

Public Hearing for Apex Zenith (H-2024-0052) by Brighton Corporation, generally located at the southeast corner of S. Meridian Rd. and E. Lake Hazel Rd.

- A. Request: Rezone of 71.44 acres of land from R-4 (Low to Medium Density Residential) to C-G (General Retail and Service Commercial District) zoning district.
- B. Request: Annexation of 77.71 acres of land from RUT zoning in Ada County to C-G (19.19 acres) and R-15 (58.52 acres) zoning districts.
- C. Request: Modified Development Agreement to replace the current Development Agreement (#2016-007072) to include a general concept plan and transportation network in a new Development Agreement.

Lorcher: The next application we have is from Brighton Corporation, requests a rezone and annexation and a modified development agreement for Apex Zenith near South Meridian and East Lake Hazel Roads and we will start with the staff report.

Napoli Good evening, Madam Chair and Members of the Commission. The next item on the agenda is the annexation, rezone and development agreement modification for Apex Zenith. The applicant is requesting to rezone 71.7 acres from R-4 to C-G, annex 77.71 acres with the C-G and R-15 zoning districts and a development agreement modification to develop the subject property with a mixed-use development consisting of approximately 446,000 square feet of commercial, 100,000 square feet of office slash employment and residential uses. The site consists of 149.41 acres of land, generally located in the southwest corner of Meridian Road and Lake -- East Lake Hazel Road. As shown on the screen, the current zoning is R-4 and RUT in Ada county and the FLUM designation is mixed-use regional on the western portion and medium to high density residential on the eastern portion. The annexation exhibit for the C-G portion. This is showing the -- the float for C-G across the Lake Hazel frontage and the R-15 is on the right side. And this is the rezone exhibit for that western portion of the site from R-4 to C-G. The two parcels fronting South Meridian Road were annexed in 2015 with the south Meridian annexation. These properties were given the placeholder zoning of R-4 until further -- until future development. Due to these properties being in the mixed-use regional, the request to rezone to C-G is consistent with the Comprehensive Plan. The applicant has submitted a high level concept plan for the entire development. Phase one focuses on commercial, retail and medical office slash employment uses, while phase two includes commercial and residential components. The concept plan proposes the float of the mixed-use regional designation into the medium high density area along the East -- East Lake Hazel frontage, covering approximately 19 acres. However, the concept plan lacks specific detail and does not -- does not demonstrate compliance with essential mixed-use development -- development elements. Staff has expressed concerns with this approach as it may result in critical mixed-use components being

overlooked. To address these concerns staff has -- has outlined a path forward by incorporating provisions in the development agreement requiring comp plan elements during phase two. While staff is amenable to deferring key mixed-use elements, a comprehensive -- a comprehensive master concept plan for the entire development is essential. This plan ensures the alignment with the Comprehensive Plan and supports the justification of the float of the mixed-use regional along the East Lake Hazel frontage. The applicant has acknowledged the importance of these elements, but intends to provide the details for these elements during phase two with the future -- with phase two of the -- with the future DA amendment. The Planning and Zoning Commission and City Council shall determine if deferring these elements is appropriate at this time. Key elements requiring consideration include plazas connecting commercial and residential uses, active and shared open spaces, a mix of at least three distinct land uses, eight foot parkways with on-street parking and bulb outs, functional integration of uses, purposeful open space design and design integration. The applicant is requesting the approval to obtain three building permits during phase one, which includes the float -- which includes floating the C-G portion along East Lake Hazel Road for employment uses. Additionally, they plan to reconfigure the property through a future property boundary adjustment. This adjustment would allow the construction of two identified -- would allow the construction on the identified parcels before the remaining property is subdivided as part of phase two. For mixed-use developments at least 40 percent of building frontage must be occupied for building -- by building facades per the UDC. The current concept plan shows no building frontage along Meridian Road. To satisfy the 40 percent requirement for phase one the applicant should relocate the building to the Meridian Road frontage. Staff recommends sliding the building to the west and positioning it along this road. However, after discussing with the applicant they would like to defer the 40 percent building frontage to phase two with the remainder of the entitlements. Qualified open space and amenities will be determined with future development agreement modification for phase two. The landscape plan will be evaluated with the submission of the certificate of zoning compliance. However, staff is recommending the landscape buffer improvements be included within phase one of the development. While that plan is not creating a formal subdivision at this time, staff believes installing all landscape buffers fronting Meridian Road, East Lake Hazel Road, Prevail Avenue and Aristocrat Drive will be important for the compliance with the Comprehensive Plan and UDC. Access is proposed from five different access points across the development. Three access points are off Meridian Road and two of them are off of East Lake Hazel Road. The three access points off Meridian Road include the half mile collector, a quarter mile street and a quarter mile and eighth mile street or a private drive aisle. Staff is supportive of the half mile access, but is not in support of the two additional right-in, right-out access as they do not meet UDC standards. However, ITD has approved all three accesses, with the quarter mile being a full signalized access and the other two being restricted to right-in, right-out. With ITD's approval the City Council may grant access waivers for the other two access points. Additionally, the applicant has been coordinating with ITD on a STAR's agreement to address transportation improvements along State Highway 69 and accesses along its frontage. Staff is supportive of this approach and is recommending the applicant enter into a STAR's agreement with ITD prior to commencing with the development of phase two. The applicant has also entered into a completed cooperative development

agreement with ACHD to fully build Lake Hazel to five lanes between Meridian Road and Apex. With the construction in 2024 both the quarter mile collector Prevail and eighth -- eighth mile right-in, right-out driveway to -- to East Lake Hazel Road were designed, approved and constructed. The applicant is seeking Council waiver -- Council waiver for the additional access point to East Lake Hazel Road. Staff does not support the eighth mile right-in, right-out to Lake Hazel Road in accord with UDC. However, this may see Council waiver. On the screen are the DA provisions that staff is recommending with this. There is quite a few. There is two different slides, so let me know if you want to take a look at them again. Staff is recommending approval and has received written testimony from the applicant Amanda McNutt proposing changes to two of the DA provisions shown right here and I will stand for questions at this time.

Lorcher: So -- so what -- what two agreement provisions are they opposed to? Is it on here?

Napoli: Yes. So, the existing agreement -- so, that's the existing. So, that's the one that we proposed as staff and they are -- their proposed is their change -- how they would like it to change as far as with that. So, the two existing ones are as staff proposed and the two ones that say proposed is how -- how the applicant would like those to change. Essentially they are wanting to defer some of the landscape buffer installations to different points throughout the phases. So, some would be installed with phase one and part of - - others would be installed with phase one and, then, some would be deferred until there was actually a future final plat and, then, the second one is that they would like the bulb outs to be removed from the DA.

Lorcher: Okay. Thank you. Would the applicant like to come forward?

Wardle: Commissioners, good evening. My name is Jon Wardle. My address is 2929 West Navigator Drive, Meridian, Idaho. 83642. I'm going to share my screen here. Make sure you can see that.

Lorcher: There it is.

Wardle: Okay. Perfect. Just close one thing here. Appreciate the opportunity to be here tonight and talk about this current application before you. Just zooming in very closely and I will zoom back out and, then, we will come back into it. We are talking about the hundred and -- about 150 acres -- just a little bit less than 150 acres on the corner of Meridian Road, State Highway 69 and Lake Hazel. Half of this property was brought into the city back in 2016 through a development agreement and I will get into that in just a second. As you know and as the other projects that we have brought before you, this is a -- part of our Pinnacle community. It sometimes comes up as Apex, but it is Pinnacle and Zenith is what's in the red box here, but previously before the city we received approvals for Northwest, Southeast, Vertex, Farr West, Phenomenal and we actually have another application in to the city called Cadence and so we have been bringing a number of different components, not just a -- a standalone of this or a standalone of that, but we have been looking at many different land uses and services needed in the area

and because of the location of Zenith on the corner of Meridian Road and Lake Hazel this really starts to bring some of those regional uses which are desired by the city and -- and by the residents as well. Just want to highlight a couple things that we -- that have been done already. We entered into a number of cooperative development agreements with ACHD and in one of those actually the City of Meridian was involved in it as well. The first one we did was Lake Hazel, Locust Grove roundabout and, then, we did Lake Hazel from Locust Grove to Recreation and that was -- the city was involved in that one as well, as it allowed them to start phase two of Discovery Park. The third one was three-quarters of a mile from -- of Lake Hazel from Locust Grove over to Meridian Road. That roadway was just finished. It was just opened and so we have a five lane roadway now going from Meridian Road almost all the way to Eagle Road. ACHD currently has Eagle Road shut down and they are building that out as a five lane. There will be an intersection -- lighted intersection at Lake Hazel and they are building five lanes up to Amity Road, which will be complete next fall. In addition to those roadway improvements, we brought Gem Prep into the community. Meridian Library District just opened in October and we have the So-Me Amphitheater, which will open in summer of '25. At the bottom of the screen that shows you the full mile of the build out. Google Earth just actually just updated their mapping -- or the aerial and so we were able to capture that. But that shows you what has been built as part of a couple of different cooperative development agreements. The city's Comprehensive Plan currently designates the area as both mixed-use regional, which is kind of shown in brown and, then, medium to high density, which is the yellow with some dots on it. We are not proposing any changes to the future land use map, but trying to create a plan that fits within the current context of the city's Comprehensive Plan. Back in 2016 the city did a large annexation in this part of the community. Part of that was to start the extension of sewer. So, in 2016 there were several thousand acres that were annexed and zoned. If you see -- as their R-4 on here, those -- those properties were generally brought in as kind of a holding zone with the idea that they -- they would transition to a -- a more comp plan specific designation when those projects came forward. Just like we have done on the rest of Pinnacle, that was originally brought into all R-4 and as you can see there is land uses -- or new zones that are upon there. So, this is a continuation of that prior annexation that happened in 2016, which kind of created a holding zone. So, before the Commission tonight there is a couple of items. One is a rezone of the part of the property which is directly adjacent to Meridian Road, which is about 71.7 acres. And, then, there is an additional 77 acres that needs to be annexed and brought into the city. Then based on your recommendation City Council will look at those, enter into a new development agreement specific to this 150 acres and will also review the waivers of access to Lake Hazel and Meridian Road and, finally, we will be doing some adjustments on the parcel so that applications can move forward on some of the land uses. This is the concept plan that we provided to staff. What's important here is this is also the basis for the discussions we have had with both ITD and ACHD on transportation. The land uses which are represented here have been built into the TIS's, which have been -- which are in process of being reviewed by both those agencies. We actually have had bi-monthly conversations with ITD specifically because State Highway 69 is their corridor and they are looking at long range plans there and we are trying to merge into those plans and see how we can facilitate some improvements on that corridor as they continue to work through their plans. So, this represents two different colors. You

kind of have the salmon color, which is a C-G zone, which takes in all of the area along Meridian Road and, then, we also have a little bit of floating across Lake Hazel. That parcel up there that says medical office, it's actually bisected by the Rawson Lateral. The Rawson actually is slightly elevated and so there is really not a direct connection to the peace to the north and south, but we just carried the -- the C-G across that completely and, then, the rest of it is in compliance with the city's Comprehensive Plan of medium to high density. We are also showing here some roadway improvements and I'm going to get into that a little bit more, but we have already made -- with Lake Hazel improvements we have made the -- the intersection for Prevail, which is a quarter mile east of Meridian Road and the -- there is an eighth mile curb return there as well and we have made along that entire corridor a number of different curb returns in compliance with ACHD's plans and to try to make those work. We have also worked with ITD. If you see where Aristocrat here is, just south of Aristocrat on that corner against Meridian Road that's actually Kuna. It's in their area of impact. We have worked with the city of Kuna, with ITD, on Aristocrat and its full access as a collector roadway. A couple graphics really here -- really quickly here is we are requesting a rezone of the R-4 to C-G and a little bit of the area and the annexation to C-G and the balance of the area in white to R-15 and this kind of shows you how those will work together. So, our first step is we -- as you read through the application and you read through the staff report is kind of a step one, step two, is that we are initiating the -- the process so that we can commence with some regional -- I should say commercial uses, as well as medical uses. We have had conversations with different users and they are ready to go and so we are trying to accommodate them through this first step, which would allow for this rezone process, the annexation process happen and that was also the request for the building permits with these as well, so we could commence those and the work could go forward and those are represented here in red. The area that's represented in yellow, which is the balance of the property, is what we call the second step. We need to bring back to this Commission a preliminary plat. We are -- we are already delineating where roadways are going to go, but there is some uses in -- within those areas that are not as of yet known. But we can go in from day one, get the roadways built and, then, bring back to this Commission the second step, which would bring preliminary plat applications and detailed development applications as noted by staff. Just zooming in really quickly here, here are the completed Lake Hazel Road approvals. The quarter mile, which is Prevail, that intersection is in and, then, also the eighth mile just to the west of that. These are in. We have also completed the sidewalks, which are ten foot sidewalks on each side of the road and have installed the landscaping in this corridor. So, we are -- we don't always have that opportunity, but we felt like here was a chance and ACHD was able to work with us to get those things done sooner than later and we expedited that as much as possible. So, what are we going to do from day one? So, as I mentioned we have some opportunities to move forward with some building permits. In order to get those building permits we need to have some site improvements done. Along Lake Hazel where you see the red asterisk we actually have utilities to that location. Sewer and water is -- everything is there. We built that with the improvements into Lake Hazel and so we want to commence as quickly as possible and we are showing here June of 2025 the blue section and the green section. Those improvements and infrastructure would occur as quickly as we could so that those building permits could -- could start. Then right after that we kind of split the plans apart so that we can get

approvals and get sign off on utilities with the blue and the green and, then, we would also complete the orange roadways, which would be the balance of Prevail, Aspire and Aristocrat. We are still working with the highway district and ITD on signalization and timing of those, but ITD has indicated that their -- their long range plans now do accommodate for signals at the half mile. When we designed the quarter mile we also designed that with ACHD in tow and all the conduits in place for the future signalization as well and so our hope is that we would be putting those signals in with our first -- with these orange roads, so that when any uses were open or prior to the certificate of occupancy this complete roadway infrastructure here would be done with this project and that's where we are committing to do up front. They are just slightly -- the nuance here is it's one project that we have kind of broken up into an A and B, just so we can get these things moving and get them done prior to certificate of occupancy. Commissioner Lorcher had asked -- and I will just kind of get into this really quickly, but here is really the two modifications we are asking for from the staff report and we do concur with the staff report. We had spent a lot of time with them. We came in early to discuss the project. We have had a number of conversations. Nick and Bill have been very open to listening and -- and talking through situations with us. Part of this is timing of landscaping of -- of the buffers. We are -- we are fully committed -- and let me just go to -- we provided an exhibit of what we want to do from the very beginning and we are showing the green buffers along Lake Hazel and Meridian Road and also along Prevail and Aspire. So, all that work and even down to Aristocrat would be part of our initial work. The part that's in question would be this area in blue. That would -- that's going to come back to the city in the future for a preliminary plat or a preliminary plat and, then, ultimately final plats, but there are some details that we still need to work through on that buffer. We are committed to it. We are not avoiding it. It just -- it really needs to be more specific to when that phase of development happens, not at the very beginning before we really have access to any of those buffers or there is any improvements there. So, that's the request. That's the modification that we are asking for is that the condition be amended and that this exhibit, which we provided to staff, be part of the record and, then, the other question was regarding on-street parking and bulb outs. If you have driven into Pinnacle, the northwest in particular, we have a lot of on-street parking and bulb outs. We are not adverse to those. In fact, we believe that they provide a very good opportunity to provide calming and other things like that. But we had to work with ACHD on the location of those and where those would be. So, we are just a little concerned about a blanket statement of bulb outs and on-street parking without, you know, specific clarity as to what that would be. Are we committed to moving that direction? Yes, but we are just asking that that condition be stricken at this point as we come back to the Commission in the future. So, in summary, we are asking the Commission tonight for basically first step approval for the annexation and rezoning process that would allow the C-G and R-15 to move forward, which would, then, allow us to submit plans for roadway work and infrastructure and, then, we will be back on phase two on those areas that we talked about with more detailed planning and address the issues that staff has identified. Design integration. Mixed-use. We have already started that process. This we are showing you a mixed-use project already. But there is a little bit more detail that needs to be in place and we can get there. If you recall when we did Ten Mile Crossing initially those design guidelines are not part of that. We brought those in at a later date and, in fact, it ended up being about a 77 or

80 page document, which was, then, adopted by development agreement. We are committed to doing that here. It just -- we are not ready to do that at this point in time. But when we come back for step two we will be coming back with the same set of design guidelines and I think if you have questions regarding how that's worked I think staff could explain that process and why that's important and we believe it's important as well, because as you look at Ten Mile and the way it's built out, there is a cohesiveness. It didn't start out with design guidelines, but we were able to establish a theme and we got there. So, that's our -- that is our goal here as well. So, with that I stand for any questions you might have tonight.

Lorcher: Can you bring up the slide that had the -- the salmon color and where you had the big box stores or medical -- where you -- where you have the annexation. That one. So, all of the land that we are talking about for annexation and rezone are currently under your control; correct?

Wardle: Yes. There is one property. You can kind of see it there.

Lorcher: The little hold out there?

Wardle: A little hold out. That's the Davises and the Davises are here tonight and they can speak to that as well, but we have spent a lot of time talking with them on how we integrate with them. But everything else you see there is under our control.

Lorcher: And you also mentioned that south of the Aristocrat is the city of Kuna; correct?

Wardle: It doesn't -- Madam Chair, sorry, I'm a little informal there. This piece right here is the city of Kuna. You can kind of see this line here --

Lorcher: Uh-huh.

Wardle: -- to the right of that line is the City of Meridian.

Lorcher: Oh. Okay. So --

Wardle: So, there -- there is just a little piece here. If you kind of come through south Meridian there is like this jagged tooth kind of diagonal. That's kind of where this happens here. But this piece here goes to Kuna and, then, to the right is the City of Meridian.

Lorcher: One more question. What -- what is there now? Is it empty land or is there development?

Wardle: Madam Chair, are you asking specifically about the property adjacent to Meridian Road?

Lorcher: South of Aristocrat.

Wardle: So, there is two things. Let me see. All right. This is a pretty good exhibit.

Lorcher: Yeah. So, right now it looks like it's undeveloped; correct?

Wardle: It's undeveloped. There is a property owner there on -- I'm going to say -- I might have my number wrong, but let's call it 20 acres. They have an approval for self storage.

Lorcher: Okay.

Wardle: South of that is the lineman college.

Lorcher: Oh. Okay.

Wardle: And, then, just -- there is a five acre property here. Those -- that's owned by the Wesleys and we have communicated with them on Aristocrat and how that's going to be, but -- so there would be storage here and, then, the Wesley's property and, then, our property. So, there is a -- a little house here with some outbuildings and things that the Wesleys own, but the rest of it is currently kind of undeveloped.

Lorcher: Okay. Thank you. Commissioners, do we have any questions for Mr. Wardle?

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: On the -- specifically on the condition -- the 4A.1L, instead of striking that language altogether would you be comfortable with something that is a -- such as verbiage, instead of striking it all together, so there is the expectation -- because if you are committed to doing some kind of mitigation like that something such as I think is --

Wardle: Yes.

Seal: Okay. That's agreeable? Thanks.

Lorcher: Okay. I think we are good for right now. We will --

Garrett: I have a -- excuse me.

Lorcher: Oh. Sorry.

Garrett: There was mentioned the STAR agreement that you had worked out.

Wardle: Madam Chair, Commissioner Garrett, not worked out yet.

Garrett: Oh.

Wardle: We have -- we have had a number of conversations with ITD about Highway 69. There is -- there is an opportunity, but we don't have those details worked out as of yet, but making other improvements in that corridor and so we are -- we are committed to continuing to work towards that. We have -- we have looked at different scenarios as what could happen. ITD is kind of an interesting position as well as they are looking at their own plans and they have other developments coming along and there has been commitments made by other developers. We are just trying to identify what could occur on the corridor. So, no, we have not. We are working towards that, but based on our conversations with ITD we feel like there is a very good path to continue those conversations.

Seal: Madam Chair, quick --

Lorcher: Commissioner Seal.

Seal: -- quick question. So, is -- without naming a business that's going to go in there, can you say what the businesses that are going in there would be similar to or the vision that you have for that?

Wardle: Madam Chair, Commissioner Seal, I cannot. I can tell you that we have had conversations with retailers and with medical users and those would be similar to what have already been built in the City of Meridian.

Seal: Okay. And -- Madam Chair. The reason I asked that is I have -- the majority of people that I talk to that are south of the freeway are just like put in a Target, put in a Walmart in south of the freeway. We always have to drive north to get to it. So, it's a very big ask in that area.

Wardle: Madam Chair, Commissioner Seal, you are correct that there are some needed services -- retail services that would include grocery and, you know, everyday use things needed south of Overland Road for that matter --

Seal: Uh-huh.

Wardle: -- and I can just tell you that we are committed to help moving that along and that's kind of the impetus of why these applications are before you and the improvements that we want to make, so that those things can happen sooner than later, so --

Seal: Okay. Thank you.

Wardle: Thank you.

Lorcher: Any other questions for Mr. Wardle before you open the public testimony? Okay. I think we are good now.

Wardle: Thank you.

Lorcher: Thanks. Madam Clerk, do we have anyone signed up to testify?

Lomeli: Thank you, Madam Chair. We have a John -- no last name that signed up online and I don't see a John on Zoom.

Lorcher: I don't either. Okay.

Lomeli: Next person we have is Jack Davis. Good evening.

Davis: Chair, Commissioners --

Lorcher: Can you state your name and address for the record, please?

Davis: Jack Davis. I reside at 7000 South Meridian Road. The owner of the holdout property that's illustrated on the map.

Lorcher: Okay.

Davis: I signed up and not knowing exactly what the buffer requirements were on -- on step two of Jon's proposal -- Mr. Wardle's proposal and we met prior to the hearing. He has addressed my concerns and that's -- that's really all I have to -- to state right now.

Lorcher: Okay. Thank you very much. Madam Clerk?

Lomeli: Madam Chair, Cheryl Davis. Did you want to testify? Okay. That's okay.

Lorcher: Okay.

Lomeli: No one else has signed up.

Lorcher: Anybody else in Chambers? Mr. Wardle, do you have anything else to add?

Wardle: For the record Jon Wardle with Brighton. I just wanted to state that with the Davises -- I would not consider them a holdout. We have met with them in their house. We have talked about how we would surround them, opportunities to create buffers and things like that, and that commitment is fully in place and so I just -- he said hold out and I just wanted to make sure that I -- I feel like there is -- there is no adversary between either one of us, but we -- they are good people and we will continue to work with them. Again, I just wanted to -- I just conclude with, again, we ask for your recommendation to the City Council for the rezone of the property that's already been annexed and also the annexation request in these applications as well and look forward to continuing to add to the Pinnacle community and bring services that are needed south of the freeway.

Lorcher: Okay. Thank you very much.

Wardle: Thank you.

Lorcher: Can I get a motion to close the public hearing, please?

Sandoval: So moved.

Garrett: Second.

Lorcher: It's been moved and seconded to close the public hearing. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: So, I understand staff's concerns with the roads going along Meridian Road, whether they are right-in, right-out or however that works, because it does not follow the UDC and as far as access is concerned I would think the less you would have on Meridian Road would be better, because that's a pretty fast moving highway. So, having more access on Lake Hazel, but -- so, I understand that part of it and the bulb outs for parking is something that can be addressed with ACHD, but I think the concern was the timing of it. Phase one or phase two. Other than that it seems like we have been -- or Brighton working with this particular area -- these square miles has -- has been building up to this point and it really is the devils are in the details I think for a little bit of it. Overall, you know, it fits in with the area. If it's going to provide services to the south side of the freeway, so they don't always -- so that the community doesn't always have to come north would be in the best interest of the community. I guess I would just have to kind of go through again of the things that are being concerned as far as phasing is concerned. Any other -- I would have to look back, but any other comments about -- about this application?

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: I think you are on point there. It -- I mean it's -- it's a big piece of land. It's going to bring in hopefully something that kind of the communities they are asking for as far as kind of bringing more business south of Overland for easier access there and I mean being right off Meridian Road it's -- to me that's a -- that's the place you want to have it, so with the Lake Hazel improvements that are there and, you know, the amount of residents that are developing there, too, I think it's -- you know, I personally think that it's going to be a good fit for the area. So, as far as the modifications that the applicant is asking for, I don't have any issues with 4A.1H, which is the buffer, especially since he has worked -- you know, already talked to the landowner there to kind of -- you know, basically let them know what they are committed to and -- and work with them in order to provide what's going to be necessary there. I don't see them going way out of spec with this.

Lorcher: Right.

Seal: I think that, you know, the idea is to get this development in as quickly and as efficiently as they can. So, I think the buffer discussion is probably one of just -- I hate to see them build something out just have to rebuild it --

Lorcher: Right.

Seal: -- depending on what goes in there. So, really don't have any issues with that. I would like to -- instead of striking all the language altogether for 4A.1L, I would just rather put in the terminology such as the bulb outs and -- and that, so if -- if -- if I make the motion I will throw that in there.

Lorcher: I think you might, because you got all the language. Commissioner Garrett, do you -- do you have any other comments in regards to this proposal?

Garrett: I do. I -- I happen to live about a mile and a half down from this proposal down Lake Hazel and I compliment you on your other work today. It seems to be doing very well and I'm -- I'm a user of that new library, so that's great and I also like the idea of services having to not drive into the -- as far as I have to do now. So, I -- I'm in favor of this development as you have described it. Thank you.

Lorcher: Commissioner Sandoval.

Sandoval: Madam Chair, yeah, I see the landscape buffer issue from both sides, but I tend to agree with your comments that it doesn't make sense to ask a developer to build out a landscape buffer and, then, potentially add cost to go rip it out or to do something else to it. That doesn't really make sense. Same with the bulb outs; right? I think we can defer to ACHD and let them work it out. As far as the commercial next to the residential, I think that's a good idea to bring something in the neighborhood, so -- and almost more importantly is -- as far as with the -- with the Davis residence, working with them and having their support it's really hard to be anything but in favor of this.

Seal: Madam Chair, if we could have staff bring up the graphic that has the actual two points on there. So, I will try and make a motion here real quick.

Lorcher: Is that what you wanted to see?

Seal: Yeah. Madam Chair?

Lorcher: Commissioner Seal.

Seal: After considering all staff, applicant and public testimony, I move to recommend approval of file H-2024-0052 as presented in the staff report for the hearing date of December 19th, 2024, with the following modifications: That 4A.1H be modified to state install landscape buffers as shown in the -- in the exhibit and to add the words such as to not make on-street parking and the bulb outs mandatory.

Sandoval: Second.

Lorcher: It's been moved and seconded to approve -- to recommend to City Council the annexation and modified development agreement for Apex Zenith. All those in favor say aye. Any opposed? Motion carries. Thank you.

MOTION CARRIED: FOUR AYES. THREE ABSENT.