

**Public Hearing continued from November 6, 2025 for Apex Cadence
(H-2024-0061) by Brighton Corporation, generally located south of E.
Lake Hazel Rd. and west of S. Locust Grove Rd., including 6575 S.
Locust Grove Rd.**

- A. Request: Modification to the existing Development Agreement (Inst. #2020-178120) to replace it with a new agreement for the subject property and to include specific design requirements.
- B. Request: Annexation of 0.86 acres of land with an R-15 zoning district.
- C. Request: De-Annexation of 0.52 acres of land from the City to Ada County.
- D. Request: Rezone of 56.11 acres of land from the R-8 to the R-15 zoning district.
- E. Request: Preliminary Plat consisting of 228 single-family residential building lots, 41 common lots and 16 other lots on 51.50 acres of land in the proposed R-15 zoning district with private streets in the gated portion of the development.
- F. Request: Planned Unit Development with a request for deviations to certain street, side, and rear yard building setbacks and to allow more than 100 dwelling units in a gated community.

Lorcher: Give me a moment to get my notes together here. All right. The next item on the agenda is to continue H-2024-0061, Apex Cadence from the November 6th Planning and Zoning meeting. We are not going to revisit everything, but we will have an amended staff report just to get everybody up to speed.

Allen: Thank you, Madam Chair, Members of the Commission --

Starman: Sonya, before we do that, Madam Chair, with your indulgence we have two Commissioners here this evening that did not participate in the first and just like for the -
- I know that they have told me individually that they have reviewed the record, including the video, but if I can just have both them affirm that they have reviewed the record and are prepared to participate in tonight's deliberations.

Garrett: I --

Stoll: I -- go ahead.

Garrett: I have reviewed and I feel comfortable.

Stoll: I have watched the video. I have reviewed the packet. I am comfortable moving forward.

Lorcher: Okay. We also have Commissioner Sandoval and Commissioner Rust online. Did -- we are both -- I can't remember what happened two weeks ago. Were you both present for the meeting?

Sandoval: Madam Chair, yes.

Lorcher: Okay.

Rust: Madam Chair, I was present as well.

Lorcher: Okay. All right. Just make sure we are all on the same page. Okay. Sonya.

Allen: Thank you, Madam Chair, Members of the Commission. Again, this project was continued to tonight's meeting from November 6th due to there not being enough commissioners present to break a tie vote. The applicant submitted a response to the staff report requesting some changes to conditions. Staff has provided a response to the applicant's request that's included in the public record and you also have a hard copy before you tonight. I'm happy to answer any questions that you might have on that or clarifications.

Lorcher: Okay. Would the applicant like to come forward to give any additional comments?

McNutt: Good evening. Amanda McNutt. 2921 -- sorry. 2929 West Navigator. Just getting joined in so I can share. So, hopefully, you all had a chance to read my response that I sent. So, I'm not going to beat you over the head too much with this. My presentation doesn't want to work for some reason. But, essentially, I went back through the comp plan and did some analysis to see how we did or did not comply with the Comprehensive Plan and as I went through that I feel that we are very in compliance with the Comprehensive Plan for that mixed use residential area -- or, sorry, the medium density residential area. Obviously we talked about this last time. We are in compliance with 4.6 units per acre. As far as mixed use, I kind of pulled out some quotes from the comp plan and -- and how we were meeting those. So, one of those is, you know, a combination of compatible land uses, which I feel we do meet and this would provide another living option for that area. We need between 20 and 50 percent of the development area to be residential in this designation. We have a lot of the area that is existing C-C zone. With that we are about 50-50. So, we are in compliance in that respect as well. One thing that did come up last time was, you know, how are we connecting vehicularly. With the Rawson Canal it does limit the connections that can happen in the long run here. The one connection that will eventually happen is Via Roberto, which will have some kind of a bridge over the canal. But, essentially, everything is going to filter down and be a collector street through there. Oh, is my presentation not showing at all for you guys? Oh, I'm sorry. I do have a presentation.

Starman: Madam Chair, as Ms. McNutt is working on her presentation, I want to just -- just curious how we are going to do this tonight. So, you know, if we were simply going to -- we had a tie last time, we are suddenly going to have some clarifying questions and, then, call for the vote, I think that's sort of one path. If we are going down a different path, we are allowing the applicant to kind of revisit topics and kind of reframe, which is fine and that's the chair's prerogative, but with that I think I would recommend that you allow public testimony if there is additional public testimony tonight, since we are kind of reopening some issues that were previously already testified to. So, that would be my recommendation.

Lorcher: Okay. Yeah. I was hoping you could just -- if you had anything else to add, but keep going, we will --

McNutt: Okay.

Lorcher: -- we will take public testimony. We are fine.

McNutt: So, I apologize, I didn't realize this wasn't showing. But this is kind of a graphic that shows that 50-50 mix here and, then, this is the -- the street connections through here. So, the Rawson Canal kind of breaks this area up quite a bit and, then, everything's going to be filtering to the future collect -- collector roads and, then, out to the arterials. In my opinion there is not going to be much traffic that can go through Cadence and so those gates, again, in my opinion don't substantially affect the traffic in this location from getting to the mixed use center. Additionally, we do have quite a bit of open space, our ten foot sidewalks, pathways and micro paths that connect through here. One thing I wanted to show was kind of a bigger graphic of the area in -- in whole. There are ten foot sidewalks throughout the entire area that connect everything back to this center. So, not only is Cadence open to the public for pedestrian activity, but the rest of the area is as well and everything can filter through for pedestrian access to that point. One thing that I found was very interesting in the Comprehensive Plan is that it specifically calls out primary access as pedestrian access. So, it's this kind of blue arrow that goes north to south in this graphic is specifically calling out the pedestrian access. I feel that we do meet that designation that we are providing those pedestrian access points. The secondary access is also fully a pedestrian access. It actually does not talk about the vehicular access in this graphic, other than there are streets there. I kind of put a side by side to just show the commercial is in the corner just like it is in the graphic. The multi-family or medium density -- medium high density is kind of abutting that and, then, the single family is outside of that. So, when I look at the graphic I feel like I don't know how we can comply any more than we do. I'm -- I'm not going to go over these again, because they haven't changed, but I still do believe that we should be able to change some of these conditions as written, specifically the sidewalk and the multi-pathway. I know that that was a question last time. But, again, it just -- it makes more sense to do it as it progresses through the project, rather than all at once in the beginning. But I will stand for any questions.

Lorcher: Commissioners, do we have questions?

Stoll: Madam Chair, if I may.

Lorcher: Commissioner Stoll.

Stoll: Ms. McNutt, just a question regarding the gated communities. When I have checked out some other ones around the area that are 55 plus, in addition to the Cadence property that's near Costco, Chinden Boulevard, it didn't seem like the gates were closed, that they were open for people to drive into. Is there timing that like certain times of the day that the gates are down or is it just --

McNutt: I don't know the answer to that question. This is Jon Wardle. I will let him answer.

Wardle: For the record Jon Wardle. 2929 West Navigator. Generally the gates are closed. There may be times when they are open, but the residents typically, once the community has been built out and sold out, they -- they do keep their gates closed. So, if you drove by and they were open that's probably more of an anomaly than the standard.

Stoll: Okay.

Lorcher: I think some of the -- the response that you had given to Sonya for the items that had come through were -- were some of the things that we had concerns with. For example, A-1-C with Murgoitio property --

McNutt: Uh-huh.

Lorcher: -- understanding that, you know, you don't own that, but if you were -- the way it is right now there is -- nothing can happen with it. So, I think there is some concerns from the city's perspective that that needs to be kind of cleaned up.

McNutt: Yeah. So, this graphic here does show that we can extend a roadway through. We haven't had our engineers fully vet that out or complete those changes, but looking at it and -- and working with the site a little bit, that's doable and something that we are -- we are able to confirm we can do.

Lorcher: To do that in time for City Council?

McNutt: Yes.

Stoll: Madam Chair?

Lorcher: Commissioner Stoll.

Stoll: Sorry, this question just follows up on your question, but I -- I'm a little confused on -- is the Murgoitio property -- is it part of your plan or you guys have no agreement with the family to develop it? They may develop it at a later time and bring that to us for a

proposal? So, the -- I think the only issue is whether it's stubbed and there is access provided at some point in time if they develop it.

Lorcher: Sonya, do you want to comment on that?

Allen: So, we want to plan for future development of that property, so we want the collector street to align with the collector street on the east side of the road. The whole issue with staff's condition that it be in the -- in the development agreement -- in the existing development agreement, that it be included in a future subdivision, is that if we don't it's going to create a parcel -- the Murgoitio parcel will not be a legal parcel for development purposes, meaning they can't get a building permit. If -- if they sell the property and somebody wants to redevelop or if the Murgoitios want to build a shed on their property, for instance, they wouldn't be able to get a building permit. We asked the applicant quite some time ago to submit documentation if they felt that it was -- that was not accurate and we haven't seen any documentation. I'm not sure if they researched that or not.

Stoll: But the primary issue is whether they stub the road to the property lines. You are not asking them to incorporate the actual property into their plans are you?

Allen: Not the current plans, no. We are asking with future subdivision of the property to the north that that property be included in a subdivision.

Stoll: Okay.

Allen: So, it -- the applicant is contesting that provision in the proposed development agreement. So, two different issues. Staff has asked for that connectivity with the collector street to that property and, then, also that it be included in a future subdivision with the property to the north. The rezone area that's part of this application on the north end is not part of the proposed subdivision. So, when that property comes in with the subdivision we wanted all of that area to come in, including the Murgoitio parcel. Does that make sense?

Stoll: Just trying to figure out how they do that if they don't own it. I'm struggling with that same -- that concept.

Allen: I believe -- did -- did Brighton purchase -- I -- a question maybe for the Commission, for the applicant is I believe Brighton purchased this property from the Murgoitios and -- I'm not sure when the part -- if that -- that's when the parcel got created or if it was before that.

McNutt: And, Madam Commissioner, I -- I'm not sure when the timing of that was either, but we don't own it now and -- and don't control it.

Lorcher: Okay. So, does anybody have any other questions? Okay. Thank you very much.

McNutt: Thank you.

Lorcher: Madam Clerk, is there anybody here to testify on Apex Cadance?

Lomeli: Madam Chair, no one has signed up.

Lorcher: Is there anybody on Zoom?

Lomeli: Yes. There is one person raising their hand.

Lorcher: Julie, if you can state your name and address for the record you can go ahead and start.

Edwards: Sure. My name is Julie Edwards. Address is 1310 East Mary Lane in Meridian. And so I mentioned this at the last meeting and my issue that I would love to hear somebody talk about is the quantity of homes, because if the city code states that the gated communities are restricted to a hundred homes, how is it possible that they are asking for more than double in that area? And that's -- and why that would be approved? That's really all -- the only question I have.

Lorcher: Would the applicant like to come back up and make final comments before we close the public hearing?

McNutt: Thank you. Amanda McNutt, 2929. So, yeah, to Julie's question, we talked about that last time for those who weren't here. It's not substantially more than what we have done and it is another gate that we would be providing for this property that we did not provide in other developments that are very similar to this. No one who lives in these developments I think is feeling the struggle of only having two gates, so having a third gate and overall only I think 20 or so more homes, I don't feel like that's going to be a problem for them.

Lorcher: Okay.

McNutt: Thank you.

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

Smith: So moved.

Stoll: Second.

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

MOTION CARRIED: SIX AYES. ONE ABSENT.

Lorcher: So, last time we were here two weeks ago we were tied for -- for you, Brian, and Matt. Half of us liked it and half of us thought it needs some improvement. So, we thought we would have a few more Commissioners here to have some insights, so that we can make a recommendation to City Council. So, I was one of the ones who said it should go forward. I do have some concerns about the timing of amenities. You know, the city would really like to see a lot of those done in phase one. The developer is proposing as those phases come on board, but I wasn't going to hold that up as a condition of approval to pass it on to City Council. That was my opinion. And I also understand that there was some swapping of Ada county land and City of Meridian land and those are items that are out of the developer's control, because it's in the county's hands to be able to get that paperwork done and it's in the city's hands to do that and it could happen quickly and it may take a long time and so to hold up a project for something that they can control, including the Murgoitio property I didn't think was -- was fair, that they should be able to continue to work with the city to be able to develop the subdivision. So, I was in favor of the project and I would like to hear from anyone else and, then, we can take a vote.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. Before I -- I worry this might sound too critical, so I want to -- I want to say two things. First off, I will waive the IMBY flag night and day. I think it's important that we build more housing in Meridian. And, two, I think Brighton tends to build very nice homes and decent communities. That being said I -- this -- again, to me, this isn't mixed use. I know there are some -- some definitions or some mentions that were brought up and I have actually -- my wife can complain about how much of a nerd I am. I actually spent some time in the Comprehensive Plan, especially about mixed use, because I'm a big fan and some other things that kind of pop out to me are sentences that say mixed use areas tend to have higher floor area ratios, integral shared open space and interconnected vehicular and pedestrian networks. Further down it says residential and nonresidential areas feel cohesive as one neighborhood even when developed across multiple properties, over multiple years or by different developers. And, lastly, specific to mixed use community one sentence says the intent is to integrate a variety of uses, including residential and to avoid mainly single use and strip commercial type buildings. I think this development -- and, again, we don't know exactly what type of commercial is going in here, but I think this development kind of fails on all three of those issues. I think the gating of the community -- I think when you get a community, even if it is accessible by some pedestrians, I think that fundamentally limits the integrated nature that the mixed use community and the mixed use development comprehensive plan is trying to promote of interconnection and invited interconnection between the two by vehicle and pedestrian. I think those uses are supposed to be integrated and the Comprehensive Plan seems to me and to my eyes very clear on that and I think this fails on those merits. I understand there is a broader project that has some community features. Has a library and those things are commendable, but I think that where this project as proposed -- or this specific application kind of cuts this portion of the development off fundamentally from some of

those amenities and from some of that -- that nature. So, for that reason I'm in opposition. I think additionally the -- regarding the Murgoitio property and regarding some of these other things I think while -- I appreciate the desire to be fair, I think ultimately the priority should be given to what is in the best interest of the city and its residents and I think that this has the risk of creating an issue where, you know, this property doesn't get developed, which is not in the best interest of the city and while it might not be inherently fair to -- to one's maybe morals or to one's, you know, personal beliefs, I think it is in the best interest of the city of ensuring that we don't accidentally cut off development in this area and so to that end I -- you know, I -- I appreciate the developer for trying and for putting in a good effort on this, I just don't think that this is what benefits the city under the Comprehensive Plan and under the spirit of the direction that the comprehensive plan lays out.

Lorcher: So, that's where we stand. Sam, are you still here? I think he left.

Rust: Madam Chair, I'm here.

Lorcher: Oh, you are there. Did you have any comments in regard to this application?

Rust: Yeah. I will summarize briefly. I think that this is a good application. I take the -- the mixed use probably quite a bit more liberally than Commissioner Smith does. I like the -- the similar communities that Brighton has done and I don't think that a true mixed use, the way that Commissioner Smith may define it, is probably in the best interest of that area. It's on the outer lying edge. And so for all those reasons I'm in favor of this project.

Lorcher: Thank you. Commissioner Sandoval.

Sandoval: Madam Chair, so, again, I don't want to sound critical either, but in looking at this in depth and reviewing it initially and, then, coming back to it, again, I truly feel like it does fall short on integration, mix of uses, connectivity, the public realm elements that are really central to this designation. Here the homes are positioned with their backs and side towards the collector roadway that separates the site from the commercial and medium high residential should that get developed in that way suggested. Instead it -- it should create, you know, that seamless, walkable transition between those uses. That's my interpretation. With the current layout that turns those out and the gated elements, you know, creates a pretty hard divide. Yeah. And for that the integration just isn't there. The shared circulation and blended residential and community environment I feel like it falls short on this.

Lorcher: Okay. Thank you very much. So -- so we were tied, so two and two. So, we were the four there. So, do you want to make a motion or do you want me to?

Smith: Well, I mean --

Lorcher: Or would you like to --

Smith: -- I would like to hear maybe if they are open --

Stoll: I just would like to point out we have six people now. But I like the development and I tend to be a little bit more flexible regarding the mixed use development interpretation. In terms of the gated community, it doesn't bother me. My mother-in-law has a gated community. It works fine. It's just the various phases when you have gates they tend to bicker -- anyway. But from a code standpoint my understanding is that the code -- Meridian code allows for it up to 120 some odd people or residences and anything exceeding that is subject to approval by the Council. So, it's not prohibited. It's allowed if it's approved by the Council and so if we make the recommendation to approve it and the Council decides to approve it, then, it's okay. I personally think having the limitation to whatever hundred and some odd is too limiting for the types of developments they are going to want. So, I'm in favor of the proposal. I do have a -- I share the concern regarding the Murgoitio property and trying to tie that in. I'm still struggling on whether I am understanding that we are just talking about where they have their house, that small property. If we are just talking about making sure that stubs off there, then, just say that. I don't think we should limit them and tie it into their development agreement for Brighton, so -- and turn it over to you.

Garrett: Yeah. I actually live less than a mile from this and I'm -- I'm in favor of it. I have seen the other development, I have seen the -- what's gone on with the library. I moved in there when it was open fields, so I'm happy to see the growth and I'm happy with the development and everything that's laid out here and what you have done to date in the surrounding area. So, I have no problems.

Smith: Madam Chair, it sounds like you are the one making the motion right now.

Lorcher: All right. Considering all staff and applicant and public testimony, I move to recommend to City Council File No. H-2025-0061 for Apex Cadence on the hearing date of November 20th with the following modifications: That the developer continues to work with the city on the timing of the phasing of the amenities. That there is good faith to be able to work with the county and the city to get all permitting correct and -- wait. One more note here. And to provide an updated plat for City Council in regard to the stub street for the Murgoitio property to be incorporated at a later date, if at all.

Stoll: Is that it?

Lorcher: That's it.

Stoll: Second.

Lorcher: It's been moved and seconded to approve Apex Cadence. All those in favor say aye. And those opposed?

Smith: Nay.

Sandoval: Nay.

Lorcher: So, we have four ayes and two nays. Motion -- motion passes.

Allen: Madam Chair, may I ask for clarification of the motion, please.

Lorcher: Sure.

Allen: Are you actually asking for any changes to the staff recommendation? And, if so, can you please state which conditions and what exact changes you are asking for?

Lorcher: I didn't ask any -- for thing specific. I did ask that the developer work with staff on the timing of the phases for the amenities. That the developer works with goodwill with the county and the city for all proper permitting. And that the streets align with the Murgoitio property before City Council.

Allen: Yeah. I heard your motion, but I just -- I don't know if that's -- if you are actually making changes to the conditions or not. I'm hearing you aren't.

Lorcher: No.

Allen: Okay. Thank you.

Lorcher: Okay. All right. We good, Kurt? All right. Motion passes. Thank you very much.

MOTION CARRIED: FOUR AYES. TWO NAYS. ONE ABSENT.