

McCarvel: I would tend to agree, even if they were employee -- clearly marked employee would be the only way, but, man, I get nervous sitting in drive-throughs where it is butted up right against where somebody is just begging to back out and everybody's stuck. So, I would -- I would tend to agree with staff on that as well. Additional comments? Motions?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: After considering all staff, applicant, and public testimony, I move to approve File No. H-2021-0037 as presented in the staff report for the hearing date of July 1st, 2021, with no modifications.

Cassinelli: Second.

McCarvel: I was going to say, is it written the way you want to --

Allen: May I clarify? The staff report requires removal of the five northern parking spaces. May I clarify if parallel parking may be considered at the time of CZC if it meets dimensional standards or if you just don't want any parking there at all?

McCarvel: I think leave it to staff to --

Yearsley: What do you recommend?

Grove: I will leave it to staff to make that decision.

McCarvel: Okay. It has been -- did we get a second?

Cassinelli: Yeah. It has been moved and seconded to -- to approve H-2021-0037 with modifications. All those in favor say aye. Opposed. Or -- got it.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for TM Creek Apartments Phase 3 (H-2021-0035) by Brighton Corporation, Generally Located South of W. Franklin Rd. and East of S. Ten Mile Rd.

- A. Request: Rezone of 5.58 acres of land from the TN-C to the C-G zoning district.
- B. Request: A Conditional Use Permit for a multi-family development consisting of 238 apartment units (including 2 live/work units) on 7.83 acres of land in the C-G zoning district.

McCarvel: Next on the agenda is Item H-2021-0035, the TM Creek Apartments Phase 3 and we will begin with the staff report.

Allen: Thank you, Madam Chair. Give me just a moment here. The next application before you is a request for a rezone and a conditional use permit. This site currently is zoned TN-C and C-G and is located south of West Franklin Road and east of South Ten Mile Road. Development of this property is governed by the Ten Mile Crossing Development Agreement. The Comprehensive Plan future land use map designation is mixed use commercial and high density residential in the Ten Mile Interchange Specific Area Plan. The applicant has requested rezone of 5.5 acres of land from the TN-C to the C-G zoning district as shown. Most of the area proposed to be rezoned is designated mixed use commercial, with a narrow sliver along the east boundary designated as high density residential. The proposed C-G zoning and multi-family residential and live-work vertically integrated uses are consistent with the future land use map designations for this property. Because the area proposed to be rezoned is governed by the Ten Mile Crossing Development Agreement, a new development agreement or amendment to the existing DA is not recommended. A conditional use permit is requested for a multi-family residential development, consisting of 238 apartment units on 7.83 acres of land in the C-G zoning district. A variety of studio, one bedroom, two bedroom, and live-work units are proposed. The gross density is 30.4 units per acre. A total of 1,815 square feet of nonresidential uses are proposed in the vertically integrated and residential structure, which is a principally permitted use in the C-G zoning district and will allow a variety of commercial uses. The vertically integrated residential use is proposed at the corner where the private streets intersect Wayfinder. There are two live-work units proposed. The remainder of the building frontage to the south along Wayfinder is proposed to be entirely multi-family residential. This area was previously planned for commercial uses along this street. The applicant has requested alternative compliance to UDC 11-43-27-B3 to provide a lesser amount of private open space for each unit as noted in the staff report and to UDC Table 11-3C-6, which doesn't include a requirement for parking for studio units, to allow the vertically integrated residential standards to apply. The director has approved these requests as stated in the staff report. Access is proposed via private street from Wayfinder Avenue, a collector street, along the west boundary of the site. With approval of alternative compliance, a minimum of 372 parking spaces are required. A total of 379 spaces are proposed. Based on the size of the living area and the proposed units, all between 500 and 1,200 square feet, a minimum of 1.37 acres of common open space is required to be provided within the development. A total of 2.51 acres is proposed. Although some of this area doesn't qualify, i.e., private open space along Wayfinder and is not really usable, some of the parking lot planters, the internal common open space and area along the Ten Mile Creek is 2.2 acres, which exceeds UDC standards. And that 2.2 acres you can see is contained within the red dotted line here. So, the other area is what consists of the 2.51 acres shown on the open space exhibit. Based on 238 units, a minimum of five amenities are required, but the decision making body is authorized to consider additional amenities if they believe their proposed amenities aren't adequate for the size of the development. The applicant is proposing a clubhouse with a fitness center, bike repair room, and pet grooming station. Swimming pool. Open grassy areas of at least 50 feet by 100 feet in size. Fireside seating. Grilling

area and sports courts. Smith ball and ping pong. The Ten Mile Creek multi-use pathway also lies adjacent to the site for residents to use. An eight foot wide pathway is proposed along the north side of the creek as shown on the concept plan. Conceptual building elevations were submitted for the proposed four story structures as shown. Building materials consist of stucco and brick in neutral colors. Final design is required to comply with the adopted Ten Mile Crossing design guidelines. Written testimony has been received from Mike Wardle, the applicant's representative. He requests condition number 4-H, which requires the sidewalk along the southern boundary of the site adjacent to the ten Mile Creek to be widened to ten feet to qualify as a multi-use pathway as recommended by the Parks Department as a condition of approval of the alternative compliance request to the private open space standards to be changed to require an eight foot wide pathway as proposed and that is this pathway right here along the southern boundary that we are talking about. And deletion of Condition No. 8, which requires a public-pedestrian easement for the multi-use pathway to be deleted, since an easement isn't required for nonpublic pathways as proposed by the applicant. A revision is also requested to Condition No. 9 to remove the language pertaining to compliance with the design guidelines in the Ten Mile Interchange Specific Area Plan and the design standards in the architectural standards manual to reflect compliance with the Ten Mile Crossing design guidelines as required by the development agreement. That was a typo in the staff report. So, staff is in agreement with that requested change. Staff is recommending approval with the conditions in the staff report. Staff will stand for any questions.

McCarvel: Would the applicant like to come forward?

Beach: Good evening. Josh Beach. Brighton Homes. 2929 West Navigator Drive here in Meridian. So, we have a -- should have a slideshow. Get it pulled up there. Nice to see you all in person again.

McCarvel: Welcome back.

Beach: Thank you. So, good evening, Madam Chair, Members of the Commission. So, as Sonya stated -- hopefully I can move this forward. Can I not, Sonya? Okay. Next slide there, Sonya, if you would. So, as recommended by staff and, then, in the pre-application meeting, they recommended that we rezone that portion of TN-C to C-G to be consistent with -- with the area and what we are proposing and so not much else to say in terms of the rezone. Other than that it -- it does comply with the Comprehensive Plan with our overall development agreement. So, we were okay with making that application. Moving on to the conditional use permit -- Sonya, if you will move it forward. So, as you can see here on the slide, this is the -- will be the third phase of the apartments. There is the Lofts and Flats just -- just to the south and this would be phase three, which is north of what we are calling the amenity corridor, the Ten Mile Creek there with the Ten Mile multi-use pathway being on the south side of the creek and the gravel access road for the irrigation district being on the north side and one of the reasons why in that condition of approval that we asked to be modified -- there is a multi-use pathway on the south side and in our minds it didn't make sense to have another multi-use pathway on the north

side, especially because the access road for the irrigation district is -- is located there and they typically don't like to -- like to have them on both sides. So, that's one of the reasons. So, Sonya, if you can move forward again. So, the site plan -- as Sonya said, there is 238 -- what we are calling urban style multi-family units, kind of a breakdown there of the unit count. The sizes. Sonya, if you can move it forward again for me. So, one of the cool things about this is we have some live-work units, which is something that there isn't a lot of in Meridian. Very excited about that and you can see here on the -- on the left for Wayfinder that we have -- we put some on-street parking -- it's already constructed there -- on-street free parking for those businesses, so that they can be better utilized by, you know, customers and typically those live-work units are used by professionals; right? Your architects, things like that, where they can have their office downstairs and live upstairs. So, hoping that -- that that goes well here. Sonya, if you can move forward again for me. So, Sonya has mentioned open space. We have got just over two and a half acres of qualified open space, which is about 32 percent of the site. It consists of landscape buffers and the landscape area around what we are calling the central amenity core, as you can see there south of the central building and, then, the landscaping, again, adjacent to the Ten Mile Creek corridor. So, as Sonya mentioned as well, there are quite a few amenities for the project. These photos were taken from the -- the Flats project, which is just to the south of this proposed site and -- and, you know, one of our -- one of my co-workers was gracious enough to take some photos of that for me, so we could put them in the slide. So, there is a workout room, there is a yoga studio, pet grooming, lots of seating areas inside there. A game room. It's -- it's very cool, actually, the -- the size and all the different amenities that -- that are just within the clubhouse. Next slide, Sonya. Oh, back on. There we go. So, outside. So, in addition to the amenities that are -- that are inside the clubhouse, there is a year round spa and a pool, some grilling areas and seating areas around the patio. Lounges. Smith ball. Outdoor yoga. Outdoor ping pong. And these really cool fire tables. You have seen those probably at The Village and other places and they add some warmth and some heat to the areas so folks can gather around those. Sonya. So, going back to the -- the pathways a little bit more. You know, this -- this pathway that's there, it's labeled as A or the Ten -- Ten Mile Creek and Ten Mile Road regional pathway. It goes along the south side of that amenities corridor of the Ten Mile Creek and it's going to connect to a large pathway network just in the Ten Mile Creek area and we are excited that, you know, this section of that will be just the internal circulation, that eight foot pathway, that we will have there, but, eventually, there will be pathways throughout the whole -- throughout the whole area, as you can see there, about three and a half miles of eight and ten foot pathways. So, it will be relatively easy to connect just about anywhere in the area just with walking. Sonya. And Sonya went through these a little bit. I'm not going to touch much on these, but these are the -- the architectural elevations of the buildings. The next slide there, Sonya. Again, it's more perspective. And, again, we are complying with what was approved in our -- in our DA for the Ten Mile Creek design guidelines. So, they are a little different than the design guidelines for the rest of the city, as well as the Ten Mile Interchange Specific Area Plan. We had our own guidelines approved just earlier this year. So, we will comply with those. Sonya. And as Sonya said, there is -- there is a few conditions of approval. One would be 4-H, which is, again, that's what we had originally proposed as a seven foot pathway -- would be an eight foot sidewalk along the south side of the project, which is on the north

side of Ten Mile Creek for internal circulation and as you know, that's not a public pathway. An easement would not be required for that, which is why we asked that Condition 8 be removed as well. And, then, as Sonya said, the typo there with the Ten Mile Interchange Specific Area Plan and it would -- this project would meet the Ten Mile Creek design guidelines. Next slide there, Sonya. That's all I had in terms of the presentation. I'm happy to answer any questions on the project that you may have.

McCarvel: Before we get into a whole lot of questions here, Sonya, can you put that last slide back up, so we have got that? Thank you. Okay. Any questions for the applicant or staff?

Cassinelli: Lots.

Yearsley: Go for it.

McCarvel: Commissioner Cassinelli.

Cassinelli: I will knock them down. Josh, on the amenities, are they -- are these different than the other buildings or are they pretty much duplicates? And, then, is there sharing of the entities from one building -- so, the Lofts and the Flats, can they go to the different pools, et cetera?

Beach: So, the amenities are slightly different, but we have some -- some themes; right? The workout room with the aerobic equipment and the outdoor -- outdoor games. We have tried to change those up a little bit in terms of what outdoors -- like ping pong or Smith Ball or things like that are a little bit different. But there wouldn't be sharing between the -- between the different projects of amenities; right? Each -- each -- each -- each apartment development will have its own amenities and be restricted to those -- those tenants of that.

Cassinelli: Okay.

McCarvel: Anyone else?

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: So, you -- you kind of tout this as a live-work facility, but yet only two of the units are a live-work. Why not add more?

Beach: That would be a Jon question.

Wardle: Good evening, Commissioners. For the record, my name is Jon Wardle. 2929 West Navigator Drive, Meridian, Idaho. Commissioner Yearsley, thank you for asking the question about the live-work. We haven't seen it done very successfully as of yet, but we

felt like this was a good opportunity to do it and we -- we took the two units that were closest to that private drive to be able to do that. We will look for other opportunities, but we felt like this was a good opportunity to try it and make sure that it works. A lot of times those live-work units are converted back to just residential, but we are hopeful that we can make this work and do it in other places as well.

Yearsley: Okay. Thank you.

McCarvel: Other questions?

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I had a question and this might -- because it hasn't come up during my time on the Commission, but did I read it right or see it right that there is going to be no parking for the studio apartments for the 42 units; is that correct?

Beach: Correct. At the time there wasn't a requirement for studio parking. We have provided some parking for them, but there isn't a requirement in the code. Or there wasn't at the time.

Wardle: If I can clarify that. We actually are providing parking one unit per studio. Sorry. For the record, Jon Wardle again. One per studio, which is actually in compliance now with the UDC amendment that's coming through as well. Currently there wasn't a designation for studio units. It was one bedroom and it was one and a half. But in this case the bedroom and the units all integrated. So, we -- we have asked for one unit -- or one stall per unit on the studios. So, they will have -- they will have parking dedicated one space.

Lorcher: Thank you..

McCarvel: Any other questions for the applicant or staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Josh, is the number of units here -- is it consistent with the original development agreement?

Beach: In terms of the number of apartment units allowed in the overall development?

Cassinelli: Correct.

Beach: I don't know that we have reached the threshold of how many are allowed and so I'm not sure if I understand the question specifically. There aren't a specific number of apartments allowed for a specific apartment development. And, maybe, Sonya, I don't know if you --

Allen: Madam Chair, Commissioners, there wasn't a specific -- specific number. It's what's allowed in the mixed use commercial designation and I believe it's no more than 30 percent, I believe. I would have to double check.

Parsons: Yeah. Madam Chair, Members of the Commission, if you recall, when the applicant came forward with their recent DA mod and design guidelines, this area was slated for additional residential, if I'm not mistaken, and that's why they are rezoning it to C-G as well, to allow for that through a conditional use permit. So, again, as Sonya gets that number for you, I don't believe we capped them to any certain number, but if you also recall, they also own some additional residential that we anticipate them coming back and platting and doing and possibly providing you more design guidelines for the residential component of this development. That's further to the east of this site. So, right now, again, what Sonya said to you this -- this plan is consistent with the land use designation and that DA modification that was recently approved.

Beach: Madam Chair, quickly if I could. Our understanding is that there was a minimum threshold for residential in the -- in the development agreement and that we have already met that and exceeded the minimum requirement for residential.

Cassinelli: Okay. And Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Then this may be for staff. But as far as parking, are we more -- are we -- I'm more confused on the alternative compliance and changing up the parking spaces, but are we -- do we still have ample parking in there? I see there is a minimum of 372 with a total of 379, but with -- with the alternative compliance do we still have enough parking?

Allen: Madam Chair, Commissioner Cassinelli, yes, we do. It's in excess of UDC standards. The funky thing about this is, like the applicant mentioned, staff does have a text amendment in process right now. The -- the current UDC does not specifically have a parking standard for studio parking. It's not that we don't require it, it just -- I think it was inadvertently left out for studios. So, what the applicant's proposing as alternative compliance is consistent with what staff is recommending as a text amendment currently in process. So, there are extra spaces provided above the requirements.

Cassinelli: Okay. And kind of to piggyback on that, have -- have we -- has there been a problem with parking in the existing complexes that would -- that would suggest that we need more parking?

Allen: Madam Chair, Commissioner Cassinelli, not that I'm aware of. The applicant may be able to answer that. I'm not aware of any issues.

Cassinelli: How are the existing buildings handling the parking?

Beach: Madam Chair, Commissioner Cassinelli, I'm not -- I'm not aware of any concerns either. I think Jon can address that more, but --

Wardle: Sorry. We put Josh on the spot tonight without, you know, perhaps the knowledge of the project. So, the -- the Lofts project is complete. We are fully occupied and we don't have a parking issue. We -- and we would know that pretty quickly, because of the spillover into Primary Health and into some of the other services there as well. But we feel like the parking works and we also have garages and things like that. So, there is not a parking issue. We are very comfortable with the standards that we have met and we have stayed consistent with the Flats and now this phase three across the creek. So, the parking seems to be working really well.

Cassinelli: Okay.

McCarvel: Any other questions?

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Is this the first four story apartment building for Brighton?

Wardle: Madam Chair, Commissioner Lorcher, actually, this is -- out at Ten Mile this is the third project with four story buildings. So, the Flats and Lofts both --

Lorcher: Any other four story?

Wardle: We have other projects as well where we have done four and five stories. The thing that's interesting here -- in typical garden style it's just walk up from outside into the building in different stairwells. This one's completely conditioned and so you come into conditioned spaces, corridors, that are internal, so you kind of eliminate -- we have eliminated those external stairways from the project. The live-work is a little different, because you can walk right into it from the street, but the rest of the buildings are internal corridors with a number of elevators as well.

McCarvel: All right. Madam Clerk, do we have anyone signed up to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: That being said, is there anyone in the room who wishes to testify on this application? Or on Zoom? Okay. Does the applicant have any further comments then, being no public testimony? Okay.

Cassinelli: Madam Chair?

McCarvel: Oh. Sure.

Wardle: Madam Chair, Jon Wardle. I just wanted to talk -- speak quickly about the pathway and the sidewalk. So, we established a long time ago with Nampa-Meridian Irrigation District that the public sidewalk or pathway would be on the south side and their maintenance, which is a gravel access on the north side, north and west as we work through the project. So, that starts at Franklin Road and will carry all the way through and ultimately connect with the regional pathway the city had planned over by Twelve Oaks and -- I'm trying to remember the other subdivisions over there. The -- the sidewalk that we are proposing on the north side is for internal circulation. Obviously, we want them to be able to come down to the creek, but they won't have direct access to it until it -- unless they go out to Wayfinder. Just to the south of that we will -- we will continue the gravel access for Nampa-Meridian Irrigation District. So, I just wanted to distinguish between those. There -- this is not a public regional pathway. That exists on the south side and we are going to continue that all the way through. This is just for internal circulation coming out of those buildings for residents to move back and forth. Now, could the public access it? Obviously, they would. But this is not the regional pathway and that's why we are making the distinction here and asking for that sidewalk on the north and the regional pathway on the south.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: So, I understand the designation and I'm fine with that. But do you have an issue of just leaving it at ten feet instead of eight or is there not enough room to make ten feet in there?

Wardle: Madam Chair, Commissioner Yearsley, we actually do have a little bit of grade issue there. On the second phase -- well, across -- with our first project, but when we did the gravel access on the north side, it sits pretty low in comparison to where the -- the terrain is up above. So, we are going to have some terracing, some bouldering that's going to be there. We would prefer to keep it at eight just to give us enough room to stay back from that, so that's the reason we requested it to be eight.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Sonya, can we get your -- a little bit additional input on -- on that. Going from ten down to eight and why you want ten?

Allen: Yes. The Parks Department recommended ten feet as a provision of approving the applicant's request for alternative compliance to the private open space standards. A reduction to those. It's not a giant deal in staff's opinion, but that was the Parks Department's recommendation.

Cassinelli: And yet the --

Allen: There is a multi-use pathway on the south side of the Ten Mile Creek.

Cassinelli: Yeah. I mean the Parks Department was -- they were clear on the understanding of that, that the multi-use pathway is on the south side. Okay. And, then, I had a question and I'm trying to think if you answered it. There is separation between the sidewalk, whether it be eight feet or ten feet, and the gravel access, is it -- and you mentioned I think some bouldering. So, is there a -- there is a definite separation there?

Wardle: Madam Chair, Commissioner Cassinelli, as we have looked at the design, yes, there will be a separation. There will be boulders that will have to retain some of it. Will it be the entire distance? No. But it drops quite a bit coming off a Wayfinder where that gravel access is. So, I would expect that we would be stepping back and a couple layers of boulder walls to make sure that that transition is -- is not too steep and severe between the gravel access road and where the site would be.

Cassinelli: Okay. So, there is -- I mean -- then would you -- would you classify that as kind of a natural fence or is it -- I mean is there going to be any kind of fencing between those two?

Wardle: We haven't had to fence it as of yet on the other side. We have a similar condition, but -- and given the way we have been able to step it back, it's -- it's not a hazard. But we will need to look at that as we get out there and do a final civil analysis of it.

Cassinelli: Okay. Thank you.

Wardle: Thank you.

McCarvel: Okay. Can I get a motion to close the public hearing on 2021-0035, TM Creek Apartments?

Grove: So moved.

Yearsley: Second.

McCarvel: It's been moved and seconded to close public hearing on H-2021-0035. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: I will jump up. I -- I don't see a big deal of leaving that an eight foot sidewalk, instead of ten, but -- and I think they have plenty of amenities and open space and being able to do some decent design work around there. I think it's just as important as having the other two feet, especially on an internal circulation. Other than that -- I mean it looks compatible with everything else that is around there.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Echo your sentiments on this. I would also like to point out one of the things that came through a while back with this project was the lack of a gathering plaza, as they put it, and they have that on one of the maps that they showed of the overall project out there. So, I think that is greatly appreciated. Having -- kind of tying in all of these developments together. I know that's not directly tied to this, but it does help. I particularly like the amendments -- amenities that they have and the large open space. It looks like it will fit in well with what they have already done. The project overall I don't have any problems with it and I'm okay with the modifications that they have presented.

Yearsley: Madam Chairman?

McCarvel: Commissioner Yearsley.

Yearsley: For the most part I'm -- I'm okay with it. Apartments never really excite me. I have to apologize for that comment. But, you know, you don't think two feet is a lot, but for a ten foot sidewalk, if you have got two groups walking against each other, eight feet feels very narrow and so I still have a tendency to call it a sidewalk and not a pathway, but still leave it at ten feet, instead of eight, just to make it -- with that many -- you know, 200 and some homes, you know, you are going to have a lot of people out there wanting to walk and stuff like that and so you are going to have people walk in different directions. People on bikes. Having that extra two feet does provide a lot better access and safer.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: I guess my only comment with Commissioner Yearsley is that if it's connecting to another pathway or sidewalk, would it -- if it was already ten and, then, it's going to go to eight and, then, it's going to get to ten again or -- it's going to be eight and, then, widen out to ten -- whatever they choose it should be consistent. Unless it doesn't connect to anything.

McCarvel: Sonya, correct me if I'm wrong, I don't think it connects to anything, does it?

Allen: Madam Chair, not at this time. Brighton also owns the land and will be developing to the east of this property, though.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: So, on their -- on the Flats and, then, the Lofts they have -- do they have the eight foot sidewalk, then, on those projects or are they ten?

Allen: I don't believe there is anything north of the creek that's developed at this time.

Cassinelli: Can you go back a slide to that? I think the previous slide was the -- is the pathways. Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Normally I would -- initially I was going to say -- I would be okay with the eight foot, but Commissioner Yearsley brought up the fact that -- the number of apartments and I agree, you know, even -- even two people -- you know, two groups of two coming head on, eight feet is -- is not enough. I mean, you know, you kind of need to move a little bit and with bikes as well. With that many residences it is a -- it's not part of the pathway system, but I think given the -- the number there that I almost feel that ten feet is -- it would just make for -- for more comfort there. I understand that the applicant has a little bit of a space issue there trying to get the boulders in there and whatnot and, then, get the access for the irrigation district, but I think they can do it, so I think I'm kind of leaning towards that. I also want to make a comment on the live-work and Commissioner Yearsley asked the question why only two? I like live-work. I don't -- to me it almost seems like -- if you put just two in, why bother, because it's not going to attract -- you know, if it was -- if it was a dozen in there it might attract enough people coming in to -- to be there. They are in there, it's -- it's being approved, I guess -- you know. And the applicant even said that they could be converted in the future back to just stand-alone residences. But, yeah, I would like to see -- because I like the idea of -- I have seen, you know, live-work spaces in different parts of the country where it's -- it's real vibrant when -- when they are there. So, I would love to see more is my issue there. But getting back to the pathways, I would -- I would have to go with ten.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Just to jump in on the sidewalk aspect, having looked -- you know, driven around that area before, the -- there is quite a bit of elevation change right along that area and so I would be hesitant to force the template without having -- without having them, you

know, take another look at it, I guess, with staff, potentially, maybe wording the -- what we pass as a recommendation versus an ultimatum.

McCarvel: And I guess I would tend to agree with Commissioner Cassinelli. I'm actually surprised that the live-work hasn't been successful in other projects, but -- because I think going forward it might be a more desirable aspect and since a lot -- you know, we are taking away -- it is kind of a commercial area. I wouldn't mind seeing more. Like they said, they can always be converted, but it's easy -- I would imagine it's easier to convert them back. I don't know.

Yearsley: Yeah. I -- Madam Chair, I would -- I would -- you know, I don't know if I would condition more, but I would recommend more. I think it -- I think it might be -- you know, again, it's kind of hard to say if it will work or not, but, you know, I would like to actually see it a little bit more than that and my -- again, with the -- with the eight foot for the ten foot, just give their civil engineers a little bit more to work on.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I don't think I have ever said this before, but I don't -- I don't know if I completely agree with even wanting more of the mixed use, just because of how much other commercial is in this general area. I'm usually a huge fan of having additional mixed use integrated, but it -- I don't know. I -- I guess I wouldn't be opposed to having more, but I don't see the absolute need for it, because of how much commercial office space is out there.

McCarvel: Well, I think whoever makes the motion can wordsmith --

Yearsley: Sonya? Sonya, would you put that section back up. Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2021-0035 as presented in the staff report for the hearing date of July 1st, 2021, with the following modifications: That condition H -- or 4-H be modified to read: Widen the sidewalk along the southern border to the site to ten feet. To strike condition eight to not require that it be in an easement and to modify condition nine shown on the screen, if that's acceptable to Sonya for the last one.

Allen: Clarification, Madam Chair, Commissioner Yearsley. The -- if you are wanting the sidewalk to be widened to ten feet that is the typical width for a multi-use public pathway. Are you sure you want to remove that requirement for a public pedestrian easement? Because that's typically required with a multi-use pathway.

Yearsley: I don't know. Like I said, I -- I'm okay calling it a sidewalk, but just conditioning it to be ten feet wide.

Allen: Thank you.

Cassinelli: Second.

McCarvel: It has been moved and seconded to approve H-2021-0035 with modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

7. Public Hearing Continued from June 3, 2021 for Woodcrest Townhomes (H-2021-0015) by Blaine A. Womer Civil Engineering, Located at 1789 N. Hickory Way

- A. Request: Amendment to the Comprehensive Plan Future Land Use Map to change the future land use designation on 2+/- acres of land from the Commercial to the Medium High-Density Residential designation.
- B. Request: Rezone of 2.10 acres of land from the L-O (Limited Office) to the R-15 (Medium High-Density Residential) zoning district.

McCarvel: Next item on the agenda we will continue from June 30 -- June 3rd, H-2021-0015, Woodcrest Townhomes, and we will begin with the staff report.

Allen: Just a moment, Madam Chair. Alrighty. The last item before you tonight is a request for a Comprehensive Plan future land use map amendment and a rezone. This site consists of 1.97 acres of land. It's zoned L-O, limited office, and is located at 1789 North Hickory Way, north of East Fairview Avenue on the southwest side of Hickory Way. This property was annexed with L-O zoning in 1992 and was later resubdivided as a lot in Mellane Commercial Complex in 2001. The Comprehensive Plan future land use map designation currently is commercial. The applicant requests an amendment to the Comprehensive Plan future land use map to change the land use designation on 2.10 acres of land from commercial to medium high density residential and a rezone of 2.1 acres of land from the L-O, limited office, to the R-15, medium high density residential zoning district. Approval of the map amendment will allow the applicant to develop 19 single family residential attached and townhome dwellings at a gross density of 10.8 units per acre on this in-fill property, which will contribute to the range of residential land use designations and diversity in housing types and densities in this area and provide a transition in land uses from medium density residential to commercial and office uses to the south. A conceptual site plan and building elevations were submitted showing how the property is planned to develop with 19 single family attached and townhouse dwellings, consisting of one single family attached structure, three three unit townhomes and two four unit townhouses and a 2,500 square foot office building. The property is