

7. **Public Hearing for Pollard North (H-2024-0037) by Brighton Corporation, generally located approximately 1/4 mile north of W. Chinden Blvd. at the north end of N. Levi Ave. on the north side of W. Waverton Dr.**
 - A. Request: Rezone of 21.95 acres of land from the R-8 to the TN-R zoning district.
 - B. Request: Preliminary Plat for 177 building lots and 26 common lots on 19.76 acres of land in the TN-R zoning district for Pollard North Subdivision.

Lorcher: All right. We are going to carry on for 2024-0037, Brighton requests a rezone and a preliminary plat for the Pollard North Subdivision and we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next applications before you are a request for a rezone and a preliminary plat. There is also an accompanying development agreement modification application that will be heard by City Council, but does not require action tonight. This site consists of 19.76 acres of land. It's zoned R-8, generally located a quarter mile north of West Chinden Boulevard at the north end of North Levi Lane on the north side of West Waverton Drive. The subject property is part of a larger area annexed with R-8 zoning in 2019 and included in a development agreement and a preliminary plat for Pollard Subdivision. The property was approved to develop with 74 building lots for conventional single family residential homes, independent living units for 55 and older, and an 88 bed assisted living facility. The Comprehensive Plan future land use map designation is medium density residential. The applicant is requesting Council approval of a modification to the existing development agreement for a new agreement for the residential portion of the development with an updated development plan. The approved plan is for the development of 74 building lots, four conventional single family residential homes, independent living units for 55 and older, and an 88 bed assisted living facility and that plan is shown there on the top of the screen. The proposed plan is shown on the bottom and it's for 177 single family residential detached and attached homes. A rezone of 21.95 acres of land is proposed from the R-8 to the TN-R, which is a Traditional Neighborhood Residential Zoning District. The rezone to TN-R allows more lots to develop on the property as there is no minimum lot size or street frontage requirement in the district and a lesser setback is allowed, as opposed to that in the R-8 district. A preliminary plat is proposed consisting of 177 building lots, 26 common lots on 19.76 acres of land in the proposed TN-R zoning district. The plat is proposed to develop in one final plat phase. The minimum lot size proposed is 2,238 square feet, with an average lot size of 3,062 square feet. The gross density of the development is 8.06 units per acre, with a net density of 14.23 units per acre, which is consistent with the medium density residential future land use map designation and the proposed TN-R zoning district. A mix of single family residential detached and attached units are proposed with front loaded and alley loaded options. Conventional front loaded detached homes are proposed along the perimeter boundary to the north and east, which

will transition to existing and future homes, with alley loaded attached and detached units internal to the development and along the southern boundary of the site. The applicant is requesting a waiver from City Council to the block face standards in the UDC for the TN-R district to extend the face of Lots 1 through 6 along West Flat Rock Street and West Waverton Drive beyond the 500 foot standard. Seven hundred and fifty feet is allowed with a pedestrian connection. They are requesting block faces ranging from 620 to 875 feet in length due to the location of the streets approved with previous entitlements and the proposed rezone from R-8 to the TN-R district, which has reduced block face standards. A 20 foot wide street buffer is required along the portion of West Waverton Drive designated as a collector street east of Levi Avenue. Off-street parking will be required based on the number of bedrooms per unit. On-street parking is also available along internal streets. A minimum of 15 percent or 2.96 acres of common open space is required to be provided with development that meets the quality and qualified standards listed in the UDC. The applicant proposes a total of 3.53 acres or 17.86 percent qualified open space, consisting of several open grassy areas exceeding 5,000 square feet an area. Linear open space. The street buffer along the eastern portion of West Waverton Drive. A collector street. And parkways along local residential streets as shown. This does comply with and exceeds the minimum UDC standards for such. Amenities totaling a minimum of four points are required to be provided based on the area of the development. The applicant proposes a small 3,900 square foot dog park with a waste station, which is 1.5 points. And a picnic area on a site 5,000 square feet or greater in size, which is two points. And these are from the quality of life category. And a tot lot with benches for seating, which is one point from the recreation activity area category, which complies with and exceeds the minimum standards. The amenities are required to comply with the associated standards for such in the UDC. Several conceptual building elevations were submitted as shown for two story detached and attached single family residential homes. A variety of materials are proposed, including vertical and horizontal lap siding, board and batten siding, stucco and fenestration, with masonry accents in a variety of colors and design elements and features with varying roof profiles and wall modulation that demonstrates the high quality of development proposed. All single family residential attached structures are subject to the residential design standards in the Architectural Standards Manual. Written testimony has been received from Eli Benski, Brighton Corporation, in agreement with the staff report conditions. Staff is recommending approval with the provisions in the staff report. Staff will stand for any questions.

Lorcher: Would the applicant like to come forward?

Benski: Good evening. Eli Benski. 2929 West Navigator Drive, Meridian, Idaho. 83642. Thank you. As Sonya mentioned, we are here for a rezone, preliminary plat, and development agreement for Pollard North. Pollard North is located north of Chinden Boulevard and east of State Highway 16. I know Levi Lane is a little bit smaller, so this probably helps you better locate where it is. The property is designated medium density residential in the future land use map. We are not proposing a modification to the FLUM. We are proposing a modification to the zoning. It's currently zoned R-8. As Sonya mentioned we are proposing TN-R for 21.9 acres. We believe TN-R is best fit for this

property, because to the south we have commercial and to the north we have a mix of medium low density residential with bigger lots. This allows us to accommodate both the commercial side, as well as providing the buffer to this -- to the north. In the preliminary plat we are including 19.7 acres, 177 single family residential lots, 21 common lots and, then, again, the rezone area of 21.9 acres. Within Pollard North we are providing a few amenities. Here in this first image you will notice that we have a covered picnic area and a tot lot. This is creating a central park area for residents. We are also providing a dog park here in the second image. Below you will see that we have multiple pedestrian walkways creating connectivity within this community, as well as the neighboring communities. We are offering a variety of home types. We have four. We have two different conventional style homes and two different Carriage Lane homes. One of those is going to be attached, the other is going to be detached. Here you will notice on the bordering part of the property we have in pink Conventional A and in blue Conventional B. These are wider lots to help better transition between the commercial and residential, as I had previously mentioned. And in orange and green we have the Carriage Lane homes that are accessed via an alley. The Carriage Lane C are the detached and Carriage Lane B are the attached. With that we want to agree with Planning and Zoning's recommendation for approval and we ask Commission's recommendation for approval for the rezone, preliminary plat, development agreement for Pollard North. I will stand for questions.

Lorcher: Do we have any questions for the applicant at this time? Did you have one?

Grace: Yeah. Thank you, Madam Chair. Eli, thank you for that. Can you help me understand what -- what's changed, what -- what's changed with -- with regard to the development that you need to now add a pretty significant number of -- of homes and residents in this area?

Benski: Yes, Commissioner, thank you. So, previously, as mentioned, we had an assisted living here on the property. With a few other properties we noticed that the valley actually doesn't have as great of a need. After COVID 19 the numbers dropped within the residents going into assisted living facilities and we could not justify putting that in another development.

Grace: Okay. And follow-up, Madam Chair. What -- I heard what you said about the transition between commercial to residential and how these types of homes might be better. I'm just not -- can you -- can you maybe convince me a little more or explain that a little more?

Benski: I would love to. So, I'm going to go back to that image here. So, as a whole site you will see here up against Chinden these two lots -- or I guess the bigger pieces. There is multiple lots there. But those bigger pieces are all commercial. There is going to be a mix of uses there that are going to be serving this community. So, there is going to be medical and, then, retail office, things of the sort. When you are accessing this property -- if you look at the properties behind the residential, they are all bigger lots. So, to go from commercial to big lot residential typically you want to see that buffer transition as

mentioned in the Comprehensive Plan. So, when you are looking at medium density on the -- on the FLUM, one of the recommendations for zoning is TN-R, because TN-R allows for multiple -- or requires multiple home types. So, here we have the higher density residential right up against that commercial to provide essentially that buffer and, then, we put the wider lots on the back to say, essentially, you are going -- easing into it, kind of like a tide pool. You are going commercial, a little bit higher residential, lower residential and, then, you can access those bigger lots on the far back

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Do we have a map of any sort that shows kind of the alignment of the properties to the north? That just to show kind of the lot placement and things like that as it transitions, so -- and it seems like the property to the north are very large lots is kind of my understanding. I remember from -- from files long ago.

Parsons: Madam Chair, Members of the Commission, we may not, but I will go ahead and see if I can generate one real quickly and drop it in there and we will pull it up as you continue to discuss the application.

Seal: Okay. Because that's -- share a similar -- similar feelings with Commissioner Grace is with things that have changed. So, if I remember right the original use of some of the larger lots was going to be a hospital facility. This is what it seemed like. So, that's changed to just basic medical facilities or just open commercial, whoever is going to land in there is going to land in there?

Benski: I'm going to ask for clarification.

Wardle: Good evening. For the record my name is Jon Wardle. 2929 West Navigator Drive, Meridian, Idaho. 83642. Madam Chair, Commissioner Seal, the area south of Waverton, which is kind of a split between the -- what we are talking about tonight. So, north of Waverton is what we are talking about and south of Waverton is the commercial. St. Alphonsus actually has purchased the property to the south. They own 16 acres and their intent is to do two things, which is consistent with before. A medical office building would be their phase one and, then, phase two would be a hospital and so they are still planning on doing that. So, their property is adjacent to Chinden and goes up to Waverton and, then, the area that Eli has described is we are talking about the area north of Waverton -- the 19 or 20 acres between Waverton and the property to the north. As it relates to the properties in question directly to the north of us and to the west, this Commission and the City Council had previously heard applications for Alden Ridge. Alden Ridge went through an annexation, rezone process. They received an R-4 zoning and an R-8 zoning directly -- their R-8 is directly against us. We actually have matched up our lot widths to match their lot widths. When you look at the property on the east side, Fairbourne, we did the same thing where our lot widths have matched their lot widths. There are two properties that are currently in the county. They are not brought

into the city yet, but they are directly north of ours. One is ten acres and the others five acres and we have provided access to them and they also have access over into Fairbourne and I believe that the Alden Ridge provides an access to them as well. So, at some point in the future those properties will redevelop, but we did also, as it relates to our preliminary plat this time, kept the same lot widths as related to those parcels previously. So, we brought a preliminary plat into this commission and the City Council and it was approved. So, we intentionally tried to maintain the same lot widths directly adjacent to the properties that have -- that we have abut to the north, but we are transitioning slightly higher density to the south between us and the future commercial on the south side of Waverton.

Seal: Appreciate that.

Wardle: And if I can just add one I guess clarification or a little bit of color to what Eli mentioned regarding the assisted living. We -- we did previously receive a conditional use permit for that assisted living facility here, but, as she mentioned, the -- the economics of that are not favorable. We still have two other assisted living facilities that we have done. We had a third one that we were going to do, but, again the economics were such that it just didn't make sense. We did look at this revised plan once the St. Alphonsus project was moving forward and looked for opportunities to, yes, increase the density, but we also recognize that there are going to be services here that we did not anticipate before and we feel like there is an opportunity for that at this time.

Lorcher: Commissioner Rust, did you have a question for the applicant before we open the --

Rust: I did. Yes. Thank you, Madam Chair. Those Carriage Homes, are those going to be for sale or for rent product?

Wardle: Madam Chair, Commissioner Rust, good evening. We are platting the entire project and the intent is that we would be -- these will be for sale, but I will tell you that we have done for rent in some of our other projects as well. So, I'm not going to say that they won't be, but -- so, that is on the table as a possibility that some of those paired homes could be for rent.

Rust: Okay. Thank you.

Wardle: You bet.

Lorcher: Commissioner Grace.

Grace: I don't mean to jump in front of you if you had a question, Madam Chair. No? Okay. Thank you. So, I appreciate the width -- the lot widths and lining those up with the abutting -- I think to the north or the east, but can you help me understand -- that doesn't translate -- excuse me. That's -- it still translates into a significant increase in density and traffic and in homes and it -- would it be accurate for me to conclude that?

Wardle: Madam Chair, Commissioner Grace, yes, any increase in density will have that equal amount of traffic related to it. So, I would be giving you false hope that that is not the case. But with that said, we have designed these in such a way that we are not just focused on a garage dominated type community and so by bringing those homes and facing the street, facing Waverton, instead of what we typically do with collectors or streets like this is we turn our back to them. There is no relationship with them. So, we have been -- we have tried to be very thoughtful in the design. Also thoughtful in the placement of where the amenities are on the project and providing what I would call some permeability north to south with a series of pathways that would allow that instead of, you know, walking down long stretches of road, you are really within about 300 feet of a pathway getting through as well. So, yes, there -- there will be -- I will note, however, that one of the things that we have done with our project -- and just stepping back a little bit. Pollard -- we brought forward Pollard as a preliminary plat and part of that was the construction of a couple things. One was Levi Lane, which is a five lane road and paying for a signal and the other one was the completion of Waverton, which is a collector road going to the east, which ultimately ties into Black Cat, which also has a signal. So, the majority I would say of the traffic that will be here will go right out to Chinden Boulevard and the traffic has been accommodated and has been addressed by the highway district. So, yes, there will be more traffic, but we have actually not only anticipated, we have built in advance those roadways and have paid for a signal. The only reason the signal is not there today is ITD continues to make their improvements on Highway 16 and once they get a little farther along, then, they will do that. But the signal has already been paid for and it's in their work flow now.

Grace: Okay. Thank you.

Lorcher: Okay. Thank you very much.

Wardle: Thank you.

Lorcher: Madam Clerk, do we have anybody signed up to testify?

Lomeli: Madam Chair, we have David Hitts.

Lorcher: Good evening.

Hitts: Good evening. How are you?

Lorcher: Good. If you can state your name and address for the record.

Hitts: Yep. David Hitts. I'm at 6669 North Elmstone Way, Meridian. 83646. I am right as -- that map, you have got that circle, I'm right about the edge of that circle. So, my backyard looks -- backs right up to Waverton right there. So, I see the cars that are coming through as I note, the 27 count that they got at the peak hours, I disagree. There is a lot of development still going in. I have seen this before a few years ago in Star where

we had a similar situation. Builder came in, rezoned, and all of a sudden we all had a lot of cars going through our roads and my kids couldn't play in the street. Brighton has a history of doing something similar to this as well where they will rezone and, then, come back and say, actually, we want apartments. We want even more doors than we have right here and so I actually really appreciate the concern that has been shared among the Commissioners for the more than doubling amount of residents in these lots and based on history of this particular developer, have no reason to believe why that wouldn't increase even more. So, I have a lot of concerns, especially with young kids. I have four and there is a lot of kids in the community in Fairbourne. One of the reasons that we moved to this community was because of how it was zoned before, knowing that there wouldn't be crazy amounts of cars, traffic, and that we could have a nice community as families and young families.

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

Lomeli: Madam Chair, we have Jacob Jensen.

Lorcher: Good evening.

Jensen: Jacob Jensen. 5011 West Caragana Street, also part of the Fairbourne neighborhood. We were all extremely concerned when Waverton was built as a through street in this area and, then, we see the zoning one to increase -- drastically increase the number of homes and residents in this area. We know Chinden gets backed up -- often backs up clear to Black Cat and when that happens we are already seeing cars turn into Black Cat and use this blue street to bypass traffic to get through, which is an extremely major concern. You are adding a lot more residents and instead of waiting in ten, 15 minutes of traffic, how many of them are just going to turn into Black Cat to bypass to get -- to get to Levi. Fairbourne is full of children. It's a very wonderful neighborhood and community for kids. They all play in the parks and areas there and we are extremely concerned for the safety of our children with adding so many more homes. Thank you.

Lorcher: Thank you. Madam Clerk.

Lomeli: Madam Chair, we have David Dorrogh. I'm -- I apologize.

Dorrogh: Good job on pronunciation by the way. I'm David Dorrogh. We -- I own the property just to the west. It's the buildings between the subdivision and Highway 16. We own some more buildings out there. About -- starting about seven years ago when we got our buildings approved one thing was very important to the neighbors and also to the zoning -- it was -- there was -- there was a space and we have -- we were, you know, neighbors were very -- it was -- it was up against the rim here and had nice houses and the space was important. We have -- a lot of landscape was important. We had a lot of landscaping. We had 35 foot setbacks, even -- even up against the highway and -- and to me this seems inconsistent with -- with what the -- what was I -- what the idea for this -- for this area was. It was supposed to be low density up against the rim and it seems inconsistent with -- with what the -- what I did or what was thought about when this area

was being -- was being, you know, laid out of -- it was being planned. So, thanks for your time.

Lorcher: Thank you.

Lomeli: Madam Chair, we have Kyle Enzler.

Lorcher: Good evening.

Enzler: Good evening, Commissioners. Thank you for your time and service and for the work that planning has done. My name is Kyle Enzler. My address -- a few of them there. It's 5720 North Old School Lane. 7000 North Pollard Lane. 6870 North Pollard Lane. So, I'm both the homeowner in this area and the developer of Alden Ridge to the north -- which is directly to the north of the proposed application. So, to start I strongly disagree that the proposed zoning change that would allow nearly twice the density of the current R-8 standards creates a better transition to the neighbors to the north and that's primarily what I would like to talk about. So, when I decided to purchase and develop land here and build our personal residence, it was based on the City of Meridian's future land use map with the designated R-8 zoning and the currently approved development agreement for Pollard North. These plans designated this area as an R-8 zoning, with R-4 zoning to the north, aligning with the Comprehensive Plan. To comply with the Comprehensive Plan goal number 3.07.01A and staff recommendations, when we were planning Alden Ridge we incorporated an R-8 zoning along its southern border -- border, complimented by a 20 foot, five foot common area buffer to ensure compatibility with Brighton's project and to preserve the neighborhood's character. Additionally, the future land use map shows the area directly to the east of Alden Ridge and north of the proposed application currently zoned as RUT as a future R-4. Considering this I disagree that the applicant has met the goal number 3.07.01A, which requires the creation of a site design compatible with surrounding uses through buffering, screening, traditional densities and best site design practices. The property in question is currently zoned R-8. The applicant is now requesting a zoning change to TN-R, along with a new design that permits higher density than R-8 zoning would allow given the setback requirements. This zoning change would reduce setbacks and enable even a greater density increase. Nearly double. It's crucial to note that the adjacent properties to the north and east are also zoned R-8 and the Comprehensive Plan designates the entire area as R-8. That proposed zoning change is inconsistent with the designations incompatible with the area. While the applicant may be meeting the 15 percent open space requirement, TN-R zoning drastically reduces yard space. So, with them saying that we are having homes facing the street, what that really means is that they have rear load garages, which reduces their backyards, which if you double the density, I just don't think that that 15 percent open space is going to accommodate all the neighbors in this area, which is going to push that to our subdivision to the north where we only have 41 larger lots. Moreover, approving a zoning change induces risks of further incompatibility. Once rezoned the applicant could return with a different design that complies with the TN-R standards, but deviates even further from the community's expectations and character. At that point the community would have limited recourse to address these concerns, undermining the zoning process and leaving

neighborhood properties vulnerable. For these reasons I respectfully urge the Commission to deny this application -- deny recommending this application for rezoning and the accompanying plan. While I respect Brighton's contributions to our community, Mr. Wardle and his team's efforts, it's only fair to the families in our community to remain true to the zoning that has been approved and designated in Meridian's land use map. Thank you for your time and consideration.

Lorcher: Thank you very much.

Lomeli: Madam Chair, no one else has signed up.

Lorcher: Is there anybody else in Chambers that would like to speak?

Willoughby: Good evening. Scott Willoughby. I live at 6800 North Elmstone Way, just in the Fairbourne community.

Lorcher: Okay.

Willoughby: Just another concern. What my -- a lot of my neighbors have said is that pushing that traffic down Waverton through our community, I -- we already see it come through there. I think -- and the other thing with the houses facing the street, that's going to be cars parked along the street most likely, which is also going to congest things more and, then, I also think the green space that they did for that amount of people that it's just continued to change and be more populated, isn't enough and it's just going to push everybody into our community, which I mean we -- we bought there for that style of living and I feel like -- I live right across from the park there that most people are going to come down there because, honestly, that green space is not large enough for that amount of people. So, those are my concerns. Again, the traffic. Lots of kids by myself. The green zone and just -- it's just too dense in my opinion. Thank you.

Lorcher: Thank you very much. I keep forgetting to ask about our Zoom people to -- no. Go ahead. Is there anybody else in Chambers that would like to speak? Come on up. Do we have anybody on Zoom, too? Okay. Don't want to forget those folks. Hi. If you can state your name and address for the record.

Taylor: Hi. Yes. My name is Leah Taylor. I live at 7000 North Pollard. So, I'm on a ridge lot directly north of this proposed zoning change as well and I'm also in opposition to the zoning change. The applicant -- let's see. I don't think it's fair for Brighton to come in and recommend such a big change. It seems like there is a pattern of this in the past and if they wanted to do this plan originally they would have -- they should have proposed it then, but they -- chances are they didn't because they were hoping to make these changes in smaller implements -- increments, which are a little bit easier to get by. When we moved here we also paid attention to the current zoning and the current plan for that area and I don't think it's fair for the residents that are already here to make such a drastic change and, you know, you guys also made that zoning approval and I don't think it's fair for you guys to go back and make that change. Like has already been mentioned, there is not enough green space. Those lot sizes are very small and they will be using the

green spaces of the neighboring communities, who pay for upkeep and it's just -- doubling the number of residents is going to have a significant impact on the neighboring communities. Brighton said that they accounted for the extra traffic with the light and the road and all of that, but they didn't account or make adjustments for all the extra people. It's not just traffic, it's the people that will be using the space and using the space of the neighboring communities. I also had a question. Brighton said that they made the adjacent lots to the -- to the neighboring communities the same size, but how many are those lot? How many lots are those? I don't know the number. I'm sure he can answer that. But -- I mean it's one line of houses. The Alden Ridge community that will be nearby is only what -- what did he say, 41 homes. So, if he is just talking about making that -- those lots that are adjacent that's really a small portion of their community that is adjacent. The rest of it is nowhere near equivalent in size or space or use. The other thing that I wrote down that I was going to say -- that I cannot remember now. I can't remember. But I just hope that you guys will oppose the zoning change. Thank you.

Lorcher: Thank you. Madam Clerk? Come on up. Good evening.

J.Enzler: Hi. Thank you for having us. My name is Jade Enzler. I'm at 5720 North Old School -- or West Old School Lane in Meridian. 83646. My property is directly north of the proposed change and I would like to make sure that you do know that my neighbors to the east are in five acres and to east of them are on 15 acres. So, the -- they do not match up lot to lot on that and when they were advertising or sending out the, you know, assigned forms that you have to send out to the neighborhood, a lot of it said, hey, this is so similar to Fairbourne and this is -- advertising it like Fairbourne where Fairbourne has ridge lots. It's similar to the Alden Ridge ridge lots and, then, a little bit smaller and, then, kind of your standard Meridian size home lot as well. That's not true; right? Because they backed up -- the lots that back up to Fairbourne do match and the lots that back up to Alden Ridge do match, which Alden Ridge matched their lots because of what was already there. So, they would have had something different, but they were asked to match lots to that. So, I think there was a little bit of false advertising there when sending out messages to the neighborhood for one and I don't think they can say at all that they are anything like Fairbourne as they have multi-million dollar homes. Sorry. I get nervous when I speak. Multi-million dollar homes on the ridge and million dollar homes and, then, you know, some -- and other very nice properties. So, I wanted to clarify that and, then, you know, when they had the assisted living center in there, that's little to no traffic. You know, you get people who work in the assisted living and, then, you know, some visitors here and there. You know, my grandma's in assisted living. There is not a lot of people that visit every day, unfortunately. So, the traffic from that compared to adding double the homes in there is a huge difference in the traffic and the use and everything like that. So, I, obviously, strongly oppose and appreciate you guys listening and taking time tonight. Thank you.

Lorcher: Thank you. Would you like to come up? Hi.

C.Taylor: Hi. Good evening. My name is Chase Taylor. I live on 7000 North Pollard Lane, just in the back, you know, just north of where the proposal is. I agree with my

neighbors, agree with what they have had to say, but also just kind of know that, you know, this is not the first time -- I mean I feel like this is the second, maybe third time that they have come back with changes and if we get it rezoned to a different zone, you know, what -- it's going to change again and it really is not matching up with the neighborhood. I have little kids that ride along on their bikes and sidewalks and all that. With this much new traffic it just seems like I just have to keep them at home. So, concerned about another change and another map of what they want to do. So, appreciate your time.

Lorcher: Thank you. Anybody else in Chambers that would like to speak? And we don't have anybody online?

Lomeli: Madam Chair, no.

Lorcher: Would the applicant like to come forward and answer some of the concerns?

Wardle: Madam Chair, for the record, again, Jon Wardle with Brighton. Appreciate the opportunity to come up and just kind of talk for a couple minutes to clarify a few things that were mentioned. First off, when we -- when we made the decision to make a change, the first thing we did look at is what was our previous preliminary plot approval and -- and the big change here was we did remove the assisted living, but as it related to the other single family lots that were adjacent to what is proposed to be Alden Ridge into Fairbourne, we matched those. We matched actually the widths of what Alden Ridge had. Our lots before were 44. They went to 50. In fact, when you look to the other side we had preliminary platted lots against -- that's shown here as well -- the area against the five acre and 15 acre, which have not been annexed and zoned. We actually reduced by about two or three lots overall in that stretch as well as it is laid in there. So, we did try to look at what was there, but candidly we did also look at how could we create a plan that would be relevant with the future commercial that's coming? I mean we made a pretty focused effort here. I'm I guess a little concerned about the characterization about a bait and switch. I'm not sure where that comes from. It's pretty easy to say that we have been in here several times to change the plan. I think this is the first time we have come in to request a change on this project and it really was because a function of the market. The assisted living isn't viable and we thought it would be and it's not. So, we looked at the entire plan -- like I said looking specifically at how we would address our neighbors to the north and to the east specifically. As it relates to this overall, we have made an investment here. That's not the only decision that should be considered, but there are utilities that we put in, sewer, water, that benefit both Alden Ridge and the property to the other side, so that their developments could occur. Those are expenses that we carried. We also made investments into the transportation system of building a five lane road, which is Levi Lane, and connecting Waverton over to Fairbourne, which was anticipated to be a collector road. So, we completed those improvements. In fact, Levi Lane really only needed to be a three lane road, but given the growth and anticipation of what would happen on Chinden Boulevard, we actually worked with the highway district and with ITD and came up with a solution that it could be five lanes to handle multiple queuing opportunities as the interchange at Highway 16 would be built out. With all of that said, we do feel like we have not only looked at how to interface with the neighbors, but also to

come up with a variety of housing. Most communities are very limited in what they are. You have a -- you have a conventional home, which is a front load, and they are all exactly the same and we have been able to come up with a plan that allows four different home or lot sizes with multiple home types, which will provide a nice transition from the commercial, which is C-G in nature to the south, up to what eventually is -- we would have as TN-R. There would also be the R-8 and the R-4 to the north and to the east. So, again, we do agree with the staff report and the recommended approval conditions that are in there and we request your referral for approval to the City Council.

Lorcher: Commissioner, do we have any other questions for the applicant at this time?

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: With -- with the original layout of everything and the, you know, 74 buildable lots versus 177, I mean my understanding of it is -- is -- I don't think it was assisted living, it was 55 and older how it was classified, is that -- I'm missing --

Wardle: Madam -- Madam Chair, Commissioner Seal, we had an assisted living building, which was kind of in the middle of the site and, then, we had smaller cottage or lots that would be to the east of that that could have been independent living. So, we -- we were leaving that door open to what the single family lots would have been, but, yes, we did have an assisted living facility planned as part of the original application of Pollard.

Seal: Okay.

Wardle: And that's what you see there in the middle was the assisted living. And, then, to the west of that were the smaller lots that could have possibly been independent living or just for sale. Standard lots as well.

Seal: So, really, I mean the difference here is really taking out the -- the assisted living piece of it and, then, making all of that houses; correct?

Wardle: Correct. And so removing the assisted living and we are -- we have increased the overall density. So, it -- instead of the assisted living being there, which you can see we have added more homes to it. So, yes, the density, obviously, has increased. So, that's -- from what the original plan is to what it is now.

Lorcher: Okay. Jared or Matthew, do you have any questions for the applicant at this time?

Smith: Yeah. Madam Chair?

Lorcher: Go ahead, Commissioner Smith.

Smith: Just -- yeah. Just a quick question. I really appreciate the transit -- the kind of transition on the eastern boundary of -- of the plot and along a lot of the eastern and of the northern boundary as well. I'm just -- one thing I'm kind of wrestling with a little bit is that transition space to the north to Alden Ridge and kind of -- it seems like in the process of -- of kind of revising this plan we added kind of some -- four homes on that western most block. I just wanted to just get some insight into it. It seems like there is -- while you did a really good job on the eastern boundary, it seems like maybe we have kind of - - we are struggling with a little bit of the transition space to the north and I know that there is some stuff you can do regarding the block face length. I know that's more of a Council thing, but I'm wondering did you guys look at -- you know, killing two birds with one stone with some pedestrian access and possibly slightly reducing that back down one or two lots? Like I feel like there is just a little bit of more work that could be done on that northern boundary.

Wardle: Madam Chair, Commissioner Smith -- correct?

Lorcher: Uh-huh.

Wardle: It's a really good question. So, there is two parts to the answer. There is we did look at what the lot widths for Alden Ridge were 50 feet and we also went 50 feet wide. But there is a little nuance here, is that Alden Ridge actually has a 30 foot landscape buffer between their lots and our lots in that section and so we are not actually back to back, there is a separation. I do know that that is their open space, that's not our open space, but that was part of their project where they created a 30 foot landscape buffer. So, from an additional buffering I don't know what that would be, if it was a question of, you know, maybe reducing in width a few of those we could look at that, but I think there is -- there is a really sufficient buffer between us and them specifically along that row of homes. If you went back and you looked at their plat, it would show that there is a 30 foot landscape buffer along their southern boundary against our property. Kind of hard to see there, but that's what's there -- kind of where it says old school right there, that's an existing private road that goes across their property and services the two other properties to the east, the five acre and the 15 acre and that Old School Road goes away, I believe with, their plan and becomes an open space corridor once the roadway connections are made that we are providing through our property to both Alden Ridge and to those other properties.

Lorcher: Right. Okay. Commissioner Sandoval, do you have any questions for the applicant at this time?

Sandoval: No.

Lorcher: All right. Thank you very much.

Wardle: Thank you for your time.

Lorcher: All right. Can I get a motion to close the public hearing?

Grace: So moved.

Rust: Second.

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

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: I'm struggling with this one. I mean the first thing that I see, especially with this map view -- and that's why it's one of the first things I asked for is it -- it seems a little out of place with everything that's going on and I understand the commercial element to the south of it and how that would be convenient for people, depending on what's put in there. It is by a major corridor as well. So, as much as it seems out of place, the density is not inappropriate for that area, it just seems out of place for where it's at and the reason I struggle with this is because -- I mean I -- I have kids that can't afford houses. We can't all live in million dollar homes. So, this isn't -- this is an alternative for them. So, you know, the people that are starting out and need to start somewhere, especially if these homes are for purchase, so -- and a lot of people -- I mean I know a lot of people with active lifestyles that don't -- you know, they don't want a yard, they don't want any of that stuff, they just want to -- you know, a place to park their bikes and kayaks and things like that, so they can go elsewhere to enjoy life. So, I know that that kind of living is something that's sought after in the valley, but -- but, again, the thing that I struggle with with this is just the density as it sits, especially when you are looking at this view right here, it just seems out of place for what it is. You know, I think going back to the original plan of the R-8 with the 74 homes in there just fits better, so -- you know. And -- I mean that's just kind of where I'm at with it. Plus -- plus, you know, you don't have the block face elements and things like that where we have to do a whole bunch of things to approve something that's not -- you know, that's nonstandard. So, I'm -- I'm torn on it.

Lorcher: Yeah. I don't like this plan at all. I -- they were prepared to make Levi Lane and Waverton with 74 homes and, you know, they made the infrastructure in there with the anticipation of those two things. So, that was already anticipated with -- and I understand also that the market changes, so, okay, now an assisted living facility doesn't fit, but does that one building, then, turn into another hundred homes and that's where I'm struggling with and, you know, having a hospital right in front of this, I hope you all like sirens, because they are going to be coming through. It's going to be a challenge I think no matter what you have based on what's happening at the time of its being built. As a community we don't have control of the space that's not developed in front of us. So, if your developer told you one thing, he didn't have the right to tell you exactly what it was going to be, because he doesn't own it to tell you that; right? But, you know, plans are

kind of put in place and it feels a little like a bait and switch, but also market changes at the same time. I am not comfortable with 177 homes here. I will not support this application. I agree that Brighton should do something to accommodate the fact that the assisted living is not there or maybe not do the 55 and older that they had planned, but this just seems too dense to fit everything in regardless of the infrastructure, because they planned the infrastructure with 75 homes anyway. Commissioners, what else do you guys think?

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Yeah. Plans change. I get it. But if you are switching from assisted living to much higher density and it's a financial reason, just say that presuming and stating that, you know, because of COVID these projections are dramatically, you know, altered or changed, be ready to back that with some statistics or study, because I think that's a little bit of a leap. After listening to the community input here and just considering that dramatic increase in density, I don't think the rezone is appropriate or the density change. I think it's going to really affect those neighbors in an adverse manner. So, yeah, I'm not in favor of recommending approval.

Lorcher: Thank you. Commissioner Rust.

Rust: Madam Chair, thank you. A couple of things that I want to point out. This is already zoned for R-8. If you applied the max density we would be at 158 dwelling lots, which is, you know -- was that 19 lower than what the applicant is coming back and asking for and so I think it's a little bit of a misnomer for us to sit here and think, well, we are doubling the number of housing units here. There is going to be a significant increase, even if they came back with a different plan that was R-8. We could get 90 percent of this and it would be allowed by zoning. We talk a lot about cost of housing.. Commissioner Seal, I appreciate what you said. I think it's important that we have a variety of housing types where people can get in and actually afford a starter home. That's -- that's changing by the year with inflation and everything else that's happening in our economy and these Carriage Homes -- it might not be what -- what I would want to live in now with seven kids, but there was a moment in time where I would have loved to live in an establishment like that. I also think that we talk a lot about density and where it fits and where it doesn't and I understand the concerns of the neighbors around, but fundamentally we are talking about a piece of ground, 20 acres, that's at the intersection of Chinden and Highway 16. I'm not sure that we are going to have a better location for dense -- density of this kind. You know, I think the reality is if this doesn't get developed -- and I'm not advocating for a bait and switch in the future, but adjusting to business plans, like this is a prime multi-family spot. Somebody is going to come in and look at this, if that -- if this doesn't happen that's going to be on the table that -- that will bring even more housing into this area. So, I like the fact that it's either a BTR concept or a starter home, probably likely a starter home with my understanding of where economics are for building these days. I like the fact that, yes, Levi Lane is now a five lane entrance. They oversized it to begin with and

you are going to have so much accessibility here and I think a lot of the traffic that some of the neighbors have talked about is going to end up exiting on to Levi and not coming through Waverton. Levi is going to be the -- the better collector and exit onto Chinden than Black Cat would be over to the east. So, for all those reasons I'm going to be supporting this development.

Lorcher: Okay. Thank you very much. Commissioner Grace.

Grace: Thank you, Madam Chair. I'm not convinced that the transition as articulated between commercial and residential is a valid basis for the change -- the rezone change. I -- I just don't -- it just didn't resonate with me. The developer has a good reputation. I wouldn't -- I'm not sure I would characterize it as a bait and switch, but it does look like a little bit of an attempt to -- to build more homes, honestly and it's two times the density and the -- the applicant sort of admitted that, that it's -- you get -- you get less -- you get more dense -- you get more. You get more. You get more traffic. You get more demand on schools. You get more demand for services. I do appreciate the developer's contribution to the transportation system and the utilities, but I also know that things change and that's sort of the -- the risk of business. You rely on certain things and the other developer relied on certain things and -- and abutting residents rely on certain things, so I think ultimately I kind of -- I quoted what Kyle said and that it was just to stay true to the approved zoning and I think that's probably where I am with this application.

Lorcher: Commissioner Smith.

Smith: Madam Chair, yeah. I really appreciate, Commissioner Rust, what you said about kind of the max density under R-8, because I kind of was thinking that and I arrived at a similar -- you know, down a similar path, but I think I arrived at a slightly different conclusion and before he said that I was looking at this and saying I think a lot of the problems that I have with it would be solved by about 20 fewer houses -- or 20 fewer units and so I think that is -- you know, I guess as a percentage it is, you know, 90 percent or something like that of -- of the final percentage, but when you are -- we are looking at the block phase stuff, when we are looking at kind of some -- you know, meet the statutory requirements of open space, but I don't love kind of the open space layout. The issues I have are in degree, not -- not in kind. I do think the proximity to, you know, that C-G zone -- I do think the R-8 and medium density residential designation in the FLUM, I do think its proximity to, you know, major transit corridors. Transit oriented development is a massive boon to long-term effective planning. I think there are a lot of things going for it, I really just have an issue in that last ten percent and so what I don't want is -- I don't know that I can support this, but I don't want denial of this -- at least from my perspective -- to look like fully abandon this plan, because I think in general the -- thematically I think that the plan is close, but I just don't think that transition to the north -- I think the block facing thing -- I think there are a lot of different small things that add up to be some significant concerns. They can all be solved by kind of just a small reduction in the housing. I'm not saying that it needs to go back to, you know, 70s. I'm not saying it needs to even stay at, you know, 110. It's not my place to say necessarily how many the plan should have. I'm okay with increasing the density here. I think, you know, this kind of

housing is what our community needs. It just I think it doesn't fully transition with -- with that northern boundary as well as it could and I think there is some really simple solutions that could be, you know, arrived at by just going back to the drawing board and revising this slightly. So, I don't -- I don't think I agree with some of the views from some of my fellow Commissioners around -- it being drastically too much. I really think it's close, to be honest from my perspective, but -- but it's -- it's just on the edge. I don't think I can support this, but I do -- I would love for the developer to give it another -- another crack in the near future, because I do think that they are close.

Lorcher: Okay. Thank you, Commissioner Smith.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Yeah. And I'm -- I'm kind of on the same lines as Commissioner Smith, where it's -- I mean I understand that this is going to be R-8 and that the -- that the amount of housings -- houses that are in there are going to increase, but if we stick with the R-8, then, there is different rules that are going to be applied for open space and amenities as well. So, it's probably not going to hit that 159 marker. So, I think that the original plan - - you know, replacing the assisted living with -- with housing is probably more in line with what fits in this area. You know, I think that, you know, I definitely would not go any lower than R-8 for this area, considering where it's at and the access that's provided, but at the same time I think that, you know, that would give -- that would give the applicant, you know, plenty of opportunity to be able to put more housing in there and, you know, without drastically altering the plan as it's set out and it still fills, you know -- I mean the density of it and, you know, the cost point of the housing is probably going to be a little bit more appropriate in there as well, so -- because, like I said, I just -- what's sitting there right now just -- just doesn't fit in my mind. So, you know, what I mean. But there is -- there is a lot of Brighton developments and stuff out there that do have million dollar homes and, you know, large multi-family and things like that and generally they have quality construction and quality homes. I would expect this to be no different, but I just think for where this is at and what to ask is on the application, that the R-8 is more appropriate and I just -- I don't think I can support the rezone.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: One thing I do want to add, just in light of what Commissioner Seal said. We have six commissioners, I think we had eight opinions. But I don't have an issue at all with the TN-R, you know, rezone, to be -- to be honest. I would be fine with it as R-8, but I think some of the issues that -- I know the waiver discussion is a Council decision, but I think some of the things where they are out of compliance with the TN-R requirements are some things that they could improve their product vastly while also getting into compliance with that. So, I think it's -- you know, I'm lining up somewhere between maybe

Commissioner Seal and Commissioner Rust on the -- on the spectrum of opinions tonight, but, yeah, I don't personally have an issue with the TN-R. I don't know if that's how the rest of the Commission feels. I don't know that -- I'm not sure what the norms or the expectations are about, you know, advisory opinions, if you will, but I guess that's just my perspective regarding any future changes. I don't know that, you know, some of the block face -- or sorry. Some of -- some of the lot size requirements and things like that regarding, you know, R-8 requirements, I actually think maybe some of the benefit here might not be through expanding the lot sizes necessarily, but by increasing open space and increasing some pedestrian accesses and providing additional amenities, that's the route that I see some improvement going. I don't necessarily have an issue with the lot sizes themselves. So, again, I think we have different opinions. I just wanted to communicate that perspective as well that -- to give additional feedback to the -- the applicant.

Lorcher: Okay. Thank you. Well, I'm going to make a motion. After considering all staff, applicant and public testimony, I move to recommend denial to City Council for File No. H-2024-0037 as presented in the public hearing on December 5th for the following reasons: The rezone creates too much density for the area and the transition for low density is not enough.

Grace: Second.

Lorcher: It's been moved and seconded to deny File No. 0037. All those in favor say aye. Any opposed?