least resistance and not in the parking spots designated for the project. I also have a concern about just late night traffic and -- and loitering in general. I understand the applicant's desire that that will be kind of policed from sweeps of the parking lot and things like that. I just don't know how that's enforceable and kind of what the plan would be to enforce that in the long term. Things like outdoor security, drunk driving, how do we -- what assurances do we have beyond we have a plan to mitigate that. And, then, lastly, just as we have talked about Eagle Road access is difficult and so people leaving the venue will lots of them go to Ustick via various methods, but I have a concern that they will exit via Cajun Drive between the residential property and -- and our property there and, then, try to navigate the roundabout in the residential area to get to Eagle Road and do that after having had some alcoholic beverages and -- and I think that the idea that it's not a big deal to the residents in that area -- I just don't see that, because I think that you are going to have late night traffic navigating that space in the residential area and so those are my concerns. You know, I also agree that I think that this would be a great thing for our city, I just don't know that -- this location doesn't make a lot of sense to me for it based on those concerns and some of the other concerns that I have heard today and so I wanted to express my opposition. Thank you.

McCarvel: Thank you, Mr. Hasting.

Weatherly: Madam Chair, next is Jon Hoeger. John, one moment.

Hoeger: Madam Chair and Commissioners, can you hear me okay?

McCarvel: Yes. State your name and address for the record.

Hoeger: My name is Jon Hager. I live at 3664 North Summerpark Place in Meridian, Idaho. About a half mile from the site. I agree with Commissioner Cassinelli that race has nothing to do with this. I was born in Venezuela. I have married an Argentine American. We run a woman-owned business together that employs 46 people in a very similar square footage and we pay good salary. While race is irrelevant to the conversation, I believe that employment is. The applicant has made claims about who he is going to bring. You know, any other business is going to add jobs to the economy. Any other business is going to be able to probably provide more jobs. Thirty jobs in 7,000 square feet isn't a lot of job density. What any other business as well, but what we missed from discussion tonight is objectifying and demeaning women. I'm also concerned about the inconsistent marketing and this should be a concern to the Commission as well. My letter to the Council that I submitted before this meeting included screenshots encouraging men to be dressed in business attire, while women were encouraged to wear sun dresses or their best beach attire. I have five daughters and the objectification of women and inconsistency of the business model stated and they are against the stated mission and the objectives of the City of Meridian. Again, I will refer to my letter, which is part of public opinion. Charging 15 dollars for men and five dollars for women to enter is a common tactic that nightclub uses to attract more females whose sexual parameters are loosened through alcohol consumption. The recipe is a notoriously predatory environment with increased sexual assault, rape, and substance abuse. One of my five daughters catches the bus less than a thousand feet from the site and this marketing element has been changed since some of the opposing views have been voiced in the community. So, my question to the Council and to the Commission is what does the deliberate change of marketing say? What about the website now -- the website that now claims that there is going to be free weddings or that it's saving puppy dogs, which are things that it didn't say before. The weddings are free because he's going to be serving alcohol. What do the themes on the applicant's Facebook page when he said that the actuality was that he had 15 letters in support for every one that was against, when the actual count is 165 against to 34 that is for. What else is being misrepresented by the applicant? We have seen some other examples of this with the blue folder that was just mentioned by Mr. Hastings, who owns a business so close. So, when the applicant says that our questions -- those of us who are in opposition, that it should question the character of our intentions, I ask the Commission to stand up and question the intentions of the business model. On the same Facebook page he has also been deleting comments that were in opposition. He has been trying to silence the opposition. So, let's be clear. This is not an event center, it's a nightclub. It's not a restaurant. I will note that restaurants, like Barbacoa and Yard House, do not charge their female patrons less than the male customers. So, let's call a spade a spade. And, yes, there has been an

organized effort against something. That point should resonate with the Commission. An organized effort is not a bad thing. Organized efforts and grassroots politics are what this country is founded on. Frankly, it should raise a warning flag to the Commission that the community is not generally in supportive of this and I call on the commission to represent the communities that they serve. I'm also concerned about the thousand people that's now down to 500 people and no problem, now it's rarely going to be 500 people. I would say that either the applicant doesn't understand what the business model is or he is not telling the truth. Those are two major concerns I think that the Commission has a responsibility to look at and try to understand what the ultimate goal is of this. Thank you.

McCarvel: Thank you.

Weatherly: Madam Chair, next is Camille Schildan. Camille, one moment, please.

Schildan: Hello.

McCarvel: Camille, state your name and address for the record and the floor is yours.

Schildan: Hi. I'm Camille Schildan. I currently reside at 13963 West Hartford Drive, right off of Eagle Road, and I have to say The Oasis sounds fantastic. I think it sounds like a great place to have an enjoyable time. But my opposition in for that -- in previous statements this evening where it was stated that only 20 percent of the night -- that the center would only be 20 percent nightclub and all the rest of these other events that, you know, were mentioned to be free, how is the applicant going to be able to receive a return on investment if you are only using the space 20 percent of the time for what you intended it and the rest of it. And so it -- it kind of seems a little masked over, the statements as to what the real use is. I do think it would be a great place to have an event center. If it could -- I have been on the website, The Oasis website, and it does talk about doing some -- you can have dance recitals, just great things on there that I think would be great for the community and a great place, but the location I feel is completely inappropriate due to all of the reasons stated beforehand and I would also like to acknowledge that there are inconsistencies on the website. I have been watching it a couple times and it has now changed again to list like the free weddings, which wasn't on there before, and it was mentioned that we were hiring a -- that they were planning on hiring a chef. Nowhere on here on the -- does it mention anything about serving food. It does talk about serving five different cocktails each week, which could be fun, but nothing about being like a restaurant area and, then, I guess my other thing is if this place is so great and we are only using 20 percent of a nightclub, why don't we just take away the nightclub portion still allow it to be designated as the art museum and event center, something to promote music, but, then, just say, okay, well, alcohol consumption is maxed out at this and, you know, closing hours are midnight every night or something in agreeance to try and come to a compromise anyway. So, greatly appreciate all of your time and especially how late this is going. That's my comments.

McCarvel: Thank you. Is that it?

Weatherly: Madam Chair, that's all I see.

McCarvel: Okay. With that -- you know, I think we are about ready to move forward. I think the Commission has a good grip on the items that have been mentioned and I see a couple more hands being raised, so if you have something new to contribute we would welcome hearing that, but if you are agreeing with people that have already spoken, I think we can move on.

Weatherly: Madam Chair, I apologize. Jeff Vrba, I see you online. I apologize, I missed that you had signed up earlier. One moment. My apologies, Madam Chair.

McCarvel: Jeff, if you would unmute and state your name and address for the record, the floor is yours.

Vrba: Hello, Madam Chair and Commission. This is Jeff Vrba. Address is 3005 North LeBlanc Way in Meridian, Idaho. I live in the Jackson Square Subdivision. I'm the vice-president of the HOA here. We are located directly southwest of this facility that's going in. A couple things other than what most of the other people mentioned that I wanted to bring up was we had that meeting earlier this year here with them over at the pizza place. It was discussed at that time about their restaurant that they had in their facility and it was mentioned to us that it really wasn't a restaurant per se, it was -- they were going to be serving little fast foods for like your taco night -- or a little taco night if they are having a taco thing going on, rather than a sit down restaurant in there. I asked about if I could bring my family over there would I have to be a cover charge to get into the restaurant to eat and they said -- that's when they mentioned it was not full fledged restaurant, a sit down type restaurant to eat in. So, between that and what's going on here -- also in their conception floor plan, the one we saw earlier in the year where the Jamba Juice is at on the west side of the building, he said that was going to be a parking area, so -- for the Uber and ride share cars to come in to be able to haul the patrons out. Now, I see with the new floor plan there that's where they are going to have the smoking area. That's where they are going to have all this. So, the ride shares that he was saying they were going to be using -- that most people would be using going there, there is no place for them to park. Where are they going to be parking at now? The other item that they brought up during that other meeting was that they interviewed a bunch of the homes and areas around here and the people were so excited about that facility going in, because they could walk there. Okay. Most of the places around you got to cross Ustick Road, which is 45 miles per hour if the lights are green. You got to cross Eagle Road, which is 55 in that area if the lights are green. Do you want somebody under the influence of alcohol waiting for the stoplight to turn so they can walk across the road if they are crossing at the intersection, instead of jaywalking, and all of a sudden I'm just going to run across, I don't want to wait. Someone's going to get hit in that intersection. We have already had one death there within the last couple of years where somebody's standing on the corner and was run over and killed and they weren't under the influence, neither was the driver that hit them by accident. They also mentioned that they were going to have security outside all the time, not just randomly throughout the day checking stuff. My concern with that is is once -- if they are not making the money they are expecting,

who is going to get cut? Those security people that are going to be out watching that parking lot to make sure that the people are leaving -- making sure that the people aren't raising a ruckus out there or getting in a fight, the ones that they threw out. I live right around the corner. I do not want to see the extra traffic coming through my subdivision and items like that. And I agree with everything else that's been said earlier, too. Thank you.

McCarvel: Thank you.

Weatherly: Madam Chair, next we have Joe. Joe, one moment, please.

White: Can you hear me okay?

McCarvel: Yes. Please state your name and address for the record.

Weigt: My name is Joe Weigt. I live in 1598 North Leslie Way in Meridian, Idaho. Madam Chair and Commission, I appreciate your time this evening. I know it's getting late. I will be brief. I live directly west of the proposed facility and I do also find it offensive that my letter was not in that blue folder. I know all of my neighbors. I know where Mr. Vrba lives. I have not found anybody within that vicinity who is in support of this. I own a small business in the city and recently a dance company was put in next to us and when they ran out of parking space for their facilities they would try to park in our facility, making it difficult for my -- my business to function. I don't see how this can -- how logistically this can work. The reality is as the -- as his business model changes and his needs change, there are going to be some serious traffic concerns and serious parking concerns and the community around him is going to have to bear the brunt of that punishment. It's not fair to the citizens to have to police that and also put undue load on our Police Department, who already has to deal with the other things they are doing to keep our community safe, and now they are going to be driving around having to issue parking citations and trespassing and all these other things that -- that really we should not have to deal with around here. I'm not opposed to his idea. I think he is a -- he has got a good head on his shoulders, I think he is going to do well where ever he puts his business. I just think this is the completely wrong location for it. I thank you for your time and that's all I have.

McCarvel: Thank you.

Weatherly: Madam Chair, next is C. Kynaston. One moment, please.

McCarvel: Ms. Kynaston, if you would unmute yourself and state your name and address for the record, the floor is yours. There you go. Please state your name and address for the record. We can see you have unmuted, but we cannot hear you. I apologize, I don't think your microphone is working on the device you are using. You are unmuted, but we cannot hear you. If you would like to type your concern. Okay.

Kynaston: Hello? Can you guys hear me?

McCarvel: There you go.

Kynaston: I can't tell if anyone can hear me, hon.

McCarvel: Yes, we can hear you. Please state your name and address for the record.

Kynaston: Can you hear me?

McCarvel: Yes. Yes, we can hear.

Kynaston: Anybody?

McCarvel: We can hear you.

Kynaston: I can't figure out if they can hear me or not.

McCarvel: Okay. We can hear you.

Kynaston: Hello? Can you guys hear me?

McCarvel: Yes.

Kynaston: Oh. Okay.

McCarvel: Please state your name and address for the record, but I don't know what you guys heard and didn't hear.

Kynaston: All right. I guess I will start over. So, my name is Carolyn Kynaston. 3725 North Neith Avenue, Meridian, Idaho. 83646. Joe Dodson in his presentation of this in the very beginning made the comment that there is a ratio in support of this plan of 25 percent when you are counting the public participation and 75 percent is against and I just want to be clear that the numbers are exactly 154 are against this project, to the 32 who have written in as public testimony and that percentage is 80 percent against and 20 percent for. There is a lot of us who do not want this coming into our neighborhood and we are concerned with not just the business model or the business practice, but the business owner. He has shown repeatedly self interest and a lack of concern for our neighborhood and a lack of concern for the truth and he is constantly changing what he has to say about his business to meet the requirements that will just get it approved by the city. If you follow his Facebook page he made the claim of 115, when at that moment when he made that claim, it was actually 42-24, a ratio of two to one against his business, not in favor of it, and now the ratio is substantially larger, about five to one. His website changed from being objectification of women to totally removing that section, as Jon Hoeger spoke of earlier. We feel like he is doing all of this just to get the CUP approved and, then, it will be back to the business how he originally intended as soon as he has that CUP approved. He has declared that our property values will raise, when in actuality it will lower our property values significantly, and he claims it's a benefit to our schools

and it is not a benefit to our schools. He claims it will be a boon to our city and the people who live here definitely do not feel that way and it's going to be bringing in outside clientele, people who don't live here, who don't care about our neighborhoods, coming in and trashing our neighborhoods as they attend this place, get drunk, and go home and he claims his family values are the same as ours and we completely disagree. His family values are nothing like ours. He said to people who are opposed to him that our decisions to be against him were made in haste and that if we were against him and his nightclub that we haven't formed our own opinions. He also claimed that there were letters sent out to the neighborhoods that talked about prostitution and strip clubs. I received one of those letters and it didn't have either of those words in there. So, based on his track record of not telling the truth I can see him making up these things to support himself. And -- oh. As well as the testimony that is in his -- his folder of all the people who have written in to support him. Where is that support on the actual website? Where is the actual data? Because the actual data shows only 32 people have written in support of his project. I'm really --

McCarvel: If you could wrap up.

Kynaston: -- really upset about the idea of citizen enforcement of compliance. You are giving me a full-time job without pay to go to -- to this establishment and make sure that they only have 500 people --

McCarvel: If you can wrap up your thoughts. Your three minutes are --

Kynaston: -- and an EDM drug culture. Do you guys understand what an EDM drug culture is? This isn't just a --

McCarvel: Okay. Are there anymore people who would like to speak on this application? If not, I will ask the applicant to come forward and you have -- is it ten minutes to address the concerns of the public before we move -- before we have any questions or move to deliberations.

Dodson: Madam Chair, I had a couple of points I wanted to make in response to that -- that the applicant can't, just because he doesn't know the code like I do.

McCarvel: Yes.

Dodson: Okay. First was there were some questions, even from the Commissioners, regarding outdoor activity for the outdoor entertainment. Our -- the same code section that's referenced for the indoor activities in the music venue is applicable for the outdoor. That has specific hours as well, which is limited from 6:00 a.m. to 11:00 p.m. Obviously through the CUP if future outdoor services or uses were to be proposed those could be limited further than that, but I just wanted to note that it already was limited within the code if it were to happen in the future. But, again, he is not proposing that now. Secondly, I completely understand the traffic concerns there and if I -- you have no idea how much I would wish that the city had more control over the roads here, but, unfortunately, that's

not the way it goes. I did want to share my screen real quick. Just to reiterate, there were some concerns about only having one access point in and out and with -- that would be the right-in, right-out access to Ustick, but with the construction of the access point to Cajun Lane they will have another access out to Eagle Road. I know that there was a comment about only having one. Second to that I do have a condition that they work with the Villa Sport applicant, which apparently one of them was on the call tonight, and they would also help work with them to get a cross-access here, which they already have the agreement, but the driveway itself is not constructed yet. So, to get the driveway constructed earlier, sooner rather than later. And, then, I also didn't reiterate where the ride share was. I wasn't sure if the applicant was going to speak to that, but it's hard for staff to enforce that, so I didn't find it necessary to put that on the site plan, but the applicant has stated that these uses -- these spaces on the west side of the building would be used for the ride share, the pickup area, that they could restrict on site for that. Secondly, with the outdoor area that, has to be -- it can't be located within 50 feet of any property line. There they would have like ten feet right here that would be allowed to have it at all. So, they are going to run out of room to be -- and it is prohibited at all within 50 feet. So, I just wanted to touch on those few points that are related to code that the applicant wouldn't be able to touch on.

McCarvel: Okay. Thank you. Go ahead.

Tsai: Okay. All right. I know it's late, so I will be as quick as I can. As it's said, Socrates gave long speeches and his friends killed him, so -- these are just some graphics that I have printed off regarding some of the points that -- of the concerns. When we did our noise analysis I actually went out there with a spectral meter and stood along Eagle Road to compare the sound of the Eagle Road traffic in order to get these numbers. What I had mentioned earlier, the actual STC sound rating of just a single piece of plywood is what I base it off of, because there is a lot more to commercial building walls than just a single piece of plywood. That would yield our exterior sound pressure -- pressure as they designate in what's called Decibel A weighted, at one feet from the building about 75 decibels and, then, that is what this diagram shows, it's called the inverse square law and how that works is sound dissipates as a square of the ratio of this doubling of distance from the actual source. So, what that represents is here in the graph, the doubling of the distances, out to the closest property line you could show about 256 feet the pressure would be about 43 A weighed to decibels. What does that actually mean? Here is another graph. Forty-three A weighed decibels will put up just about here and that's just above what would be the volume of a very quiet whisper and above -- and just below that is the rustling of leaves will be the perceived sound effect at -- even before the actual first house and, keep in mind, there is -- you know, if -- and this is assuming even the Villa Sport never comes to fruition. Regarding the property values, this is actually handy, because a gentleman presented this on the last Planning and Zoning hearing and I printed it off, which is things that drag down the value of your home and you will notice that neither crime nor any of those make an appearance on here. Most of the things are like hospitals, power plants, cemeteries, homeless shelters, that type of thing. The biggest -- biggest difference I noticed about our overwhelming number of supporters -- and the reason I say that, those numbers exist in the opposition, because many of them have actually written

into the city multiple times. That's where those counts come from. In fact, there -- if you were to look through them line by line -- how I did it is I took an iPad and I just went through and I circled and numbered every person that had submitted multiple times. Some people have actually submitted eight times by the same person and, then, they are using those as counts of opposition. The biggest thing I noticed amongst the difference between the supporters versus the opposition is their reasoning. We estimate now that we have at least 25 to 30 supporters for every one person that's opposing it. Those are based on the numbers that we received off of our Facebook page, coordination, and, then, just word of mouth. Now, of course, I don't have any actual numbers to document these, an actual study. On top of the -- those are on top of the dozens of various businesses, groups, nonprofit organizations, wedding couples, associations and musicians that were excited to use our facility. These are things I believe in as a core concept to our business. We are not doing these just as a facade in order to obtain a business. That's just not how I operate my business practices. But as you know with your experience here on the Commission, supporters rarely promote their voice. The person standing on the corner with a megaphone usually isn't the one yelling, boy, we really want another Walmart here. People have been pent up with COVID restrictions for over a year now and they just want a place to let their hair down and dance and socialize again. The letters that both the city and I received were from people who were unique stories of why music was so important to them. They talked about that time that they had lost a family member and it was this song that they had remembered that pulled them out of a very dark place. They talked about the time that they got engaged and realize that this song was playing on the radio. They talked about the time that they were in a grocery store and randomly bumped into the person that turned out to be the love of their life and this song was playing on the speakers inside the store. Every one of their stories were unique and they support our project because they wanted to and not because somebody told them to. While those opposed to our project have very real concerns that have the potential to impact the community, such as drunk driving or traffic, you can see with our comprehensive analysis in both the original narrative and what we presented here today that we have worked diligently to ensure that none of these concerns have an impact to the families of Meridian when compared to the massive benefit in both economics and overall need this community as a whole has asked for for over a decade. We expect to pay over 6,000 dollars a month for insurance to operate as a multi-purpose venue. So, we are not here just to serve alcohol and let them leave. When compared to over a dozen licensed establishments in the area our insurance would never allow us to operate in a recklessly or an unsafe manner. The only way a bar would prevent real concern such as drunk driving to occur would be to prevent overserving. This is something I mentioned earlier in my -- it seems like a while ago now. On the other hand, we have the ability to post staff at the doors, seeing patrons as they enter and exit, training bartenders and staff above and beyond what is required by law and the combination of all those circumstances will allow us to effectively present -- prevent nearly all incidents of drunk driving should they occur from our facility and this hearing is to really discuss the potential impact of an alcohol establishment to our neighbors in the immediate area. Somehow this wasn't a concern to all -- to those opposed to our project when this very same committee approved the permit for the Villa Sport with an outdoor pool, a swim up bar, outdoor speakers, all less than 30 feet from the closest house. Our facility is ten times further, 1/12 the size,

and has zero outdoor activities of any kind. Now, when I met our neighbors by handing out the neighborhood meeting invitations in person, many of them spent time to ask me about the project, because they were excited to have a place not only to attend to event and socialize without having to go downtown, but also a place to get good food later at night. Most of them told me flat out they would not be attending our neighborhood meeting, because they supported the project. Now, many of our supporters tonight weren't able to attend because they are still at work. Now, we don't have the same noise concerns as the complaints some have pointed out, like the Revolution Concert House, because our sound system is not engineered to be as loud as possible. It's designed for clarity, while still allowing patrons at the rear of the building to carry on a conversation. We demonstrated that using sound scientific principles that even with zero soundproofing the outside noise of our facility when measured to the closest house would always be less than the sound of the ambient traffic from Eagle Road and even if the Villa Sport never comes to fruition, which would act as a massive steel and concrete sound barrier, our neighbors would never realize our facility in an operation unless they constantly thought about it. Now, at the end of the day this project is about one thing. The music. The rare thing in this world that doesn't care what age, race, gender or religion that you are and unlike those categories, music only serves to unite people and not to divide them in any way. Thank you, again, for your time and we ask for your approval for the project.

McCarvel: Any other questions from the Commission for this applicant? Mr. Yearsley, you came off mute. Did you have a question or a motion?

Yearsley: Now, I don't have any questions.

McCarvel: Okay. If there is no other questions for the applicant or staff, I would entertain a motion to close the public hearing for item H-2021-0004.

Holland: So moved.

Cassinelli: So moved.

Grove: Second.

Cassinelli: Second.

McCarvel: It's been moved and seconded to close the public hearing for H-2021-0004. All those in favor say aye. Opposed. Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: Mr. Yearsley, were you wanting to start us off?

Yearsley: Sure. I -- I have to admit I'm a little conflicted on this one. I understand what he wants to do and I don't think it's a bad thing to do. I am concerned about how close it is to residential. He -- he keeps stating that it won't be -- the noise won't be greater than

the road, which the road noise is pretty bad by itself and, you know, I have never been to a concert that -- let's turn the volume down. So, I'm still concerned that the noise from the music will be loud and even if there is a concrete block in front -- to block that noise, still -- you will still hear that noise. We lived over off of Eagle and -- and Victory and we still hear the noise from the speedway. So, sound does travel well. So, I am concerned. My two big concerns are the sound and the parking. Where he doesn't have the other agreements in place I'm a little concerned about that. I would prefer to see those agreements in place. First a cross-access easement on the other properties as well before considering approval. And that's all I have for now.

McCarvel: Commissioner Holland, you are off mute.

Holland: I am off mute. I am the same. I am a little bit conflicted on this one. So, in general I think we all like music. I don't think that's the question. I think the challenge is location and making sure that this specific spot meets the needs of the Comprehensive Plan. You know, I think to places where music venues work really well -- I have been to Nashville many times, it's one of my favorite cities. Part of the reason that the venues there work for their nightclub atmosphere where they have lots of dancing and lots of music is that it's mostly in their urban core where it's very walkable and they have got easy access to get kind of in and out of places. The challenge I think with this specific site is its proximity to Eagle and Ustick. I think if it was a proposal within The Village I would feel differently about it than I do where it's at on Eagle and Ustick. If it was somewhere downtown I would feel different about it. Maybe even different in Ten Mile Crossing, because there is more walkability and connected pathways. So, if I was in the applicant's shoes I would say -- I certainly see Brian's enthusiasm and I appreciate and -- and encourage him to continue exploring this project. You know, I think he's put a lot of effort and a lot of really good comprehensive thought into it. I -- I think he definitely did some research when he was putting together his presentation to us, but for me it really comes down to the challenges of the location itself and making sure that we make that in the right spot. If it was just a restaurant being proposed that had alcohol being served and it was a place that happened to play music, I don't think I would have the same concerns. I think it's the nightclub atmosphere, which, again, I'm not opposed to having in Meridian, I think nightclubs are a great option for people who want to go out and dance and I don't think that we are opposed to dancing, we are not opposed to music, it's about finding the right location and I have concerns with the right-in, right-out and the way that traffic would flow in and out of this complex, that there could be some impacts on the residential community nearby. So, I would encourage the applicant to look towards maybe talking with the folks at Brighton who put in a request tonight for 83 commercial lots in the Ten Mile area or maybe looking at The Village or maybe looking at potentially a downtown property if they wanted to find an option and that's my initial thoughts. But, again, I -- I could be swayed hearing other thoughts from the Commission, because I -- I am torn. I don't want to say no to -- to new music venues and business opportunity, I just want to make sure it's the right place for the Comprehensive Plan and in the best interest of the city.

McCarvel: Commissioner Grove.

Grove: Madam Chair. I think Commissioner Holland summed up a lot of how I feel about this as well. Definitely torn. Personally I would love to see this downtown, but that's just a -- a personal preference probably on some of that. But looking at the criteria and the staff report for what we are to base this decision on, just kind of going through the eight points starting on page 18 of the report, and, you know, as I tick down the list, you know, for the most part it's coming up yes in terms of meeting those criteria. There is a few that I think deserve a lot of discussion, but there is going to have to be some very clear basis of what we are looking at I guess in terms of how we are making our decision and that's a little bit different than something that's coming in and asking for a rezone and -- and platting and all those types of things and so the -- the challenge -- and that's why I kind of asked Joe at the beginning what is the criteria that we are judging this against. I think taking the fact of what's been presented versus the -- a motion of what's been presented, is going to be key to coming to a good resolution on this application. So, I'm torn and I don't necessarily have a set vote yes or no yet, but I just kind of wanted to throw that out there as we started discussing.

McCarvel: Commissioner Cassinelli.

Cassinelli: Okay. Concerns. I -- I don't know if I'm -- the internal noise I don't see as a -- as a huge issue. To me it would be -- it would be issues out in the parking lot. That's why I did ask the applicant about what they were going to do, you know, for that and the plan might be to have security out in the parking lot, but is that going to happen. I think the parking lot and out behind the building are where issues might happen at, you know, 1:00 in the morning and some of this stuff I'm speaking from personal experience way back in the day. Traffic. My concern there is is -- it's Cajun Way. I think if this were -- if this were -- were in an area that wasn't so constrained, it wouldn't be -- it wouldn't be a big deal, I -- but this is a very -- again, I mean every time we get one of these in-fill things they are difficult. Throw us an in-fill deal like this that -- that has the use that it is, with a nightclub, makes it even a hundred fold. But if there were a real easy way in and out -- I'm not worried about the traffic at 1:00 in the morning, people leaving. I don't think that -- you know, that's not going to be an issue. There won't be cars on Ustick or Eagle. That's not the issue. So, I'm not super concerned about that. It's the -- it's -- it's how they are getting in and out of this space and using Cajun is -- that's a tough one, because, then, it -- that funnels people into that neighborhood behind there. If you have had a couple to drink you may not know which way Eagle Road is when you go through a roundabout and get twisted around, into the neighborhood and wind up hitting a parked car. Those are -- those are not -- those are -- there are narrow roads, narrow streets through there, so they are not -- they are not the normal -- normal width there. So, that's a concern. My other concern -- I don't think there is enough parking personally. I think the -- I think the numbers that we are looking at are -- are -- are a little bit under I would say. I think -- you know, I mean you look at employees there is -- on a Friday, Saturday night, 20, 25 employees based on everything they will have going on there, that -- then they will all come in one car -- in their own car. I don't see people piling in four and five to a car to go to a nightclub. It's going to be -- it's going to be three, probably, on -- on average going in there and certainly, you know, on the way home maybe you will utilize ride share, but -- but I don't know if there is enough parking. My two biggest concerns

would be the traffic that this would funnel out through the neighborhood and parking and right now they don't -- without -- if there were an agreement with Villa Sport -- but Villa Sport is going to be open until midnight on these nights, too. So, I don't know how open Villa Sport would be to allow parking. So, those are my -- my concerns and I just think it's maybe in this situation trying to stick a square peg in a round hole. I would love to see it. So, let me get back to that. I would -- you know, it may not be my -- my cup of tea, but -- but I think it would be a great -- a great asset to Meridian. I just don't think it's the best location. Maybe if they came in first and other things were built around it, it's -- again, trying to get it into this in-fill project just doesn't fit with the traffic. To me with the traffic and the -- and the parking are the big stickers I have.

McCarvel: Commissioner Lorcher.

Lorcher: I do, Madam Chair. I mentioned this at another Planning and Zoning meeting. Where there is a piece of dirt in front of your subdivision, unless you own that piece of dirt we don't always get a say of what it's going to be. We know it's going to be commercial, but it could be anything -- it could be anything and just because we might not be the patrons of it, is it our judgment to say that it belongs there, it doesn't belong there. So, I think because there is not a good neighbor agreement between the other businesses at this point in time and where there is going to be overflow parking in order for all of these businesses to work together, if that could be resolved I would support a conditional use permit. I don't -- I'm not worried about the noise. He is going to build a building that's got to be airtight and there is not going to be children walking around at 1:00 o'clock in the morning or even midnight and traffic will be -- can be negotiated. But unless he is a good neighbor and has that agreement -- I used to own a tow truck company. We used to pull people off of other people's parking lots all the time. You are looking at a minimum of anywhere from 125 to 300 dollars. If you walk out of your club and your car's not parked where it's not supposed to be and that's a huge, you know, financial concern, because you are just creating enemies instead of having good neighbors from whomever you are going to be. So, that would be my concern at this point in time.

McCarvel: Yeah. I think I will chime in. I -- I love the idea of this. I think, again, the applicant has, obviously, done a well thought out plan. I think it's something that would be beneficial in the City of Meridian. I am concerned that this exact spot is the right spot for it and I guess I'm looking at the reason it is -- it requires a conditional use permit is -- was given to us by staff in their narrative -- it's the indoor recreation facility is principally permitted in the C-G zone, unless it incorporates a music venue and is located within a thousand feet of an existing residence. It, then, requires a conditional use permit and that's just for -- because, then, you have got to lay some common sense eyes on it and say is -- is this a fit and at just a little over 300 feet, instead of a thousand, I think that's a concern. And the bigger concern in my mind is the parking. The math just doesn't work on that and I would agree with Commissioner Lorcher, that, you know, if there was an agreement in place for the parking that there weren't going to be constant issues, I think we are -- we are setting up, you know, creating bad neighbors amongst the business owners if that can't be resolved before this goes in and I agree. Unfortunately, this is the last thing in. You know, the building has already been approved. This is a conditional

use for the building. You know, if it's not this it will -- you know, it will be something else. It will be more stuff, like the Jamba Juice. But I think we are setting ourselves up for bad business neighbors if they don't -- if we allow this to go through without the parking being resolved. Commissioner Yearsley.

Yearsley: Just looking at -- from what I'm hearing from everybody else, there are some items that we have concerns about. You know, the two things that I see with it is we give him a continuance for a month and have him, you know, try to identify parking and try to get those agreements in place and other conditions or I'm hearing a denial is kind of what I'm hearing and so I'm kind of curious to where people -- really, I'm -- I would actually lean to a continuance for a month to give -- you know, give him an opportunity to work through some of that if he can.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I would -- I would be in favor of doing a continuance versus a denial. I think that we can definitely set some very set pieces of what -- what we need to see different on this.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: One other thing that just -- that just kind of popped into my mind that came up in the very beginning of this with regards to parking. If -- you know, even if it's -- the capacity is limited to 500, if fire code caps at it 700, if some of those numbers have been through there, you know, I mean how do you stop it at five and that -- not that the capacity inside would be an issue if there is room, but that goes to the parking. So, even -- I think if we -- if we continue it based on parking being one of the issues, I think we really need to see -- we need to see some real rock solid agreements, because, obviously, if that's what we are going to do we have got to give the applicant some guidance here. Some just rock solid, you know, that he can come back and say I have got -- you know, I have got double the amount of spaces available to me in this -- in this area or whatever the number -- whatever the number might be. I just -- because I could easily see the capacity going above 500 if the Fire Department has 750 and, again, one of the questions I asked early on is how do we -- how do we control that and -- and whatnot. So, it's -- that's a difficult thing to do. I think the applicant will probably say with the -- with the technology they are using at the door with scanning, you know, you cut the number off, but who is to say if there is a line outside and people want to come in you don't let him in if you -- if you are still under the fire code, because who is going to -- who is going to walk through there and try and count people that are moving. I think we just got -- he has got to plan for more than ample parking. I don't think it's near enough. So, the thought there on that capacity number.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm still a little bit worried about the traffic flow in and out, especially with the residential streets that's there. The -- just the proximity of this to that residential and I wish that I could pick up this project and move it to The Village or move it downtown or move it to Ten Mile, because I think it wouldn't be a question for me at all if that was the case. So, I'm still worried that if we extend it another month we give maybe some false hope that we might be able to accomplish what we are hoping to, but I don't know that finding enough parking is really going to fix some of the challenges of the way traffic is going to flow in and out of this site. So, that's still a concern of mine. I -- I want to reiterate I like Brian's enthusiasm. I like his energy. I like the concept of having a music venue in writing. I think it would be a nice amenity to have. I'm just -- this is not the place I would pick to put it. I -- if it was a restaurant that had music that would be a different story. But when it's a nightclub and you have got later operating hours and we do have Villa Sport that's got similar operating hours, I don't know that you are going to be able to work out a parking agreement that makes us all feel comfortable. So, I would hate to give false hope, but if the Commission would like to -- to move to continue it, I'm more than happy to give the applicant a chance to try and come up with coming back to us and I would say -- there would be three things I would ask him to do is, one, work out a parking agreement, make sure that they can show that he can meet their demands. Two, maybe come up with some sort of circulation plan of how they advise their patrons to come in and out of the site and, three, that they would maybe work with the Meridian Police Department on kind of a safety plan and protocol. I think that that was certainly a concern we heard from a lot of people, that when -- when they think of nightclubs, just making sure that they feel comfortable. I know from personal experience -- we have a nightclub we have worked with in Kuna and when the police department has a good relationship with the bouncers that work for the facility and they work collaboratively on coming up with a safety plan, it works much better for the community, so --

Lorcher: Madam Chair?

Holland: I hope that helps us, but --

McCarvel: Commissioner Lorcher.

Lorcher: I would agree with a lot of the things that Chairman Holland said. I would like to see a -- a solid good neighbor propose -- you know, plan in place and would, you know, support a continuance so that he would have time to be able to consult with Villa Sport and the other businesses around there, so that they have good neighbor relationships. Because that would kill the business right then and there.

Grove: What -- what parking totals would we be looking at?

Lorcher: Commissioner Grove, I don't know if it's so much as the totals as people just figuring -- if it's a continuous parking lot, they can go wherever they want. For example, when I had the tow company we worked out of Garden City and people would go to the Revolution Nightclub, but park in the Dairy Queen. Well, the Dairy Queen didn't want them. So, as soon as they would park there we would tow them. Like I said, at 300 dollars a pop every time. So, I think the -- the lines aren't really specifically drawn if they are all connected, especially with streets on either side. But if there is a good neighbor agreement between all the different businesses, then, you don't have to worry about that and that's going to save a ton of people a ton of money if you hire a tow company or security to be able to do that every night. I mean -- and that just -- that just makes everybody mad. I mean I can't tell you -- we never towed anybody and they came away happy, so -- especially after a night of drinking and they are like where the heck is my car. So, if to have an event like this where it's going to be a music venue and people are just going to go where they need to go, having a good neighbor policy for parking is going to be imperative for him to be successful.

Grove: Madam Chair?

Holland: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I don't necessarily disagree with that. I think, though, in terms of telling the applicant, you know, not just saying you need to have an agreement in place, but give him some target numbers for him to say like, yes, we have an agreement, but we only got five spots, that doesn't really go to what the nature of the need is here. So, I think we need to probably put some parameters around that just --

Holland: Madam --

Grove: -- so that we have something to gauge against and the applicant has something to, you know, work towards.

McCarvel: Commissioner Holland.

Holland: Madam Chair. Right now I believe they have 125 stalls available; is that what we heard? Four to one?

McCarvel: Yes.

Holland: So, if that's the case and we feel like a three-to-one ratio would be better, that would be 166. I think if we could say that they could meet 166 available parking stalls maybe that would meet that ratio or we could say 150. But maybe that gets us a little closer.

Cassinelli: I think that's a good target.

Parson: Madam Chair?

McCarvel: Yes, Bill.

Parsons: This is Bill. So, if you look -- if you look at the conditions of approval that we have in place, we are asking the applicant to establish a shared parking agreement with Villa Sport. I'm looking at their approved site plan and they had over 500 stalls and that's why when you are talking -- that's the concern that we had as staff is, yes, although the code requires one per 250, the code allows you to put more restrictive requirements on a conditional use permit and so in our -- when we were analyzing this -- I have dealt with that residential portion of that subdivision throughout the -- my tenure with the city and we put in speed humps -- or speed cushions in that private street because of the cut-through traffic from Jimmy Johns. There has -- there has been a lot of -- a lot of history that's gone on with that residential development just with the commercial along Eagle there and so that's why when Joe and I analyzed this project it was -- to me what makes it work is that this area is just underdeveloped right now. If Villa Sport was in and that drive-through that you acted on this evening was in, all of a sudden we are talking five or six hundred parking stalls and we have different -- multiple ways of getting in and out of here and that's really what Joe and I tried to lay out for you in the staff report. The only way this business is going to work is if there is cross-parking, because, you're right, you are going to create that situation where you are going to have business owners fighting against one another or having private property and no parking signs going up in the parking lot and we are just going to create a code enforcement nightmare for ourselves and all due respect, I love the -- the passion that the applicant has had, too. It's just sometimes -- you know, we are tasked with providing safeguards on the conditional use permit. So, don't think -- you know, even continuance out, I think that's a great idea to do that and try to get some -- see if we can solidify some of those shared parking agreements. I think that's really -- really critical. Him addressing the police and getting that safety plan, I like that suggestion. And also have him share with us how we plans to incentivize that Uber and Lyft drivers to come use patrons -- or people want to get discounted if they carpool and we just don't have a lot of these details. So, continuation is one avenue. The other thing is if you just don't think you can get there, you can again -- it's your -- it's your purview to deny it, but giving him directions on how to gain an approval. But he has the ability to appeal it to City Council. That's an option in the code. If -- if he doesn't agree with your -- your conditions or your decision, the applicant has the right to appeal that or go through City Council review, just like Villa Sport did. So, there is some options for you. But certainly from -- from my perspective this Villas Sport project needs to happen in order for this -- this area to work. A hundred and twenty-five parking stalls is just going to be pretty light. So, let's give him some time. At least I was happy to see the landowner for Villa Sport was on the line tonight saying that he's willing to work with Brian. I think that was a small sliver of hope to help him get some additional parking to help what he's trying to achieve here. But to me that's really -- we have got to have all these property owners working together and as you know that can be difficult sometimes.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Bill, if -- what would -- what would the applicant need in terms of an agreement with these other property owners that would -- that would really make sense. I mean it just -- I mean I'm not talking -- yeah, you know, you can use our parking spot on a -- on a cocktail napkin. That's, obviously, not good enough. How much detail are we -- are we talking about here? Is it -- would he get a number of spots from a -- from one of the neighboring locations? What would -- you know, from your experience what -- what exactly would he need.

Parsons: Well, anytime we get a -- get a written agreement for a project I always send them up to Ted in Legal, because I want him to make sure we are on solid ground, because I want them -- a lot of times these agreements have language in there that they can terminate at anytime and we want to make sure whatever we are agreeing to or whatever they are agreeing to, that it kind of stays in place for that business owner. But typically we can't always control a private contract between property owners. So, that's why we have tried to structure this approval to say, you know, coordinate or work with that property owner, establish a shared parking agreement. I don't have a site plan to share with you. I have the Villa Sport site plans pulled up, but to the south of this building in this multi-tenant building that we are talking about this evening, there is probably a hundred stalls to the south of them that I would think realistically the applicant should -- could or possibly negotiate use of that parking and, then, also that multi-tenant building with the drive-through this evening had an additional 32 stalls. So, we are looking at potentially doubling the parking just near the vicinity of this -- this building would I think help -- help this applicant tremendously to just provide some additional parking. I don't think he needs to go -- that drive aisle that comes off Ustick and ties into Cajun, anything kind of west of that, you know, Villa Sport, I think it probably preserves their interests there. It's just everything kind of south of this existing site that -- I think the negotiations need to happen and try to figure out how -- how they can come up with a game plan to get a shared parking agreement in place and a month may allow the applicant time to do that. I don't have a magical number for you. That's -- that's why we said work out an agreement and let's see if that's a good compromise. But I think at least getting more than what's out there is probably a good compromise.

Baird: Madam Chair?

Cassinelli: Madam Chair? A concern that that just brought up is -- you know, you -- Bill, are you saying it's a private agreement between two individuals. If --

McCarvel: Commissioner Cassinelli, our legal is ready to advise here for a second. I think he might answer your question.

Cassinelli: Okay.

McCarvel: Thanks.

Baird: Thank you, Madam Chair. That's what I was hoping to do. We look at cross-parking agreements the same way we look at cross-access agreements and in a cross-access it's like you can use my property, I can use your property, we can -- you know, free access in and out. Most cross-parking agreements just say this is my lot, this is your lot, people -- your people can park in mine, my people can park on yours. So, if you are going to do that you are going to need -- the Commission needs to identify which lots. Is it just to the south or does it include Villa Sport. Do you want everything -- I mean this is what a shopping center does is that every single business shares all that parking and I think that might be what you are looking for. As to the form of the agreement, they are recorded documents against the land. We would look to make sure that it runs with the land. So, if the owners change the property -- or the cross-parking stays in place. So, yeah, those are the type of things that we would -- we would review for and we are happy to provide. I can't draft it for him, because I can't be his legal counsel, but I can show him what we have approved in the past.

McCarvel: Okay.

Parsons: Yeah. Can the Commission see my screen?

McCarvel: Yes.

Parsons: So, this is -- so, here is where The Oasis or the building that Oasis is looking to locate on. So, here is what I'm talking about and there is -- here is all that parking to the south and, then, here is the drive aisle that comes off of Ustick. So, I think -- I don't -- I don't imagine Villa Sport is going to have too many people late night working out that will be using this parking and probably be more in this area here and they also have this out lot over here. But, again, if Villa Sport is willing to allow cross-access and -- or shared parking across all of this area, then, that works as well, too. But we don't know until at least Brian has that conversation -- the applicant has that conversation with the gentleman that spoke this evening and what they can get worked out.

Cassinelli: I would be willing to -- to give them that opportunity. My concern would be on a -- on a -- on a parking agreement would be if -- you know, if the -- if it was Villa Sport, just -- I don't know the name of the other development there, but if it was Villa Sport and every -- you know, every Friday morning, Saturday morning, Sunday morning that Villa Sport comes out, the parking lot is -- is a mess, it's got trash all over it, they may terminate -- decide to terminate that agreement and then -- and, then, we are in a bad spot. Now we have really got a -- then we really have parking issues. And, again, I would be willing to give the applicant a try on it, but I look at this -- I mean if you -- if -- you know, I know it's tough to find a spot in Meridian right now, but if -- you know, if he found a spot with better access, better parking, he can even up his capacity, then, to 700, a thousand, in a different location and -- not that I'm saying I'm not going to try and talk him out of this location necessarily, but, you know, I see almost more positives somewhere else. But I would be willing to certainly continue it to see if -- if they can get some -- get some agreements. I would want to see the agreements. I think we -- not just a verbal, yeah,

we got an agreement, I think it would be something that we would need to review and see how rock solid it is.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I think that there is enough voices that I have heard of people wanting to give them a chance to come back to us that I'm going to make a motion that we reopen the public hearing for H-2021-0004 for The Oasis for the purpose of setting a date to continue this application to make some requests.

Cassinelli: Second.

McCarvel: It has been moved and seconded to open -- reopen the public hearing for H-2021-0004. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: While we have got the hearing open, do we want to just set a date or do we want to ask the applicant what date he thinks he needs?

Holland: Madam Chair, I was thinking May 6th might give them enough time, because if we do the date before that it might be too tight to work out a parking agreement like that. But I wanted to see what staff thought and see if the applicant might be open to doing May 6th.

McCarvel: I'm getting a nod from the applicant.

Dodson: Madam Chair, staff would agree with that as well.

McCarvel: Okay. May 6th.

Holland: Madam Chair?

McCarvel: What -- if you are going to speak you need to come up to the microphone. And just to the date.

Tsai: Oh. Okay. That should be adequate. Sorry.

McCarvel: That's okay.

Tsai: I was going to point out something that was -- a lot of the parking was covered in the narrative with the analysis that we did, regarding ride share ratios and the comparison of another --

McCarvel: And I think the Commission has decided that --

Tsai: Okay.

McCarvel: -- it's not adequate.

Tsai: Okay. I'm sorry. I didn't know if that was -- that was --

McCarvel: Yeah. Okay. Yeah. No, we have decided it's not adequate -- adequate and we want to -- I think we are at either denial or continuing to see if you can resolve the parking issue.

Tsai: I certainly appreciate the chance to be able to try and work that out.

McCarvel: Okay.

Tsai: Thank you.

McCarvel: Thank you.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: You want me to make a stab at it?

McCarvel: Sure.

Grove: Madam Chair, real quick.

McCarvel: Sure. Go ahead.

Grove: Commissioner Holland, could you maybe in the parking piece of it make sure that -- I know it's been talked about, but just since we are going to have it brought back, make sure that the ride share parking or ride share access piece is very clearly addressed. Thanks.

Holland: I will try my best. I'm going to go slowly so you can all correct me if I miss something. After considering all staff, applicant, and public testimony, I move to continue application for The Oasis, H-2021-0004, for the hearing date of March 18th, 2021, to the hearing date of May 6th, 2021, for the purpose of allowing the applicant to help resolve a few issues for the Commission, which include, one, working with the Meridian Police Department on creating a safety plan and protocol and helping to follow any advanced guidelines that they might like to see for this establishment. Two. That the applicant would work on a circulation plan and a ride share promotion plan to help enhance safety of the development, making sure that there is dedicated space for ride share parking and

that they would come back with some enhanced notes for us on what that could look like. That they would put together a -- work towards establishing a shared parking agreement with their neighboring business owners and that we would be seeking to see a minimum of at least 170 stalls -- I'm going to throw a number out there -- that could help service this establishment and that -- that they would provide a copy of that agreement to the Commission for our review. And that they would come back with a visual of how that parking agreement looks and what their suggested circulation plan looks like for the facility for customers coming and leaving.

Grove: Second.

McCarvel: It has been moved and seconded to --

Holland: Oh, can I make a modification?

McCarvel: Sure.

Holland: I forgot one note. I would also move that we are not reopening the conditional use permit for public testimony, but that we are specifically opening it for the items discussed in that motion made.

Grove: Second stands.

Cassinelli: Can we do that?

Baird: Madam Chair?

Cassinelli: The second part of that?

Baird: I was going to chime in. I understand the intent of what was just stated by Commissioner Holland. When you reopen the hearing for specific issues and new information is provided to you and there will be new information on the safety protocol, the circulation plan, the ride share parking, and the shared parking agreement, those four issues the public would be allowed to comment only on those. No -- no repetition of what you have heard tonight. You have narrowed it down to these things and the applicant gets a chance to present what he's found and the Commission and the public get a chance to comment and he will get to rebut just like tonight. Those issues only.

Holland: I apologize and thank you for that clarification. I meant to say that we would limit it to discussion around those specific items -- that we would limit public testimony to those specific items. So, I would modify my motion to say that, again, we would limit public testimony to be related to the four items that we asked them to come back to us with.

McCarvel: Okay.

Grove: Second still stands.

McCarvel: It has been moved and seconded to continue The Oasis, H-2021-0004, to the hearing date of May 6th for the items stated in the motion. All those in favor say aye. Opposed? Motion carries. We will see you on May 6th.

MOTION CARRIED: SIX AYES. ONE ABSENT.

8. Public Hearing for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

- A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.
- B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

Holland: Madam Chair?

McCarvel: Oh, Commissioner Holland, I know exactly what you are going to say. How does the rest of the -- I will say it for you. How does the rest of the Commission feel about opening the next item or are we out of gas? And I guess I -- before we have that discussion, I will open it up to Madam Clerk to tell us what's on the next agenda before we make that decision.

Weatherly: Thank you, Madam Chair. Our next meeting is April 1st. On that meeting there are currently three hearings scheduled. One is a conditional use permit for an drive-through. The other is Meridian South Fire Station and Police Substation Annexation. And the other one is a conditional use permit for multi-family development, as well as a preliminary plat. The second -- oh, my apologies. Mr. Johnson just pointed out we actually have an additional hearing that night on 3175 North Ten Mile, which is a rezone. On April 15th there are currently three hearings. One is for annexation and a preliminary plat. Another one is a modification to the conditional use permit for Pine 43 Apartments. And the third is Roberts Annexation for annexation of two acres.

McCarvel: Given that what would the Commission prefer to do this evening?

Yearsley: I say April 1st.

McCarvel: Okay.

Holland: Agreed.

5. Public Hearing Continued from March 18, 2021 for The Oasis (H-2021-0004) by Brian Tsai of Balboa Ventures, Located at 3185 E. Ustick Rd.

- A. Request: Conditional Use Permit request for an approximate 7,000 square foot drinking establishment, music venue, and nightclub on a portion of 3.26 acres of land in the C-G zoning district.

McCarvel: So, at this time we will continue the public hearing for CUP Item H-2021-0004, The Oasis, and as this is a continuance we have two Commissioners that were not here on the original presentation, I just wanted to verify that Commissioner Wheeler and Commissioner Seal, do you feel you are up to speed and ready to step in on the continuance or -- without going back and redoing the original presentation?

Seal: I feel that I'm up to speed. It's -- there was a lot of information and I read through all of it.

McCarvel: Okay. Great.

Wheeler: Yes.

McCarvel: Okay. Thank you. So, do we have any additional staff report on this or --

Dodson: Madam Chair?

McCarvel: Yes.

Dodson: Thank you. I don't have necessarily any additional comments. I did want to just note that these are the reasons for the continuance, so that everybody understands and is clear what was -- the guidance of -- at the time of Commissioner Holland's motion. I'm willing to answer any questions or I guess just generally speaking -- I will let the applicant speak more directly to all of these, but I will give a brief overview of what I know about what has transpired of these three items. First it is staff's understanding that the applicant reached out to the police department and that they generally do not participate in projects on this level or on the requested level until after they are approved. However, the applicant did create a safety plan and a protocol, which the Meridian Police Department has received from my understanding. That is part of the public record, so I hope that everybody was able to review that. Secondly, the applicant did provide a rideshare promotion plan. The circular -- circulation plan that I have seen is the same one that was in the application submittals and showed the circulation plan for the interior of the Wadsworth site. So, again, this is one of the lots within the Wadsworth site. Lastly on the last point regarding the shared parking agreement, no agreement was obtained and, therefore, that has not been submitted to us for review. Therefore, at this point I don't know what new information, other than the safety plan has been presented. So, I am -- I understand that the public has been adamant about this use, but as noted previously that the public testimony should only be regarding new information and after that I will stand for any questions or let the applicant speak his peace.

McCarvel: The applicant is before us and state your name and address for the record and the floor is yours.

Tsai: My name is Brian Tsai at 3085 Ustick Road in Meridian, Idaho. 83646. I did submit about five images for the presentation -- I don't know if somebody has a copy of those.

Dodson: I can pull those up. Give me just a second. Are you all still seeing my screen? Oh, that's right. I got to stop it and, then, reshare it and -- fun technology. Is that better?

Tsai: Yes.

Dodson: Okay. Brian, you should be able to just click the arrows to go through the pages.

Weatherly: No, that probably won't work, since the presentation is being shared on your screen at -- on your end.

Dodson: Oh, you're right. Well, Brian, let me know whenever you want to change it and I will move on.

Tsai: Okay.

McCarvel: Yeah, go ahead.

Tsai: Okay. I would just like to start out by acknowledging the passing of Commissioner Holland. It wasn't until earlier this week that I had heard the news and the names of those involved with the collision were released. Being the first hearing and the first item on the docket back since that tragic event this is, of course, the first one without her and I would like to express my condolences to her family members that are closest to her that have felt the loss. I can only imagine how the members of this Commission feel as well as you have gotten to know her over the few years and, hopefully, not just as a colleague, but as a friend as well. Having said that, there is certainly no easy way to segue into the matter at hand. When I last brought this project before the Commission I was presented with three action items that the Commission Members felt would make the proposal more cohesive towards an approval as the creation of the rideshare promotion program, addressing the parking issues, and the creation of an additional parking capacity and the creation of a safety plan in conjunction with the Meridian Police Department. In this first slide here that you are viewing is a diagram from the latest site plan showing the right-in, right-out configuration of the parking lot and additional areas of bi-directional parking flow. In the event that there is a sudden increase of parking, either ingress or egress, we have implemented procedures to address this within our safety plan, which I will get to later. Otherwise, I would hope that most people who know how to navigate a regular parking lot, as many people do it without an issue almost every single day. In the second slide, if you can go to that one. We have a rideshare flow plan that is also addressed in our safety plan. I have worked with the developers of this site to create this designated ride sharing area where vehicles can easily get in and out of this parking area without affecting the traffic flow for the rest of the site. In addition to that, we have the plan to promote the

increased use of the ride sharing services, because the spots are only as good as people who actually use them and this page, which I submitted to the record as well, outlines in detailed capacity thresholds at which the certain plan policies will be implemented as part of the safety plan. It also provides discounts on products or tickets, prices used in conjunction with the ride sharing service and providing security staff as needed to direct the rideshare vehicles into the designated rideshare area parking areas, as well as addressing the concerns of potential congestion within the lot itself, as well as during the ingress and egress process. And that's shown within the slide here. It will be designated I believe on that west side of that building where the pickoff -- or the pickup and drop off area is designated. As far as self enforcing our capacity, as mentioned previously, I'm sure that some people nearby will be monitoring our ingress as well to check for an overcapacity situation, but that is not their job, nor should it be required. That's something that's the responsibility of the business to enforce diligently and as a responsibility to the safety of the patrons. Our entrance scanner is a state of the art system that has never been implemented in any venue in the northwest to my knowledge. I think part of the concern is that after seeing the locations in Boise over the past couple of decades, people have been stuck with the idea that a club or venue of any kind looks to be poorly rated or dirty as some that might be found in other places in town. What they don't see are the upscale locations, like those found in other major cities around the country. Some that can charge thousands of dollars for a single table and still have a wait list. Of course we are not planning to the charge rates like that, but it serves as an example of a distinction to which Idaho has never seen. If we can go to slide four, please. Just skip one and go to the next one. We are not able to produce a documented count from Uber or Lyft, because they have never disclosed their use counts or destinations for the use history of either company. However, many studies have been conducted within documented use from occupants and drivers showing on average an analysis of multiple studies, approximately 40 percent who attend -- of people who attend the maximum capacity event will use some type of ride sharing services. Because these same numbers have been documented nationwide, we have no reason to expect our numbers to be any different. That means our previously proposed four-to-one parking ratio would, in reality, become closer to two-to-one with so many patrons using ride sharing or carpooling. Keep in mind that there are many venues around the valley with much higher persons capacities that seemed to operate just fine with absolute zero parking spaces dedicated to their use. And during the last hearing a managing partner of the landowners for Villa Sport called in and offered to work with us on a cross-parking agreement. However, that Friday immediately following the hearing it turns out that was not the case. It was, however, not in their discretion. It was actually within the Villa Sport tenants determination that cross-parking would not be allowed. Despite our best efforts in collaboration with the Land Baron group, the owners of the Villa Sport property itself, we were unable to get the Villa Sport tenants to even consider a cross-parking agreement. In response I entered into discussions with our developers at the Wadsworth Group to add temporary parking at the unimproved sites to the north of our facility. In talking with the city's planning staff I understand we would have to apply for a temporary use permit in order to use unimproved parking, that that would not be counted towards a potential count for permanent parks. A representative of the Wadsworth Group agreed to this use until such time as future pads would be under contract for future developments. In order to meet the requested three-

to-one parking ratio it would require an additional 41 parking spaces. Once the development is finished they expect to add approximately 70 additional spaces to the site. As a matter of course and compliance I voluntarily proposed an additional reduction of capacity to 400, only fractionally above the required number to meet the three-to-one parking requested threshold, using only the currently proposed paved and fully improved parking spaces. Whereas in reality the conjunction of ride sharing and temporary parking we would have a parking capacity far in excess of the requested ratio. I can imagine that this would be the Commission's preferred method as well, as a reduction in capacity would also serve to reduce the potential for any overcrowding and excess traffic. If we can jump back one slide to number three, please. Because the City of Meridian does not have a statute or code requiring specific requirements for parking of this use -- I often learned in my law enforcement career that anything that wasn't illegal was, therefore, legal. Using the most strict parking regulation as required by the City of Meridian only 38 parking spaces are required. In my last presentation I promised 125 parks to meet the four-to-one ratio requested by the planning staff in the original application. Because the city doesn't have an ordinance with parking requirements for venues or event centers specifically, I looked around at ten other cities around the country, many of which are nearby or have similar populations and have found those who have codes that have parking requirement for venues specifically. You can see in this chart that even at the four-to-one ratio that I have used in these calculations we have anywhere from 31 to 521 percent in excess of what is required across the country. That's more than five times the number of required spaces, depending on the comparison. Ever since the very beginning of this process parking has been the foremost concern. I spent a few weeks trying to find a similar location in the valley that I could use as a real world comparison. I found one that was easily recognizable and because I do some volunteer work nearby I'm often in the area -- if we can go to slide five, please. It's the Boise School District's administration building. It's very similar to our layout, as it's bordered by a major road, has primarily right-in, right-out only parking with no left turn egress and roughly the same amount of parking spaces. For the purposes of our proposal we are talking about a relatively small scale space and many of our patrons won't be leaving all at once after a show. So, I sat at this building a few times with a stopwatch and since most of the workers are salary workers they leave at 5:00 p.m. on the dot every weekday and enter into peak rush hour traffic. The lot is completely empty within on average five minutes, with no -- absolutely no additional congestion on Victory Road, which in comparison is only two lanes at that location. So, if the concern is traffic congestion, tens of thousands of vehicles travel through the Eagle-Ustick intersection every single day. Adding one hundred vehicles all at once would not add a discernible difference, especially at off peak hours, as it could be completely cleared for the facility and the parking lot in one normal traffic signal cycle. And I submitted our safety plan for review with the command staff of the Meridian Police Department. Having myself worked in many major stadiums and NFL games, I can say with absolute certainty that our safety plan is one of the best. I challenge anyone to find anything remotely similar in detail or scope anywhere else in Idaho. It was reviewed by multiple members of the Meridian Police, including a lieutenant that specifically deals in safety operations. They stated -- and I quote -- it was really well thought out and detailed. The only recommendation that they could find to make was an addition to add reflective vest to our outside personnel for identification and I agreed, having experience done such

thing and immediately ordered reflective vests and added them to our inventory. The safety plan promotes and enforces policies and procedures to maintain a safe atmosphere that is free from illegal activity to the best of our ability. Now, the recent incident that occurred at Wahooz is unfortunate, but it demonstrates that violence occurs anywhere and as the Meridian police acknowledged in a public statement, these are incidents that come with growth to become a large city. It's not related to any one location or business. The safety plan was created in conjunction with many other venue owners in other states across the country, to include addressing exactly when and how procedures will be implemented, responding to illnesses and injuries, security screening, disorderly conduct, fake IDs, potential drug use and fights. The plan includes portions for physical security, implemental -- implementation of adequate architectural lighting for video illumination, patrols of the sidewalk and outside areas, posting and distribution of security personnel, procedures for identification, employee safety coordination, screening of promoters for any past histories, fire safety, criminal incidents and even an extensive active shooter and terrorism protocol. It also includes a 12 -- a two page 12 action item document that facilitates our good neighbor policy, which will be distributed to our neighbors and posted prominently at the door to include urging patrons that are leaving to respect the quiet and cleanliness of the neighborhood. It includes items such as providing adequate lighting at all times, maintaining proper ventilation so doors can remain closed to mitigate any exterior sound, creating patrols to clean any possible litter that's found in the parking and surrounding areas and providing a cell phone number to our immediate neighbors to be answered all operating hours to address concerns of parking or noise. The good neighbor policy would additionally be furnished to Villa Sport despite their unwillingness to even start a discussion regarding cross-parking. As you can see I'm not here to do something half assed. If it's meant to be done, it's meant to be done right and with the safety of our patrons and surrounding community held as a paramount standard. Commissioner Seal, I'm glad you were able to join us. You weren't here on the previous one. I had noted in a previous speech that you believed in the 80-20 rule, as they call it the Pareto Principle and you are often involved in completing the remaining 20 percent. As you see here we are about 80 percent of the way there and, Commissioner Seal, you are a music supporter and fan yourself. You have attended events at the Egyptian and the Olympic venue and apparently grown quite an impressive beard over the -- over the previous hearings I have watched. So, you can see in the staff reports -- noted that our proposed facility is of a relatively small scale. I just wish I could pick up and go to an alternate location, but in case you haven't tried to lease any commercial space lately, there is already a waiting list just to get space into The Village and we were told by several dozen people before we picked this space this corner was perfectly suited for entertainment, right on the main drag of Eagle Road and situated just north of an existing entertainment hub. What I soon discovered is that the majority -- in fact, almost every single major developer, except for the Wadsworth Group, wouldn't even look at my proposal. They told me in the current state of development for Meridian they would lease exclusively to corporations with a national presence or to chain stores and would not even consider leasing to anyone else. So, you can see it's been a battle just for me to get to this step. But now that I have signed the lease with Wadsworth, I'm bound to this property, including half my liquidity, without even having started our improvements. So, how do we show that this is something that's a long time coming. In the last

presentation I had mentioned e-mail chains from the Meridian City Council Members, then and present, and their advisory boards that have been asking local promoters for over a decade how a venue could be brought to Meridian. Now to date we have over a thousand followers across our social media pages, despite posting no additional advertisements or photos. And we are not trying to squeeze a stadium where it doesn't belong. I wouldn't say it's trying to fit any type of square peg into a round hole, because the zoning has not changed. The zoning has been the same as far as I can tell over a decade, congruent with the City of Meridian's Comprehensive Plan and the reason that the C-G zoning district is being used as intended is the largest scale of any commercial use. As I mentioned in my previous presentation, all I'm asking for is a chance to start a new business that has been much needed in Meridian for over a decade, at a time when hundreds of thousands of bars and restaurants have already been closed for good due to COVID. I have never failed at anything I have aimed to accomplish in my life, but with so much writing on my project, including my home and personal assets, it's an uneasy feeling to have my entire livelihood in somebody else's hands. I have checked all the boxes extensively and diligently, fulfilled all the requests by the city staff, public sector professionals, law enforcement and of this commission and I can only respectfully ask for your approval tonight.

McCarvel: Thank you. Let's see. Do we have any other questions for staff or the applicant?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: You had mentioned the Olympic and that was one of the things that was kind of on my mind. How -- how does this facility compare to something like the Olympic?

Tsai: I have only kind of breezed through there, so I couldn't tell you specific details, but anyone that's familiar with going to a downtown venue is familiar that there is zero parking anywhere. So, anywhere -- if you want to say just go on a night out or -- or some something that's related to downtown, you know, typically the deal is you allotted 30 minutes or an hour in advance just to park, you know, seven, eight blocks away, it's over on Third Street or somewhere that's closed and, then, you have to walk the remaining seven, eight blocks to get there. Size wise the Olympic is more designed for specifically I guess intimacy, so to speak. The crowds are closer to the stage. They have a lower wattage of a sound system. Similar to us. It's designed for clarity, as opposed to overall sound pressure. So, it's not designed to be as loud as it can possibly be, but -- so, that if you are in the Olympic and enjoying the show, you can see that, but not be -- trying to shout over everybody else. I hope that answers your question, because I'm not overly familiar with the way the Olympic operates.

Seal: Well, just in terms of -- I mean overall parking and size and scale. That's more what I'm after. Because to me it seems like this, in my mind anyway, has a lot of similarities to the size and scale of what you are trying to deploy and to me I'm kind of

interested, because we have that venue here, albeit, you know, not as close as I would like it to be for sure, but to me it has a lot of similarities. So, we could, you know, learn something from that.

Tsai: I would certainly look into the reason. I can't give you a very concise answer is just because I'm not really familiar with their size and their operational scope. What I can say is that based on the capacity, you know, Boise valley as a whole gets bypassed very often because of the lack of venues of that type, either because of booking conflicts or any type of capacity issues. They might say, oh, well, we wanted to play on this weekend, but you have one venue of that size and they are fully booked, so they could just -- you know, they will drive from Salt Lake City through Boise all the way to the Portland. That's how the -- the usual scheme goes. So, comparison wise it would fill that niche of the tiered capacity that's typically constrained amongst those venues, especially if there is a need for in the city and that -- and by that I mean, you know, if there is a venue that fills a 50 capacity and, then, one that fills the next tier up at a hundred capacity and the next one skips to 500 and, then, a thousand. Well, if you -- if you are the type of musician that can fill those types venues, the next step up is to, you know, go to revolution and the next step up you are going to fill from there is to go from 2,000 up to 20,000. There is not really anything that, you know, fills those needs in between.

Seal: Thank you.

Tsai: Hopefully that answers your question.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Brian, I just wanted to -- you went through a lot -- first of all, I don't know that I have ever seen any applicant do the background and the homework that you have done on this. I think I mentioned that -- or at least several others mentioned that the first time around. But I didn't -- I wanted to make sure I heard you correctly on a couple of things. Number one is that you have agreed to drop to a 400 capacity? Is that -- did I hear that right? Okay. And you were at 600?

Tsai: I believe the fire code had it at six or seven hundred and we dropped it to 500 to meet the parking requirement threshold of four to one. Now with the extra spaces we will have in position that are permanent I'm willing to drop it to 400 and meet closer to that three to one that the Commission requested.

Cassinelli: Okay. And then -- and -- and to confirm, it sounds like it was that, but -- but you said the -- the cross-parking agreement that we had asked for you to seek last time, that did not happen; is that correct?

Tsai: Correct.

Cassinelli: Okay. Thank you.

McCarvel: Any other questions for the applicant or staff? Okay.

Wheeler: Madam Chair?

McCarvel: Yes, Commissioner Wheeler.

Wheeler: Just one quick clarification on that. With the cross-access agreement for parking, were you actually told no or did you just not going to reply back yet?

Tsai: We were actually told no. But that was -- that's been in place for probably over two years now. Since Villa Sport just originally started their proposals they had just -- before, you know, this was even just a plan, they had told other developers flat out that they would not entertain any cross-parking.

Wheeler: Okay. Thank you.

Tsai: Back in 2018, so --

Wheeler: Thank you.

Dodson: Madam Chair?

McCarvel: Yes. Joe.

Dodson: This is Joe. Sorry. Just to -- for Commissioner Wheeler, just a quick background on that. Yeah. The -- there is an existing cross-access agreement between all of these sites for the Villa Sport. The Sadie Creek, which is directly south on this site, and, then, onto the Wadsworth site. But specifically in that I think it was recorded in June of 2020, so almost a year ago, it specifically states that there is no cross-parking. I believe it was one of the Villa Sport owners or developers that was on the call last time and they had noted interest in working with the applicant, but, then, following the hearing it turned out that they -- they couldn't come to an agreement. I don't know what happened on the back end, but I -- it was pretty quick. I would agree with the applicant it was pretty quick that they rescinded that offer to get the cross-parking involved -- or a part of that. So, just wanted to make that clear, that there is an existing agreement, it just prohibits parking -- cross-parking.

Tsai: Thank you.

Dodson: You're welcome.

McCarvel: Okay.

Grove: Madam Chair?

McCarvel: Oh, Commissioner Grove.

Grove: Just so that we are all on the same page again, because this one is a little thorny, Joe, could you give us just kind of -- the parameters that we are hearing tonight before we go into public testimony in terms of what it is that we are ruling on and -- and also kind of how we are basing our -- what we are basing our decisions on in terms of what is applicable and not?

Dodson: Commissioner Grove, that's a great question. So, there is kind of two parts to that, at least for why the product should be approved or denied. Some of them being these reasons I was previously continued, but, then, more specifically these are the required findings in code. These eight findings for conditional use permits. So, you don't have to have all eight, you don't have to not have all eight. So, those are the things that need to be addressed. So, any -- any of these are reasons to be recommended -- or, sorry, this is a CUP, so any of these reasons to be denied or approved, depending on the application. The parameters of this -- the proposal tonight -- again, it is a CUP for a drinking establishment and a music venue slash nightclub. Multiple uses are kind of wrapped into that drinking establishment for the CUP. So, their -- originally in the narrative he had mentioned a thousand capacity. I don't -- I don't want to quote him as saying that that is what he was proposing, I just think he was saying that based on the size it could work. But regardless of that, I had recommended in my staff report to limit that to no more than 500 because of the parking and, then, following that the applicant has now stated that he's willing to reduce that even further to 400. So, I hope that answers your -- your question, Commissioner Grove.

Grove: Yes. Thank you.

Dodson: Absolutely.

McCarvel: Any other questions for staff or the applicant? Okay. There being none, we will take public testimony and remind everybody that that needs to be limited just to the discussions that were presented in this evening's presentations, so with that are there -- is there anybody who would like to speak on this application?

Weatherly: Madam Chair, we have several people signed in. First in house is Jerry Soulsby.

McCarvel: Okay.

Soulsby: My name is Jerry Soulsby. Address here 104 East Fairview in Meridian. I was here the last hearing and two points, mostly following tonight's information. So, regarding the -- the traffic flow, by my experience with the people that attend these facilities -- and I'm part of a community -- a group of people that do a lot of country swing dancing and so for the most part a hundred percent of those that I know mostly cooperative people, zero aggression in those groups meeting. The majority of the people and the families that I'm involved with they are people with children ages, you know, three to 15 years old. They

are people that are working, they get off work, they go home, they fix dinner, they arrange for childcare and they all go to classes, you know, Wednesday or Thursday nights, Friday or Saturday nights they go down and they -- they practice what they have learned. They are a great community of people. The majority of them are going to be attending a facility like this probably starting around 8:00 o'clock at night, some of them might get there as early as 7:00. The majority of the traffic that will be entering this lot will be after hours, after a majority of the traffic off of Eagle Road in the first place and, then, those that are departing will be leaving after -- nearly all of the traffic is gone on Eagle Road. So, it's not going to be during peak hours or peak traffic times as far as the flow and as Madam Chairman mentioned last time, no matter what you do at this corner it's going to be a business that draws some traffic. A lot of those businesses are going to be during the high traffic count time period. So, this would be the ideal business to have there where the traffic is concentrated after hours. Just wanted to make that point. So, I guess, you know, I'm just going to leave it at that. Thank you very much.

McCarvel: Thank you.

Weatherly: Madam Chair, next online we have Jeffrey Vrba. Jeff, one moment, please.

Vrba: Hello, Madam Chair. Are you able to hear me?

McCarvel: We can hear you. Please state your name and address for the record.

Vrba: Madam Chair and Honorable Councilmen, this is Jeff Vrba. Address is 3005 North Leblanc Way in Meridian, Idaho. 83646. A couple things that I'm really concerned with is on the November 19th Planning and Zoning meeting that you guys had there was proposed five buildings to go in that lot. Right now they have the one going in, which is the medical center that's going in there and possibly this building here going in. At that time they said there is 125 parking spaces in there -- in that corner lot there. If he's going to be taking up a hundred of those for his business that's leaving 25 spaces for the remainder of the four buildings that may be going in there. Granted I know that the buildings probably aren't going to be opened up much past 11:00 o'clock at night, but I don't know what type of buildings are going in there. So, if you are giving each one of those buildings only two to three spots, what are we going to do? The other thing I'm concerned with is last meeting he mentioned that he has up to 30 staff that will be there -- or possibly being there. So, it's up to 30 cars out of his 170 that we were going to ask him to have a spot for. If he's got bands coming in -- if they are a local band he may have anyplace from two to five cars there, depending on the size of the band and spouses or people that are helping with the stage and that -- if he's got people coming in from -- driving down, like he said to Portland, we have buses that are coming in or campers. Where are these planning on being parked at? The other thing was last meeting, too, he mentioned that on the side where he said the ride share is set up, that now that was going to be the smoking area for the smokers to be able to go out and have their cigarette just before they go back in. So, now all of a sudden that area gets changed again to the ride share area. Also another concern -- we are looking at just strictly at the nightclub at night. He did mention that he's going to be using this facility during the daytime hours, too. We

are -- we are talking 400 people at night. There is no limit on daytime. He could bring up to 700 people in for a cheer competition that might be going on there. In that case there -- the odds are most people aren't going to be using rideshares during the day coming into that. So, there is possible you have to 350 people that are wanting to go in there. They are going to be in -- parking in our neighborhood. My house -- I have three parking spots out in front of my house. That's all I have for my family or whatever else is coming over to visit us. Unless they pull around in the alley behind my house, park in the driveway and, then, have to walk half a block to a block to get around to the front of my house, so they can come in through the front door. We need to make sure that if this facility is approved with you guys that we have something in place that we can protect the homeowners out in this area, to protect our parking area, to protect our noise compliance, to protect us. We were here way before this was even planned to go in. That's something we need to look at. The other thing I would like to say is I want to have all the parking spots for roadways and prior to them going -- getting a conditional use permit. Right now there is only two entrances to the building. To be coming down Eagle Road you have to take a right in there to go in or you have to come down Ustick Road heading east and take a right to go in. There is no way to get in off of Centrepont without going through our subdivision and we are highly against trying to get more traffic coming through our subdivision here and unknown people coming in at that time. My main concern is even with his facility there -- yes, he will get the parking spots by putting this extra parking in where the three businesses aren't going up yet, but when those three businesses go in we don't know how many parking spots they are going to need. If it's a restaurant going in there may be -- they may need 20 -- 20 to 25 spots. If he's using 125 that are in that area for his business, the new businesses going in there won't have anyplace for their patrons to park. We need to look in the future at the parking for that area, not in the present where he's trying to go through and say we can extend this out that way. Madam Chair and Honorable Councilmen, thank you for your time.

McCarvel: Thank you, Mr. Vrba. Madam Clerk, do we have -- who do we have next?

Weatherly: Madam Chair, we have others signed in, but no one else indicating a wish to testify. But we do have one raised in online.

McCarvel: Okay.

Weatherly: John, one moment, please. John, you have the ability to unmute yourself. Go ahead when you are ready.

Hoeger: Okay. Thank you. My name is Jonathan Hoeger. My address is 3664 North Summerpark Place, Meridian, Idaho. I commented the last meeting and I have comments specific to what has happened tonight. Two concerns that I have. The first is the requirement that was given was for him to be able to obtain a cross-parking permit, which has failed to happen. I think that making the adjustment in the top line in terms of the capacity of the facility is sort of a fool's errand. I operate a business. I have 46 employees. I don't know very many businesses that will have profit margins that are large enough that you can just take 40 to 60 percent, depending on what number you are saying

he started with, 700 or 1000 -- how many businesses can take half of their top line, reduce it, maintain the same debt service because the capital expenditures haven't changed and continue to be a going concern? If that's something that can happen in this business I'm in the wrong business. But I know a lot of entrepreneurs, a lot of business owners in town, I don't think this business is going to be feasible with the recommendations that we have made. I also would like to say that the research that he's done, while he's done a lot of work, I don't think he's necessarily done the relevant work. The cities that he's citing are not similar in size, neither are they similar geographic locations. He's choosing large urban centers, like Chicago, Los Angeles, San Francisco all on his list and other places as far away as Florida and Arkansas. These locations don't have similar parking requirements. If he's saying he's 30 percent better than what you see in downtown San Francisco or LA or Chicago, these numbers are irrelevant and they shouldn't be considered by the Council. I think that the last hearing it was clear that he had something that had to get done. He wasn't able to get it done. I'm recommending that the Council deny approval. Appreciate it.

McCarvel: Thank you, Hoeger.

Weatherly: Madam Chair, we have MK. One moment, MK.

Kynaston: Hello. Can you hear me?

McCarvel: Yes. Please state your name and address for the record.

Kynaston: Yes. Michelle Kynaston. 3725 North Neith Avenue, Meridian, Idaho. 83646. I would just like to add to the comment today that last time we talked the traffic circle was being used as a place to send traffic through, but that traffic circle is not an appropriate use for these kinds of businesses. It was a traffic circle meant for the location that's there right now and it would have to be rebuilt to accommodate the traffic that would be flowing through that neighborhood circle. Second of all, the other clubs that he is trying to compare himself to are not in neighborhoods and he admits he is very much in the middle of a neighborhood and there is no parking garage for anyone to go park in and attend his facility events and he has also made it clear that his people will have to park seven to eight blocks away. Those seven to eight blocks away are in our neighborhoods. They are across dangerous streets and in places where we have our children and we live and raise our kids and expect them to be in a safe place. He has also said that he has conversed with many people in the city and gotten it all approved and desirable by people in the city, but he didn't talk about the people in our neighborhoods and if he did he would discover that handily we do not want it here. We are up to 190 people saying, no, do not bring this in, to the 40 who I don't even know where they live, saying that they want it here. But this affects our lives and our neighborhoods. We would also like him to -- we would like him fact checked, because he has demonstrated an ability to say things that are questionable and we would like to -- the opportunity to challenge what he's saying, particularly on the list of property developments who have denied him. We in -- our greatest win-win here is for him to go somewhere else with -- with his business and not put it right here on this corner in our neighborhood. He said foremost the concern of

everyone is parking and traffic, but that is not true. Our foremost concern is the immorality of it and what it does to make our neighborhood unsafe for our women, for our children, for the City of Meridian, how it has been developed as a family neighborhood and we want to see that maintained and that is our foremost concern. We also feel like the reality of saying he wants a thousand patrons. Okay, now 500. Okay, now 400. Is really just an attempt to get the CUP approved, but there is no way -- and the police force has already declared that there is no way for them to enforce it. So, he can really just say whatever he wants and change it later and that's a great concern to us as well.

McCarvel: Thank you.

Kynaston: I think that's about it. Thank you so much.

Weatherly: Madam Chair, I see no other hands raised online.

McCarvel: Thank you. Sir, you may come forward. Yeah. Just come forward and talk in the mic. Yeah. And state your name and address for the record.

Sattler: David Sattler. 2060 East Lobelia Street, Meridian, Idaho. 83646. I think there has been a lot already said. I agree with many of the statements that have already been provided. I feel like this is a conditional use permit and I think the question that we have to ask ourself is there a compelling reason for us to grant an exception? And, quite honestly, I think that there isn't. I think that there was an inability to acquire the parking that this Council requested. I think that there is quite clearly a lack of community love for this particular establishment in this particular location. I don't think that anybody here is saying that a music venue is necessarily a bad idea. I think that what you are hearing is that this close to neighborhoods at this particular location isn't a good idea. I think that based on my research that I have done of nightclub zoning best practices, there are distinct designations and regulations and requirements for nightclubs that this applicant has been unable to meet and I think it behooves this board to benefit from those best practices. I think that would be, I guess, my opinion. There really is no compelling reason to grant an exception -- I think the -- the rule is there for a reason and I think granting an exception -- I feel like we are honestly forcing something that -- into a location that just isn't a good fit. With all of the energy and effort between the community and the applicant they have put into this, I feel like there has been a lot of good thought, but I just think it's the wrong location and I thank you for your time.

McCarvel: Thank you. Okay. If there is no more testimony, would the applicant like to come forward again.

Dodson: Madam Chair, real quick?

McCarvel: Oh. Go ahead, Joe.

Dodson: Thank you. I just wanted to address one thing, just to -- for clarification of both the public and the applicant and the Commission regarding the potential traffic going

through the neighborhood. One of our conditions of approval is related to working with the Villa Sport owners to construct the northernmost drive aisle on the Villa Sport site to get them to have another access to that Centrepoint Lane on the south side. So, that would be -- hopefully avoid some of that. So, I just wanted to mention that that was thought of and attempted to be addressed. And the rest I will leave to Brian. Thank you.

McCarvel: Thank you. Go ahead, Brian.

Tsai: Thank you, Madam Chair and the Commissioners. So, just as -- some of the calls had mentioned that our safety plan -- if you were to go through that entirely it is quite extensive, as I mentioned. It does cover our security staff directing traffic, where they are lawfully allowed to do so, which is in and out of the parking lot to -- you know, if you are leaving a parking lot I would suspect that most people would try to get to the main road, as opposed to trying to duck through a neighborhood and our staff is there to ensure that. Additionally, if there is any concerns, it's not like we will listen to the concern and address it later down the road. The reason that the safety plan implements that cell phone contact for the neighbors and anybody who might be affected adversely is so those issues such as noise or parking could be addressed immediately as they happen, not later down the line, and that, as I mentioned in the original testimony, would be provided to all the neighbors who are within that immediate vicinity. For the notices of this original hearing, I intentionally went farther out than what the city code had required as far as radius, just to ensure I had contacted some of those neighbors that otherwise would not have had an opportunity to voice their opinions. Let's see. The reason that this is still a viable business plan is not just because we are trying to squeeze it through, we are trying to, you know, accommodate as much as we can, but only a percentage of our overall operations, as I mentioned in my previous presentation, is reliant solely upon maximum capacity events and the reason for that is because we are not solely a music venue, just like we are not solely an event center. A lot of those venues do operate on tighter margins and capacities, therefore, they have to fill the house every weekend or, you know, that is part of their pertinent business plan. The reason for the cross-parking agreement in the previous request is because of the capacity and not the other way around. We didn't require the cross-parking because that was the prominent factor, it was that we would require the cross-parking based on the request for the three-to-one ratio, which the previous -- that was posed by the Commission previously. We had to go all the way back to the fact that this -- the scale of this business is small. It's in, you know, hundreds and not thousands. We are talking about hundreds of people and not thousands of people, we are talking about a hundred -- less than 200 cars. We are not talking about thousands of cars. What people are imagining now is trying to get out of the fairgrounds or trying to get out of the Canyon County Fair when everybody is trying to leave at the same time and we are doing it at a scale of thousands of cars and that's just not a realistic application for that vision. If we want to talk about facilities that are similar that do music and dancing that are closer to houses that are currently existing -- well, if you look at the Buffalo Club, there is a neighborhood right across the street. It's not hundreds of feet away. If you look at Cowgirls in Kuna, they are right next to houses. They are right across the street. They are not -- I think the -- 328 feet before we even touch the first house. As far as the opposition numbers, it's not really reasonable for someone to say, hey, there is 190

people against this. If you were to go through letter by letter there is many of those people who have actually written in ten or more times. So, to go back and say, hey, we have counted this person ten times as ten people who have written in in opposition is just not a reasonable assessment. As far as us just being dilly dally with the -- with the actual capacity, I would again mention that state of the art system that does alert us and allow us to crack down on load capacity limitations, not to mention the fact that we are looking at fines from the city, as well as our insurance may even refuse to cover us if we exceed our rated capacity that's approved. Going back to whether or not this community approves. Well, across the valley that we have over that thousand people who have already signed up just to see what we are doing, that are excited to be here. We have pledged over 20,000 dollars in free venue use to the Idaho Humane Society, Marine and Canine Rescue. The reason the cheerleading camp came up is because there was a group that wanted to come and use it for cheerleading competition. All these excessive uses -- we have pledged it to the Meridian Arts and -- Arts and -- Arts Commission. I'm sorry. And, then, also the major -- the majority of all the nonprofits are in support of it and I can even furnish you those messages, because they were excited that they were able to finally now have events in Meridian, as opposed to just be in Boise where their facilities are. As you can see there is no exceptions that are being requested. The only thing that I'm requesting is we have met the parking ratio request of the three to one, which was the original significant concern. Otherwise, we are just using this exact property for the exact general commercial use to which it was originally intended long before any of those houses were built and zoning has not changed. That's all I have, Your Honor. Or Commissioner.

McCarvel: Thank you. So, at this time can I get a motion to close the public hearing for Item No. H-2021-0004?

Cassinelli: So moved.

Seal: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0004. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

McCarvel: Comments?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I have got a -- I have actually got a couple of questions for Joe if we could -- if I could. Joe, do you have -- do you have a diagram at full build out what all the traffic flow -- the way the pads are laid out? Everything I see nothing connects. What I want

to see is the roads connecting up to Centrepont and, then, that roundabout. Do you have a slide with that by chance?

Dodson: Commissioner Cassinelli, I do not. This would be the connection to the south. This would be the corner of the property we are talking about and, then, this is the drive aisle that will connect there. I do know that the -- this drive aisle that also connects with Ustick is part of the construction drawings for the already approved CZC for this site, for this Wadsworth site, so that will be constructed as required. I would have to dig through and pull out some of the old Villa Sport stuff to see what else is going to be there. As for the -- this site, those pad sites up at the north end have not been applied for. There has been no administrative application put in for those yet. So, those are currently unknown.

Cassinelli: Is there -- is Centrepont the only way out or will there be a driveway that will -- that will be a right-in, right-out onto Ustick to the east of Centrepont?

Dodson: Yes, sir. Just this one right here on the -- the west end of the Wadsworth site.

Cassinelli: Okay. So, that is not Centrepont there where your cursor is?

Dodson: Correct. No, that's not --

Cassinelli: That's another -- that's another access point?

Dodson: Yes. This is their main access point in and out.

Cassinelli: Okay. But, then, to get directly onto Eagle Road it's southbound through the project to that roundabout off of -- is it Piccard?

Dodson: Yeah. Down Cajun Lane and then -- yes. So, come down here, connect, and, then, out to Eagle.

Cassinelli: Okay. And, then, if I could another question, a little different one. There -- we have talked a little bit about the capacity. The applicant has -- has agreed to go down to the 400, but is there an enforcement instrument or whatever in there that -- I mean because it -- fire code is -- is -- is what will trump everything and I think that's up there in the 700 or so. But if the applicant is just agreeing to 400 for parking, but five or six or seven hundred come in, I mean is there anything that -- that can be done on the -- on the city side to enforce that?

Dodson: Commissioner Cassinelli, a great question and we discussed this a little bit at the last hearing in March and, unfortunately, there is not a lot. There are other -- it kind of falls into the same guise or same -- trying to think of the word. Having a brain fart here. Same issue that we have with daycares when we limit those capacities. You know, I don't go in there and count all the kids. We are on a good faith system largely. I know that's not in code and I -- trust me, I understand the frustrations of the public for that. A lot of it is the self policing, as well as community policing. When we start getting complaints and,

then, police have to go out there and, then, hey, you are overcapacity, that's going to, you know, be an issue and you can have -- the applicant can have the CUP revoked for that. That is a thing. That can happen. It's, unfortunately, not something that we can -- short of me standing out there as part of my salary position I can't really guarantee that that will be adhered to, but we run that risk with anything that we limit the capacity on, underneath the fire code.

Cassinelli: Thank you. So, if I can follow up that with comments?

McCarvel: Sure. Go ahead.

Cassinelli: I'm torn on this. I know a couple of things from the last meeting and I think -- and I know Joe did address that question last meeting, but since the number changed I kind of wanted to address it again as far as the capacity. I don't know that the noise and some of the things would be as bad as -- as some of the people might think that they would be. I'm trying to think back in the days that I used to go out and -- and that sort of thing -- it's been a long time ago. You know, even in strip malls -- I can remember clubs that were in strip malls, maybe like Buffalo Club or something, that shared with other businesses and -- and, you know, outside of maybe some trash that would get picked up in the morning, everybody kind of is in that main area in front of the -- of the venue and, then, they are out of there. The problem that I have with this one is that there is -- so much of the traffic is going to be forced through -- I could just see people coming out after drinking, hitting that roundabout and not knowing which way is Eagle Road, you know drive through -- drive around that thing three times and, then, wind up going Cajun and up around some of those other streets. Going up to Centrepoint and turn left, instead of right, thinking that, hey, we can get out -- you know, maybe we can get out to Eagle Road going -- you know, turning left here and -- and wind up running around the neighborhood three times before they finally figure out -- figure it out how to get out of there. Most of these other -- you know, you look at that Buffalo Club, you look at -- at Cowgirls, their -- their access to a main road is -- is right there. Buffalo Club is right on Fairview. You can go left or right out there. There is a side road alongside that development. There is a lot of ways you can get out of there without having to go through -- nothing takes you through a residential neighborhood. We didn't get that cross-access parking and I'm leery about the -- the enforcement of the -- of the capacity. Fire Department can shut the event down if there is -- if they are over fire code on a given night. They can -- they can shut them down and force everybody to leave, but if they have got five or six hundred people in there, because they are over capacity, so to speak, from a parking aspect, you know, there isn't the -- there isn't the -- the code enforcement to really cover that as we -- as Joe mentioned. I think this is a great product. I think the city could -- could do well with it. I think it would be -- you know, it would fit ten times better even across the street, either -- either to the -- to the east or to the north where there is better access -- direct access to Ustick, direct access to Eagle Road where -- where with this one, except for the one -- the one right-in, right only -- right-out only to -- on to Ustick, there -- all the access is running through residential and that's my -- that's my -- that's my hang up on this one and that -- for those reasons I'm not -- I'm really leery about it. Again, if it was -- and -- and I can appreciate the applicant's trying to find space in this town. It's -- it's difficult. But I --

I look at it and it's just -- it's -- it's a difficult one, because you have got to -- you almost have to get to it through residential neighborhoods and that's a tough one for me.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I can appreciate the -- the concerns with going through the neighborhood. I -- I don't personally see that as a long term issue I guess. There is no out from that neighborhood in terms of -- you are not going to cut through that neighborhood to get somewhere. So, if you make the mistake one time, you are not doing it again the next time, essentially. So, I mean that to me is somewhat mute long term. Short term maybe. Long term not as much. But looking at what we asked the applicant to go back and get information on, he brought back the first two and he answered the third one, which was the cross-access parking by doing -- not being able to achieve that, but showing another step and, then, looking at the eight things that we have in here for meeting the required findings for the CUP, I'm having a hard time finding a reason, based on what is in front of us, that I could get behind denying based on what we are tasked with grading this against I guess. Would I like to see it somewhere else? Sure. But that's not necessarily what we are being asked to judge this request on. It's -- does it meet these requirements? Yes or no. And for me it -- it meets all of the requirements and he also came back and met or addressed the -- the additional concerns that we had from the previous hearing.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I would like to add onto what Commissioner Grove said. I think the challenge is whenever you live in a neighborhood and there is a piece of dirt in front of your neighborhood, you, as a homeowner, don't have control on what that's going to be. What if it was a hospital? What if it was an In and Out Burger where there is constant flow of traffic? The fact that almost all four corners have a drinking establishment already leads me to believe that -- you know, Winners has football and -- and they can get rowdy over there. There is the Land Ocean New American Grill is going to go in. There is Pinnacle Sports Bar. There is Chili's. And like Commissioner Grove said, he fulfilled the requirement findings for the CUP. The parking is disappointing. I think he will have his challenges to being able to be good neighbors and being able to take care of that without having two companies involved, but that's a challenge that he is going to have to deal with and if he aggravates and upsets his customers, he's not going to be in business very long. So, again, I agree with Commissioner Grove, I'm having a hard time finding the one through eight items that he hasn't addressed or acknowledged.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Just a quick question for Joe. Is the -- the reason for the CUP is it because -- is it because it's close to residential or is it just because of the type of business?

Dodson: The CUP? It's for the drinking establishment period. That's a conditional use within the C-G zoning district.

Seal: Okay. I just wanted to make sure that we weren't -- there wasn't something tied to the closeness of the residential.

Dodson: A proximity thing? No. The only part of the code that could loosely, in my opinion, be tied to that would be the specific use standards for the indoor rec center, which talks about if there is an outdoor music venue. It talks about the outdoor -- meaning outdoor sound, period, can't be within a certain distance of a resident of district. But this is not going to be outdoors. So, that's -- that part is not applicable. The concept of a music venue in general, there is nothing specific in code, unfortunately, that dictates that.

Seal: Okay. Another question. I don't remember seeing one. Was there a sound study done as part of this?

Dodson: The applicant did provide some sound analysis and noted certain materials that would be used. I'm not a sound engineer, obviously. That's not something typical that we have or do.

Seal: Okay.

Dodson: I don't know what I would be basing it against, unfortunately. But, obviously, for good sound you want it to stay inside, otherwise, there wouldn't be a point. Internally, you know, to have the good music, so I -- but other than that I do not know, sir.

Seal: Okay. We have had stuff submitted before. Generally it's to -- because there is freeway noise or something like that where people have submitted basically engineering sound -- sound plans in order to mitigate the -- the freeway sounds or the sounds of something that's noisy next to them. So, didn't know if this had something along those lines.

Dodson: Within his narrative he did provide some information to that, yes.

Seal: Okay.

Dodson: I just don't know if it was a full sound study.

Seal: Got you. I'm really torn on this one. I mean the -- the parking is not ideal. That said when they put the medians in on Eagle Road it kind of made everything not ideal as far as in-out. But I understand why they did it, so -- we have got something that's going to be close to a subdivision -- and to put that into perspective, all the people that are in that subdivision -- I'm sure every single person on Leslie Drive came in here and was

against that proposed subdivision, because they were there first and they didn't want their neighborhood ruined and they didn't want all the people coming in and they didn't want all those little tiny houses in there and all the low income people it was going to bring and that's the way of -- that's the way it is right now. Right now there is a lot of play things that can go into a lot of places and they are not going to make people happy. But it is where you live. Fortunately or unfortunately that's the way that I see this. Everybody's always for something, they always come up and they say I'm not against something like this, I just don't want it in my neighborhood. I want it somewhere else. Which is unfortunate. There is a lot of things I don't want to go in close to my neighborhood. They are going to. It's coming. The growth is unstoppable at this point in time. It's going to happen. No, parking is not ideal. My biggest question -- well, I guess a question for Joe is on the -- the capacity portion of this, the rated capacity versus the enforced capacity, you have touched on the enforcement of it a little bit, but I guess maybe it's more of a question for legal is if they have a rated capacity and we try to enforce a different capacity, can that affect their insurance and everything as the applicant said or is that more conjecture than anything? Because, again, they are going to build a building for a rated capacity and we are going to try to enforce a different capacity on that.

Dodson: Commissioner Seal, the -- I don't know about the insurance side of it, but I do know that changing the capacity with the conditional use permit is -- is allowed. I mean that is one of the parameters that is largely used, as you know better than me. Regard on the -- regarding the private side of it and insurance and things like that, I -- I can't speak to that. I don't know if legal can.

Baird: Madam Chair, Members of the Commission, I don't think it's -- it's one of your decision analysis to worry about his insurance. It's can you enforce the 400 capacity that is under the fire code. The fire department shows up, sees that it's under 500 or whatever their rating is, and they are fine. If the city gets reports, as Joe touched on, that they are potentially exceeding the 400, the city would have to probably send out code enforcement personnel, who generally aren't available on weekends and evenings, but that's the procedure for how that would be enforced and, as Joe mentioned, if the city finds that that 400 capacity is being exceeded, then, the remedy is to commence proceedings to revoke the conditional use permit. So, that kind of gets -- gets to your evaluation criteria. The proposed use, if it complies with all conditions of approval and not adversely affect other property in the vicinity, it's -- it's -- what are your conditions of approval and will they be effectively enforced.

Seal: Understood. Mine was more to -- to be able to help put teeth into the enforcement. I mean if -- if that's a -- if it was a true statement it might help with, you know, ease people that, yeah, this guy could lose his insurance and it -- you know, we have the ability to -- or the city has the ability, I should say, to enforce lose of the conditional use permit. So, I mean it does already have teeth in it. My worry is, you know, as far as a business perspective why would you build a building that can hold a thousand people and agree to only ever put 400 in it? Why not build a building that can hold 400 people? That's the biggest question I have in a business sense. The other side of this is, unfortunately, you are going to be located very close to residents, affected or not, who are going to make it

their mission to pick up their pitchforks and axes and call the police every time somebody drives wrong, every time somebody flashes their lights, every time somebody flicks a cigarette butt in the wrong direction and that's what I see happening here and I find that to be unfortunate, because I -- I think a lot of the criteria has been met. I think there are very valid concerns as to the project. Personally I would like to see something like this come into Meridian. I think we are sorely lacking in that area. We are lacking in things like this, as much as we are bike paths. I mean -- so I -- I would like to see this come in. I'm not discounting the concerns that are out there and I do share similar feelings on -- on the parking, on how it's going to work, on -- on how that would turn out. But I think the single biggest problem that we are going to have is people are mad, they are going to -- maybe only short term, but possibly long term, try to make life extremely miserable for you and especially when you are operating in a completely reduced capacity. I just don't know how that's going to work and how much the city is going to have to be involved and how much misery and pain that's going to bring on to people. So, it's concerning.

Parsons: Yeah. Madam Chair, Members of the Commission, if I may provide you some context. So, I'm looking at the code, I'm looking at our ordinance for conditional use permits, and certainly, you're right, your job is tasked to enforce the code. With the conditional use as you could add -- and I will quote it here. It says you -- you can require more restrictive standards than those generally required in this title to -- to safeguard the public interest and so I'm hearing all of this talk and, you are right, you guys are struggling with this decision, because you hear somebody that's passionate about opening a business and you hear the concerns of the neighbors, but the other part of the conditional use is the duration and timing of the use and that's really to me where we are at here. You hear Joe or the city staff wanting to limit the occupancy. Let's say, for example, we do that and all of -- right now when you look at the aerial of this site there is nothing else to construct out there and that's really the concern I think from staff's standpoint is -- and what I'm hearing from the Commission is if we don't have all that connectivity and any parking in place, people are going to park on dirt, people are going to drive through dirt to get to the light, people are going to cut through the neighborhood. That's really the concern here. So, what you have with this conditional use permit is if you feel inclined to approve it you can have that condition that says they are capped at 400 and at such time as Villa Sports happens and everything else develops, if they want to come back and modify that conditional use permit and it's working and, then, he has the ability to make -- to modify those conditions and say, hey, we are working -- we haven't had any complaints, Commission, we think we want to increase our capacity and now we have a shared parking agreement and we want you to allow us to operate the way we envisioned when we first came before you, I don't know, three or four years ago. That's how you can probably mitigate some of these concerns. You can cap them at 400, with the caveat that if they want to expand that in the future they come back to this body through a CUP process, you have the ability that they can't go beyond 400 until they have a shared parking agreement in place with the surrounding developments or you can say, you know, we don't feel you have adequate circulation or parking for this. You can deny this and the applicant has the ability to appeal your decision to City Council. So, there is -- there is different avenues you can take here and, you are right, I have dealt with this site in the past and I have been at neighbors' houses out there talking with them about other

commercial businesses in the area and we have had to rectify some of those past decisions and I don't want to see that happen here and we want to be sensitive to that. So, to me if you guys are inclined to recommend approval of this tonight, I think I would put some sideboards on it. You can do this in -- in such time as you get cross-parking agreement or you don't get to operate until you get a cross-parking agreement. Certainly you have that ability with the CUP.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: With the CUP, just on protocol, does this go to City Council or are we the defining -- we are the decision maker here?

McCarvel: We are the decision maker.

Lorcher: Okay. Thank you.

McCarvel: Yeah. We are not making a recommendation, we are saying yes or no.

Lorcher: Okay.

Dodson: Madam Chair?

McCarvel: Joe.

Dodson: The one caveat to that is that applicants or members of the public can appeal decisions to the Council --

McCarvel: Sure.

Dodson: -- following the action done by the Commission. It's the one caveat.

McCarvel: Okay.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: I would like to add some comments here, too. I am -- I'm in agreement here with Commissioner Grove and Commissioner Lorcher here on taking a look at the staff report and looking at their findings. That's -- everything seems to be in the line here. They are using terms in here like there is no results and no damage, this -- this proposal here for this use will not be detrimental for any persons, will not be detrimental to the economic welfare of the community or create excessive additional costs for public facilities. It seems like there is a lot of things that are just buttoned up for -- for this to

happen and another thing that I took a look at here as I was looking at the -- the out pads, the extra building pads that are, they are around, I know there has been concern about some of those being used -- or the parking kind of spilling over into that area. From -- from my experience it seems that those -- those pads need to carry their own weight of parking and if they can't, then, the -- then the developer of that proposed use will come before this board again and -- or this body again and we take a look at it to see if we want to grant some sort of cross-parking agreement at that time or just the parking requirements. But I see the need for -- or I can hear that people here in this community see a need for such use on this and it seems that the staff has done a thorough job on taking a look at what could cause any sort of issues and you have addressed these things in a very thorough and organized fashion.

McCarvel: Okay. Any other comments or discussion? Yeah. I have gone back and forth on this. I -- I love the idea of this. It would certainly be much easier if it was somewhere else and I guess the comment that Bill made was exactly my question is, you know, as this develops out and there is more adjustments as time goes on with additional parking, can they come back, because I really don't see how -- as well thought out as every other thing in your business plan was, that it -- it still functions by keep lowering the capacity. But I guess that's not what we are here to parent over. If he feels he can make it work at 400 and that's what -- and this -- although he didn't bring in a cross-parking agreement, I believe -- I think he adhered, I guess, to the spirit of what was intended. I guess -- at this point I guess if somebody's got a motion we can -- or any other comments we can move forward.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Yeah. I'm still -- still struggling with this one, so --

McCarvel: Yeah. Well, keep going.

Seal: Right -- right now the -- the capacity limitation is -- is self imposed by the applicant; is that correct, Joe?

Dodson: Yes, sir.

Seal: So --

Dodson: That -- that 400 number is -- I did not make that -- we did not make that. To Bill's point you can -- you can pick a different one based upon the concerns noted.

Seal: Okay. I just want to make sure, because if that's an issue we would have to put that in a motion to --

Dodson: That is correct, sir. Yes. I have a current one in there regarding -- I think it's 500 and I spoke about how I got to that number with the four to one ratio of the -- the number of capacity versus patrons. But, yes, you are right, you would have to -- if it's going to be a different number you have to have it in your motion --

Seal: So, is that --

Dodson: -- along with the -- any of the timing that Bill spoke about.

Seal: Is the -- is it limited to -- is that limit on customers or is that limit of the capacity of the building period?

Dodson: Great question. In my -- wow, it's been a long week. It's like a -- yeah, in my condition I noted that it does include the employees as well. So, it's going to include, basically, that -- that tenant suite -- patrons, customers, as well as the employees, because they will -- the employees will be the ones that use -- utilize the parking the longest.

Seal: I will ask a long question here that probably has a short answer. Since this is -- we are going to limit this to four -- 400 and I don't see it exceeding, I can't imagine that doubling and people being happy about it. Can we limit the amount of space that they are -- can we limit the building to a capacity as far as what it's capable of holding or is that part -- was that already addressed in a development agreement?

Dodson: That is not addressed in the development agreement. That is what you guys are doing now. Are you saying that you could have a step process saying that you will have a lower -- lower capacity now in saying that in the future it will never exceed a certain amount?

Seal: Just essentially limit the -- limit the building's capacity to a certain number of people by constraining it to a certain size.

Dodson: Yes, essentially, that's what you can do through this CUP.

Seal: Okay. Because right now we are allowing him -- I mean he could build a building that could hold 2,000 people and we are saying you can only have four people in there -- 400 people in there, so --

Dodson: Well, to be more specific on that, that until this use applies for a TI and that's this specific use, the fire plan reviewers will not be able to give us a dedicated number. How the interior of the tenant suite is laid out is very important to determine that, because as soon as they start adding tables that changes their ratios. If they have how big their dance floor is -- all of those things go into that. I loosely got a number from the fire plan reviewers just based on a preliminary floor plan that I was given and it was a range anywhere from five to 750, depending on if there is additional tables and things like that. So, there is -- there is definitely room to play with what the fire capacity will even be. I

think that based upon my conversations it's probably going to be the lower end of that, probably between the five and six hundred. So, fire capacity may limit it more than what has been discussed in this hearing. So, a thousand was never going to be part of the question period and I don't think 750 is either. So, if that helps you guys. I hope that does.

Seal: It does. And in the picture you have there, which is that oriented north-south or is that -- do you know?

Dodson: It -- south is to the top of the picture.

Seal: Okay.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: For our motion I would propose that -- what Commissioner Seal said, to have a capacity, but I think that the applicant should have the ability to come back to increase his capacity if his business model is working and he does get cooperation with the other tenants for parking.

Seal: Madam Chair? And --

McCarvel: Commissioner Seal.

Seal: Question for Joe. That -- that's kind of built into the process; correct? Or does that require that we state that in a motion? The ability to come back and ask -- ask for more capacity in the future.

Dodson: It is my understanding that they -- regardless of if you note it, that the applicant can just do a mod -- a CUP modification at a future date. However, for whoever is on the Commission in the future date, if there is already a condition noting that this was something that was discussed that might be worth adding.

Seal: Okay. Thank you.

Dodson: But process wise it's not a requirement, no.

McCarvel: Okay.

Dodson: Well, let me -- let me say that further, now that I'm thinking about it more. The only way that it would be a requirement is if there is a certain timing associated with it, as Bill alluded to. If there is a -- once you get A, then, you can request it, then, yes, that's going to be a requirement of the motion.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: So, we can't say just a future date, have it be ambiguous, it has to say when a tenant agreement or parking agreement happens -- we have to have something definitive or can it be more vague?

McCarvel: No. We -- my understanding --

Dodson: Commissioner Lorcher.

McCarvel: Go ahead, Joe.

Dodson: Sorry. Yeah. If it's going to be vague, then, in the normal process and the allowance of a future modification is what you should just -- and just -- and just not say anything if it's going to be vague. If there is something specific, the cross-parking as an example, but also part of the CUP you could put a certain sunset date period and say not until after five years can you come back. Those are all things that are in your parameters to add.

Lorcher: Thank you.

Dodson: You are welcome.

McCarvel: Yeah. I'm thinking mentioning it as just a courtesy to a future Commission that it was thought of and we weren't -- they don't have to rehash it all. But I don't think a sunset is necessary. I mean to come back --

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I think maybe how we could help future is to put in something along the lines of how we have been approaching the percentage essentially of parking. So, not just getting a parking agreement in place with neighbors, but having -- being able to hit that -- a certain threshold with that to keep it consistent with what we have discussed might make it a little easier for future commissions to have an idea of where we were coming from.

McCarvel: Okay. Thank you.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: If anybody else wants to comment I'm -- I'm ready to make a motion here, but I want to make sure that -- I mean, essentially, the capacity is really -- the capacity and their ability to come back at a later date to ask for more parking -- is there anything else in here that somebody is wanting to see if we were going to make a motion on this?

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Commissioner Seal, I tried to write something down for the -- for the first time, but -- so, I will defer to your expertise. I just had -- I just had like with the other tenants nothing specific as a -- as a cross-parking agreement, because if the other tenants aren't -- that -- that's not within their business model, they are not willing to do that, then, that limits this applicant any future growth. But it -- as a collective group of tenants together, they have kind of a gentlemen's agreement or a business agreement that they have it, but not necessarily in writing, so maybe not have it saying if it is a cross-parking agreement I have more of parking with the other tenants on the site, as just a general rule.

Dodson: Madam Chair?

McCarvel: Go ahead, Joe.

Dodson: Commissioner Lorcher, there already is an existing cross-parking for all of the tenants and all of the future building sites within this five lot subdivision. So, that cross-parking is already existing. The main crux would be additional parking beyond what is going to be constructed on the site and that's where you could impose saying if you -- you cannot come back -- or I should -- you know, if you get that cross-parking, then, you can increase your capacity, that type of a situation. Beyond the site. Yeah.

McCarvel: Commissioner Cassinelli.

Cassinelli: Not to keep -- keep going down the road here and, Commissioner Seal, I know you are about ready to go forward, but another question came up for Joe. A member of the public that spoke brought up a point of future tenants in this. If there were something -- a business, perhaps a restaurant or something, that competed hour wise with this that wanting to go in, how would their parking -- I mean most of these businesses, if they close up by 8:00, they are not going to -- you know, their parking is not going to impact the parking here. But if there was something else that had hours 10:00 or 11:00 say, his parking might be -- be impacted by this parking. How is that -- how do you view that down the road?

Dodson: Great question, Commissioner Cassinelli, and for the Members of the Commission. That's a good learning thing. One, unfortunately, there -- there isn't specific parking requirements for this specific use. You know, a drinking establishment, for example, versus a restaurant. That's all wrapped into one. So, one for 250 -- 250 square

feet that is the -- all of the future sites and what is already existing will be based on what their proposed use is and the minimum parking required by code. I can't require more, so as long as they are meeting those minimums, then, those sites could be utilized based upon the size of those buildings. If they get to a point where they exceed it, then, we can't approve it and they have to come through us each time. For the hours portion, the applicant -- or the landowner is actually doing some self policing there. For example, the Jamba Juice and that's going to be in the other suite in this building and I have seen the agreement that they are limiting them to close at -- I believe at 7:00 p.m. -- or 6:00 or 7:00 p.m. or something like that. So, as part of their agreement with some of these new tenants that are coming in, so I think that some of that will get quelled and, again, I don't want to speak for the landowners, but I do believe that one of the uses on the other side might be a bank, which does not have late hours and, then, there was word of a coffee shop, but I don't know if that's going to happen and those generally don't go later into the evening either.

McCarvel: Okay.

Seal: Madam Chair, one -- one thing that I would like to add -- and I don't know if it's going to help anything or not -- and the reason I asked the -- the orientation of the building is I would like to put something in here that the sound direction is concentrated away from the closest -- focused away from the nearest housing. Thank you. That's what I have written down here. Just trying to -- just trying to make sure that -- you know, essentially where the sound -- where the stage is, where the sound is focused, the direction that it's going to be emanating is away from the nearest housing as much as possible. Right now with the orientation of it it's kind of going that direction, so that's a little bit of a concern for me. With the construction that they are proposing I think it's less than an issue, but it is, you know, a way to mitigate some of the concerns that are out there as far as sound. Anybody have any issues with that let me know.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Didn't the tenant or the applicant fulfill the requirements for sound? Wouldn't that be redundant to put it in there specifically or you would just like to have it as an extra reminder?

Seal: Madam Chair?

McCarvel: Yeah. Commissioner Seal. Yeah, I kind of have the same thought. I think the building itself was designed as fairly sound proof.

Seal: I agree, but there was -- I mean there has been no true sound study done. We are relying on the applicant's analysis of what the sound can and will do. I just think this adds another layer of trying to get along with one's neighbors as well as possible, so -- and, again, I mean if you have been to a venue when you are walking up on it -- if you come

in from behind the building I will -- you know, use the Revolution Concert House is a great example. If music is going on and you walk up -- or you are in the -- behind the buildings, you don't hear a lot. If you are out in the parking lot you hear everything. So, that's -- you know, I mean the sound direction focus can definitely be -- play into something. So, if it's focused in that direction kind of no matter what it is, the bass is going to escape and it's going to float that direction. So, if you want to challenge that just have some teenager turn up their car driving down your road.

McCarvel: I have one of those.

Seal: Exactly. So, it was just a concern that kind of -- I mean to me the sound of this needs to blend in with the neighborhood as much as possible, so just a concern. So, with that, Madam Chair?

McCarvel: Commissioner Seal.

Seal: After considering all staff, applicant, and public testimony, I move to approve file number H-2021-0004, as presented in the staff report for the hearing date of May 6, 2021, with the following modifications: That the capacity will be limited to 400 people. That the applicant can come back at a later date to ask for an increase in capacity when more permanent parking is available. And that sound direction is focused away from the nearest housing.

Dodson: Madam Chair?

McCarvel: Oh. Joe.

Dodson: Sorry. Sorry. I know. One last thing that I do have an existing condition in there that talks about the cross-parking, but because that was not able to be obtained your motion should include striking that condition.

McCarvel: In lieu of the 400 capacity maybe? Okay. What's the condition number on that, Joe?

Dodson: 8-A-3.D.

Seal: That we strike condition 8-A-3.B.

Dodson: D as in David, sir.

Seal: Oh, sorry. D as in David.

McCarvel: Is there a second?

Grove: Second.

McCarvel: Okay. It has been moved and seconded to -- to approve Item H-2021-0004 with conditions. All those in favor say aye. Opposed?

Cassinelli: Nay.

McCarvel: Motion passes. Madam Clerk, do you need a roll call or --

Weatherly: Madam Chair, for the record I want to confirm that was Commissioner Cassinelli who said nay.

Cassinelli: That is correct.

Weatherly: Thank you.

MOTION CARRIED: FIVE AYES. ONE NAY.

6. Public Hearing for Mountain America Credit Union Drive-Through (H-2021-0019) by Mountain America Credit Union, Located on the West Side of N. Ten Mile Road, Approximately 750 Feet South of Chinden Blvd.

- A. Request: Conditional Use Permit for a drive-through establishment within 300 feet of a residential use and zoning district for a financial institution on 1.16 acres of land in the C-G zoning district.

McCarvel: Okay. Thank you. Next item on the agenda is -- and we are just full of CUPs tonight. H-2021-0019, Mountain America Credit Union Drive Through, and we will begin with the staff report.

Dodson: Thank you, Madam Chair. Sorry, Commissioners, you get to hear me more. I am told I have got a radio voice. So, maybe it's nice. I don't even know at this point, but -- as noted, this is Item No. 5, Mountain America Credit Union CUP. The applications before you are a conditional use permit, administrative design review was already approved for the building at staff level, which we allow concurrently with CUPs. The size the property is 1.16 acres, currently zoned C-G and it's on Lot 13 of the Lost Rapids Subdivision, which is part of the Costco site. It is on the west side of North Ten Mile Road and about an eighth mile south of Chinden. And to the north, as noted is more commercial. The two lots directly above are undeveloped and, then, the corner lot is the Costco fuel station. To the south is more C-G zoning and undeveloped, but directly to the south is the other drive through site that was approved by this Commission I believe last month. To the east is Ten Mile Road and, then, to the east of that is R-8 zoning and detached single family uses. To the west is C-G zoning and the Costco site, the larger building lot here. The future land use plan does constitute this site as a commercial designation, which, obviously, allows a plethora of commercial uses. The conditional use permit is requested for a drive-through. It is for a financial institution that is within 300 feet of a restaurant drive through that I noted is directly to the south. As you can see on



AGENDA ITEM

ITEM TOPIC: Ordinance No.: 21-1935: An Ordinance (H-2021-0014 – Artemisia Subdivision) for Annexation of a Parcel Being a Portion of the SE ¼ of the SE ¼ of Section 14, Township 3 North, Range 1 West, Ada County, Idaho, and Being More Particularly Described in Attachment “A” and Annexing Certain Lands and Territory, Situated in Ada County, Idaho, and Adjacent and Contiguous to the Corporate Limits of the City of Meridian as Requested by the City of Meridian; Establishing and Determining the Land Use Zoning Classification of 25.67 Acres of Land from RUT to C-G (General Retail and Service Commercial) Zoning District in the Meridian City Code; Providing that Copies of this Ordinance Shall be Filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as Required by Law; and Providing for a Summary of the Ordinance; and Providing for a Waiver of the Reading Rules; and Providing an Effective Date

CITY OF MERIDIAN ORDINANCE NO. 21-1935

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER**

AN ORDINANCE (H-2021-0014 – ARTESIMIA SUBDIVISION) FOR ANNEXATION OF A PARCEL BEING A PORTION OF THE SE ¼ OF THE SE ¼ OF SECTION 14, TOWNSHIP 3 NORTH, RANGE 1 WEST, ADA COUNTY, IDAHO, AND BEING MORE PARTICULARLY DESCRIBED IN ATTACHMENT “A” AND ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MERIDIAN AS REQUESTED BY THE CITY OF MERIDIAN; ESTABLISHING AND DETERMINING THE LAND USE ZONING CLASSIFICATION OF 25.67 ACRES OF LAND FROM RUT TO C-G (GENERAL RETAIL AND SERVICE COMMERCIAL) ZONING DISTRICT IN THE MERIDIAN CITY CODE; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING FOR A SUMMARY OF THE ORDINANCE; AND PROVIDING FOR A WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MERIDIAN, COUNTY OF ADA, STATE OF IDAHO:

SECTION 1. That the following described land as evidenced by attached Legal Description herein incorporated by reference as Exhibit “A” are within the corporate limits of the City of Meridian, Idaho, and that the City of Meridian has received a written request for annexation and re-zoning by the owner of said property, to-wit: *Idaho Auto Mall, LLC*.

SECTION 2. That the above-described real property is hereby annexed and re-zoned from RUT to C-G (General Retail and Service Commercial) Zoning Districts in the Meridian City Code.

SECTION 3. That the City has authority pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian to annex and zone said property.

SECTION 4. That the City has complied with all the noticing requirements pursuant to the laws of the State of Idaho, and the Ordinances of the City of Meridian to annex and re-zone said property.

SECTION 5. That the City Engineer is hereby directed to alter all use and area maps as well as the official zoning maps, and all official maps depicting the boundaries and the zoning districts of the City of Meridian in accordance with this ordinance.

SECTION 6. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

SECTION 7. This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law.

SECTION 8. The Clerk of the City of Meridian shall, within ten (10) days following the effective date of this ordinance, duly file a certified copy of this ordinance and a map prepared in a draftsman manner, including the lands herein rezoned, with the following officials of the County of Ada, State of Idaho, to-wit: the Recorder, Auditor, Treasurer and Assessor and shall also file simultaneously a certified copy of this ordinance and map with the State Tax Commission of the State of Idaho.

SECTION 9. That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO, this
_____ **day of** _____, **2021.**

APPROVED BY THE MAYOR OF THE CITY OF MERIDIAN, IDAHO, this
_____ **day of** _____, **2021.**

MAYOR ROBERT E. SIMISON

ATTEST:

CHRIS JOHNSON, CITY CLERK

STATE OF IDAHO,)
) ss:
County of Ada)

On this ____ day of _____, 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **ROBERT E. SIMISON** and **CHRIS JOHNSON** known to me to be the Mayor and City Clerk, respectively, of the City of Meridian, Idaho, and who executed the within instrument, and acknowledged to me that the City of Meridian executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)

NOTARY PUBLIC FOR IDAHO
RESIDING AT: _____
MY COMMISSION EXPIRES: _____

CERTIFICATION OF SUMMARY:

William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that the summary below is true and complete and upon its publication will provide adequate notice to the public.

William L. M. Nary, City Attorney

SUMMARY OF CITY OF MERIDIAN ORDINANCE NO. 21-1935

An Ordinance (H-2021-0014 – Artemisia Subdivision) for annexation of a parcel being a portion of the SE ¼ of the SE ¼ of Section 14, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho and being more particularly described in the map published herewith; establishing and determining the land use zoning classification of 25.67 acres of land from RUT to C-G (General Retail and Service Commercial) zoning district; providing that copies of this ordinance shall be filed with the Ada County Assessor, the Ada County Recorder, and the Idaho State Tax Commission, as required by law; and providing an effective date. A full text of this ordinance is available for inspection at City Hall, City of Meridian, 33 East Broadway Avenue, Meridian, Idaho. This ordinance shall be effective as of the date of publication of this summary.
[Publication to include map as set forth in Exhibit B.]

EXHIBIT A

Legal Description Annexation & C-G Rezone – Proposed Artemisia Subdivision

A parcel being a portion of the SE ¼ of the SE ¼ of Section 14, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

BEGINNING at a Brass Cap monument marking the southeast corner of said Section 14, from which an Aluminum Cap monument marking the southwest corner of the SE ¼ of said Section 14 bears N 89°19'41" W a distance of 2661.68 feet;

Thence along the southerly boundary of said SE ¼ of the SE ¼, also being the centerline of W. Overland Road, N 89°19'41" W a distance of 923.89 feet to a point;

Thence leaving said centerline and southerly boundary N 0°40'19" E a distance of 1210.11 feet to point on the centerline of Interstate 84;

Thence along said centerline S 89°34'02" E a distance of 921.31 feet to a point on the easterly boundary of said SE ¼ of the SE ¼, also being the centerline of S. Linder Road;

Thence leaving the centerline of said Interstate 84 and along said easterly boundary and S. Linder Road centerline S 0°32'59" W a distance of 1213.95 feet to the **POINT OF BEGINNING**.

This parcel contains 25.67 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
March 5, 2021



EXHIBIT B

