

4. Public Hearing for District at Ten Mile (H-2023-0071) by Ball Ventures Ahlquist, generally located at the northwest corner of S. Ten Mile Rd. and I-84

- A. Request: Future Land Use Map Amendment to amend the Future Land Use Map in the Comprehensive Plan to change the designations on portions of the subject property and adjacent properties, resulting in a net change in the area as follows: Medium High Density Residential (MHDR) (+9.26 acres), High Density Residential (HDR) (+2.66 acres), Mixed-Use Residential (MU-R) (-10.61 acres), Mixed-Use Commercial (MU-C) (+0.32 acre), Mixed Employment (ME) (-0.22 acre) and High Density Employment (HDE) (-1.40 acres) as requested by the Applicant and as recommended by Staff on adjacent properties if the Applicant's request is approved.
- B. Request: Modified Development Agreements to the existing Development Agreements (Vanguard Village (H-2021-0081) Inst. #2022-049799, Fedrizzi Ten Mile LLC (AZ-11-001) Inst. #112073618, SJJV LLC (AZ-11-001) Inst. #112073617, Janicek Properties LLC (AZ-11-001) Inst. #112073616, to consolidate them into one (1) new agreement, which will replace the previous agreements (or a portion thereof, as applicable) and include a conceptual development plan for the overall area.
- C. Request: Rezone of 7.48 acres of land from the C-C to the TN-C district, 12.96 acres from the H-E and R-40 to the C-C district, 9.13 acres from the C-C to the H-E district, 25.97 acres from the C-C and H-E to the C-G district, and 1.37 acres from the H-E to the M-E zoning district.
- D. Request: Preliminary Plat consisting of 38 building lots and one (1) common lot on 108.77 acres of land in the TN-C, C-C, C-G, H-E and M-E zoning districts.

Lorcher: The second item on the agenda is file H-2023-0071 for a request for a future land use map amendment, modified development agreement, rezone and preliminary plat for the District at Ten Mile. We will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is a request for a Comprehensive Plan future land use amendment, development agreement modification, rezone and preliminary plat. This site consists of 108.77 acres of land. It's currently zoned C-C, ME, HE, R-40 and TN-C and it's located at the northwest corner of Interstate 84 and South Ten Mile Road. A preliminary plat was previously approved on the southwest portion of this property for Vanguard Village. A final plat is currently in process. The subject property was previously annexed in 2009

and 2011 with the Meridian Crossing, the 10 Mile annexation and the Ten at Meridian applications and are subject to development agreements. The Comprehensive Plan future land use map designations on the property are currently mixed employment, high density employment, mixed-use, commercial, mixed-use residential. The applicant is requesting an amendment to the future land use map in the Comprehensive Plan as shown there on the bottom graphic. The top one is the current adopted future land use map designations. The applicant is requesting to change the designations on portions of the subject property and adjacent properties resulting in a net change in this area as follows: An increase of 9.26 acres of medium high density residential. An increase of 2.66 acres of high density residential. A loss of 10.61 acres of mixed-use residential and an increase of mixed-use commercial in the amount of .32 of an acre. A loss of .22 acre of mixed employment and an increase of 1.4 acres of high density employment. The map amendment includes some cleanup changes recommended by staff on the abutting property to the west, Endurance Holdings, zoned R-15 and mostly designated high -- medium high density residential and the right of way for West Cobalt Drive along the northern boundary of this site adjacent to Outer Banks Subdivision, zoned C-C and designated mixed use regional -- excuse me -- mixed-use residential. Based on the existing multi-family entitlements on these parcels and the applicant's proposed amendment and those are shown in the pink and white dashed line areas on the exhibit here. Without including the proposed cleanup changes on the adjacent properties, the changes to this property are as follows: A loss of 2.8 acres of medium high density residential. No change to the high density residential. An increase of 2.3 acres of mixed employment and an increase of 3.74 acres of mixed-use commercial and no change to high density employment. In summary, most of the applicant's proposed changes are just a reconfiguration of existing future land use map designations and not significant changes. The applicant is proposing a rezone of 7.48 acres of land from the C-C to the C-N -- excuse me -- TN-C district, 12.96 acres from the HE and R-40 to the C-C district, 9.13 acres from the C-C to the HE district, 25.97 acres from the C-C and HE to the C-G district and 1.37 acres from the HE to the ME zoning district. A preliminary plat is proposed. Ah, I think that my -- let's see. My map is not -- give me just a moment, please. Okay. Sorry about that. I'm not sure what's going on. It's not syncing correctly, so bear with me. A preliminary plat is proposed with -- consisting of 38 building lots and one common lot on 108.77 acres of land in the TN-C, C-C, C-G, HE and ME zoning districts. A modification is proposed to the existing development agreements for Vanguard Village; Fedrizzi; Ten Mile LLC; SJJV, LLC; Janicek Properties, LLC, and the Ten at Meridian to consolidate them into one new agreement, which will replace the previous agreements or portion thereof as applicable for Vanguard Village and the Ten at Meridian and include a conceptual development plan for the overall area. A use area plan is also proposed as shown. Area one accommodates a mix of multi-family residential, such as townhomes and multi-family. This area is mostly designated mixed-use commercial with mixed-use residential and a small amount of medium high density residential and zoned mostly TN-C with some C-C. The map amendment proposes a mixed-use residential land use designation with TN-C zoning for the entire area. A residential density of eight to 12 units per acre is proposed, which equates to approximately 268 to 402 residential units. A diversity of compatible land uses is encouraged in mixed-use residential areas, which may include a mix of residential, office, retail, recreational, employment and other

miscellaneous uses. While the focus is on residential uses, the horizontal and vertical integration of retail, office and employment uses is essential. This designation requires developments to integrate the three major use categories, residential, commercial and employment. Only residential uses are proposed in the requested mixed-use regional future land use map designation and TN-C zoning district. The mixed-use component of the mixed-use residential designation and the TN-C zoning district is entirely missing. Only one of the three major use categories is proposed and that's residential. No retail, office or employment uses are proposed as required, which are essential in mixed-use residential designated areas. The proposed mixed-use residential designation and TN-C zoning is not consistent with the proposed development plan or the intended plan for this area, as the required mix of integrated uses is not provided. Area two accommodates predominantly commercial mixed uses that includes large format anchor and specialty retail, casual and fine dining, entertainment, recreation, hospitality, childcare and office uses. This area is currently designated mostly mixed-use residential and mixed-use commercial, with a small amount of high density employment. The zoning is mostly C-C and some HE and ME. The map amendment proposes mixed-use commercial and high density employment land use designations of C-C, HE, C-G and ME zoning with the majority being C-C. The mixed-use commercial designation encourages the development of a mix of office, retail, recreational, employment, i.e., family wage jobs and other miscellaneous uses with supporting multi-family or single family attached residential uses. While the focus of these areas is on commercial and employment uses, the horizontal and vertical integration of residential uses is essential to securing entitlements. As with all mixed-use areas, this designation requires development to integrate the three major use categories, residential, commercial and employment. In mixed-use commercial areas three or more significant uses also tend to be larger scale projects. Although the commercial uses is proposed, only one of the three major use categories is provided and that's commercial. No major employment uses. Again, family wage jobs is what we are talking about with that are proposed is required in either the mixed-use commercial or the high density employment areas and integrated residential uses are not proposed in the mixed-use commercial area, which are essential. The proposed mixed-use commercial and high density employment designations are not consistent with the proposed development plan or the intended plan for this area as the required mix of uses is not provided. The proposed floor area ratios are also significantly below the goals of one to 1.25 or more in the mixed-use commercial area and exceeding 1.0 in the high density employment area. Just a side note. On the staff report it did include a map that showed square footages of the gross floor area. That was incorrect. Those were actually just the -- the floor area of the -- of the main floor. It did not include any upper stories as may be proposed. So, the applicant will be either revising that exhibit or it will just be pulling it out. I'm not sure which at this point. So, the floor area ratios in the staff report are not correct. The area is still very low and very far below the -- the guidelines, but those numbers are not correct. Area three accommodates medium to higher density office, commercial, recreation and medical and hospitality uses. This area is currently designated mixed-use commercial and high density employment with C-C, ME and HE zoning. The applicant proposes a reconfiguration of the mixed-use commercial and high density employment areas and a rezone to reconfigure the boundaries of the C-C, HE and ME districts accordingly and to add C-G zoning. The applicant also proposes to

change a sliver of the high density employment area along the west boundary in areas two and three of the use area plan to ME and rezone from HE to ME for the southern portion of that area to match that of the abutting property to the west and to align with the future lot line. The ME area will be developed by Adler Industries separate from this development. As previously noted, the floor area ratios in the mixed-use commercial and high density employment areas are significantly below the established goals in the plan. Although commercial and employment uses are proposed from three major use categories, integration of residential uses is not proposed as desired. Office and other employment uses need to be of a much higher density in this area in order to be complicit with the mixed-use commercial and especially the high density employment designation and designed as compact urban centers, rather than low density suburban style development. Recreation uses are not desired in the high density employment designated areas. A mobility plan was submitted showing vehicular, pedestrian and bicycle circulation within the site. Typically all building elevations should comply with the design standards in the Ten Mile Interchange Specific Area Plan and the design standards listed in the Architectural Standards Manual. However, the applicant is requesting that these guidelines and standards not apply to this development and instead proposes alternate design standards and a design review process of their own for their proposed development as part of the development agreement. Similarly, Brighton's development across the street to the east did the same for their development and they have their own design standards as well. While all of the proposed design standards may not expressly align with the guidelines in the Ten Mile Plan, they appear to generally follow the guidelines and should ensure higher quality of development if Commission and Council deem the proposed plan appropriate for this area and these are just some examples of elevations that are included in that design manual. Written testimony has been received from Kristina Bolt and that is included in the public record and from Geoff Wardle, the applicant's representative, in response to the staff report. Staff is -- in summary is recommending -- the staff is not in support of the proposed map amendment and the associated rezone based on the conceptual development plan proposed, as it does not meet the minimum development guidelines in the Ten Mile Interchange Specific Area Plan, nor does it provide the mix of integrated uses desired in mixed-use designated areas or the intensity and/or types of uses desired in the mixed-use commercial and high density employment designated areas. If Commission and Council is of the opinion that proposed development plan is more appropriate for this area than that envisioned in the adopted Ten Mile Plan, staff suggests alternate future land use map designations and zoning are approved consistent with the proposed development plan as follows: Medium high density residential and R-15 zoning for the property in area one and commercial and C-G zoning in areas two and three, as shown on the map before you. Staff will stand for any questions. The applicant is here tonight to present.

Lorcher: Would the applicant like to come forward? Hang on just a moment here, Geoff. There we go.

Wardle: Commissioners, my name is Geoff Wardle. I am counsel for the applicant. My address is 251 East Front here in -- in -- 251 East Front in Boise. We are here tonight to talk about the District at Ten Mile and we appreciate the -- the staff report and you see

our response. I mean it -- when we get to the end -- we will always start with the end in mind. We don't disagree with staff's recommendation on how to get there. We have proposed our own approach that we think is appropriate. We have worked on that with staff for months. But as we have reviewed the staff report that if -- if that's the way that they think that we should go to be able to get this approved, then, we are supportive of that and we are willing to go to Council with the changes that staff has recommended. So, to provide some background, this application involves a development agreement modification, Comprehensive Plan map amendment, a rezone and preliminary plat for the property that is west of Ten Mile Road and the applications that staff mentioned that were consolidated two, three years ago for Ten Mile Center, which consisted of the Ten Mile Crossing, the other Ten Mile facilities where Scheels is located as Brighton came through with that. On the west side of the property, as staff noted, there were a series of development applications with different property owners that resulted in development agreements that address different portions of the site that also did not necessarily conform to what -- the infrastructure plan that has been developed in the Ten Mile area over the course of the last 15, 20 years resulted in being. Staff walked you through those and essentially what we are doing tonight is presenting you an omnibus solution to bring all five of those prior development agreements together with a comprehensive development plan. Now, I'm going to walk you through the background and just kind of the technical elements and, then, Tom Peterson, the vice-president of development for BVA Development, will talk about the thought process that has gone into the various areas. As depicted here you can see the five different development parcels that were subject to five separate development agreements. There is approximately one acre up at the north along Cobalt that was part of another development agreement that they never had a plan for, because they knew it would be a vestige and those boundaries were realigned with Cobalt. Then you have the large purple one there, which is approximately 71 acres, that was annexed into the city pursuant to the development agreement at the same time as the blue and green parcels. Now, those development agreements did not have a site plan attached to them and one of the requirements was to return to the city with that when we were in a position to do so. Now, BVA had previously acquired the property there in orange that we call the 118 property and that is subject to a final plat that is currently being circulated, but we desire to incorporate approximately 65 acres there with this larger commercial and residential mixed-use development. So, as we note in the Ten Mile Plan, there were certain lines that were drawn on maps and the -- the authors of the Ten Mile Plan cautioned everybody not to be too wedded to those lines, that there would need to be adjustment. So, as we looked at this from the beginning our position was that the underlying land use designations in the Ten Mile Plan are consistent with, A, the existing zoning and, B, the zoning that we need. As -- as staff pointed out, we have been trying to be surgical as we realign some of the zone boundaries to better reflect where roadways are, where the pipeline easement is, where the Purdam Drain easement are, those limitations on development. So, our initial position was you don't really need to touch the Comprehensive Plan, but if you want us to better align it we will do that with the existing zoning. So, this is what staff has proposed and identified to you and if -- if that brings peace in our times we are totally supportive of it, because it gets us to the same place. It gets us to the same place, but from the beginning I want everybody to understand that we have attempted to be very respectful and learn from the Ten Mile

Plan, but implementing it 17 years later there are a lot of lessons that we have all learned. We have looked to the guidance given by this Commission and the City Council to Brighton across the street. We have conversed regularly with staff over the course of the last year as we have worked through this and so we are in agreement if this is the approach that -- that gains the support of staff and Commission that we support the staff's proposed modification. So, the other element that staff indicated -- and I'm going to turn it over to Tom to talk about this now -- is that one of the things the Ten Mile Specific Plan comprehended was the need for comprehensive design standards that were independent of the Ten Mile Plan as you looked at properties and by coming forward with these five development agreements we are able to take a significant area that are subject to disparate approval processes and bring them together so that you have a harmonious development that approximates about 200 acres with a variety of uses in furtherance of what we have. So, I'm going to turn it over to Tom Peterson now to talk about the various elements and we have talked about Ten Mile Center. So, Tom.

Lorcher: Hi. Thank you. Please just state your name and address for the record.

Peterson: Yes, Madam Chair, distinguished Commissioners. Tom Peterson. The chief development officer and general counsel for Ball Ventures Ahlquist, 1111 South Vanguard Way in Meridian, Idaho. Appreciative -- I will pick where -- I will pick up where Mr. Wardle left off. Before even doing that, though, very appreciative of the fact that we are here today. It's only through a year-long process of collaborating with -- with city staff, many meetings and that collaborative process continues today as Mr. Wardle has indicated that the suggestions that they have made we completely support and -- and agree with -- and -- and are -- are just appreciative for the continued guidance and -- and collaborative approach with the city. As I -- as I go through these -- these next slides -- as we pick up here what I want to do -- I think it -- it only makes sense if I take a step back for 30 seconds of kind of high level context for what this site is proposed to be and, then, it kind of makes sense as to what we are asking for. The subject site that -- the preliminary plat is 101 acres, but the -- the subject property that would be subject to one consolidated development agreement is 163 acres and it's earmarked as the District at Ten Mile. This is significant. It's -- it's an interconnected site. That's a true mixed-use site and it is -- we -- we are really -- we have been working on this for a year with our partners who I will get to in a moment, but it's a -- it's a network of mixed-use districts -- three districts that are harmonious, that are interconnected, but have distinct purposes and functionality. Their outline is, as city staff was alluding to earlier, there are three areas and I want to actually skip to that. Maybe one more here. Let's see if I can get there. Starting in the -- the north kind of west corridor, the residential area is -- is a mixture of -- of townhouse and multi -- multi-family and, then, in kind of a backward shaped L we have a second district, if you will, that's primarily our -- our retail village. It's going to include restaurants, service, grocery, entertainment, recreation, office, retail, hotel and flex space and, then, along the -- what I will refer to as the -- as the I-84 corridor closest to I-84, that's our commercial, hospitality core that will have uses such as office, medical office and hotel. Now, the request that takes us back to -- to the development agreement modification, the request is to integrate the -- the multiple existing development agreements into that one single development agreement with design standards that will

be incorporated and will govern the entire site, much like as Mr. Wardle referenced across the street we did that -- by we it was in partnership with Brighton and at their lead they did something similar. It promotes consistency, cohesion and eliminates confusion, while maintaining that the highest quality of -- of a development -- not -- not just for now, but for years and years to come, included -- and I think at this point it's -- it's probably important to note and it's noteworthy that on this project what you see with -- with this depiction, the site plan, we have partnered with EPC, the founding members of whom were the principal partners of CenterCal, who brought The Village to Meridian. Fred and his team have since carved out from CenterCal. They formed EPC, a sister corporation to BVA and their fingerprints are over this -- this development as they have been able to identify things that have worked in the past, both at The Village and at other mixed-use developments through the western United States, but we have also learned from things that they could have done better and have said we would have done that better. Why does that matter? It -- it takes us back to the discussion on the development agreement. As noted, the purpose of the application in part is to integrate the multiple existing development agreements, that if -- if left unmodified and unintegrated would create pockets of disjointed development here. One development agreement governs the entirety of the property as proposed. That's consistent with the provisions of the Meridian City Code 11-5B-3F. It's consistent with the direction from city staff and it's consistent with -- with precedent for the last several years. It is also important to note -- and Mr. Wardle alluded to this as well -- that in each of the existing development agreements it didn't just contemplate, but required the very future amendment that we are now bringing before you. Each of these were intended to be amended. I want to get to the design standards here -- here, because I think that's the meat of what is important to discuss tonight, but the development agreement modification also allows us and it's a -- it's a vehicle to make the requested Comprehensive Plan map amendment, the zoning modification and the preliminary plat and to bring that all into one, so as we, then, turn to the design standards, as stated by consolidating these down and having one master development agreement with design standards that cover the entirety of the project, what that provides for is predictability, consistency, compliance with the Ten Mile Area Specific Plan and whereas noted an enhancement of those standards to reflect modern trends and -- and compatibility with -- with development in the surrounding area. The main objective of the design standards is to establish, number one, a set of criteria and a -- and a set process and procedure that can be followed. I want to just first talk about the procedure and, then, we can talk briefly -- very briefly about the actual criteria. Under the -- the process -- and it may be familiar to you with the Ten Mile Crossing process across the street, but Article 2 of the design standards establishes a design review process that's intended to not only make it more cohesive in the site, but keep the focus at design review and a place where it should be that these things are being vetted out ahead of time and not just an ad hoc process. So, the process very quickly is, again, very much like we did across the street. The first step -- the very first step is that any user would bring their application for their use to the master developer, BVA, and it's that initial intake process, it's the review process. It, then, after it meets that stage compliance, it goes to the architectural review committee consisting of four members appointed by the master developer. It's reviewed there and, then, if reviewed and approved and found to be consistent with the design standards that we will get to, then, and only then is it submitted finally to the city through the normal CZC and

design review process. The point, of course, is to maintain those high standards intended for the district and -- and, frankly, it creates more efficiency for the design reapplications that are submitted. Now, that's the process. We simply don't have time to -- to walk through each and every component of the design guidelines. They have been reviewed with, vetted by staff -- it's been a very iterative process and -- but we have identified and I want to walk through very briefly to identify what we think are -- and I should note that as we have gone through this with staff we have noted in our application where and when and how we are complying with the Ten Mile Area Specific Plan and, then, when we have an enhancement of that we have also noted that as well. There are two sets of standards. One is -- is the actual -- the design standards for the -- the development itself, the site standards and, then, the architectural standards. Within the very comprehensive and robust design standards for the site development we have, as indicated here on the screen, streets and drive aisles. Their standards for vehicular and pedestrian circulation, off-street parking, utilities and equipment, services and landscaping, outdoor lighting, street furniture -- again, drawing upon the experience and the expertise of our partners who have -- who have done some fabulous sites in Meridian and around the country, drawn upon those best practices. Architectural standards. These design architectural standards have been patterned again after the Ten Mile Plan and once the process is in place there are -- there are standards for the actual architecture itself and I will walk through those briefly and, then, we will look at some examples. Building height and massing. Building materiality. Orientation of buildings. Signage. And as we look at some of these examples here -- three seconds? Glass material examples. Sidewalk examples. Orientation of doors and windows. You will see some of the best practices from the city and other cities in the mountain west. Great attention to detail for street furniture and, then, of course, the facades of some of these buildings -- you will see elements from The Village, from Eagle View Landing, from Ten Mile Crossing. The best, highest quality Class A product that we -- that we can bring. I'm out of time. There is more to go over, but we can stand for questions.

Lorcher: Thank you. Commissioners, do you have any questions for the applicant?

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Yeah. Just a quick one. You said a year. How long exactly have you guys been working with staff on this?

Peterson: Madam Chair, Commissioner, I -- I'm looking at staff, but it's been over -- it's actually been over a year, if my recollection serves me, and I will let them correct me if I'm wrong, but I believe it's been 15 months.

Sandoval: Thank you.

Grace: Madam Chair?

Lorcher: Commissioner Grace.

Grace: I will concede that this is a bit confusing to me. There is a lot going on here, but let me try to get my first question. I'm trying to reconcile how you all sort of saying that you support the city's recommendations and -- but I'm reading -- and I'm hearing that the city says they don't support certain things and so for reasons based on not meeting the minimum guidelines in the Ten Mile Plan or the mix of uses. So, I'm just trying to reconcile in my own mind when you say you are amenable to these things and, then, they say, well, we don't support everything about it, how -- what am I missing?

Wardle: Madam, Chair Commissioner, I think -- we don't need to have a lengthy policy discussion that I have had with staff repeatedly behind the scenes, but with the Ten Mile plan I think there is this mistaken belief that some of the development standards or goals that are set forth in the Ten Mile Plan are actually codified and applicable to the underlying zones and, for instance, totally agree with staff's reading on this notion of horizontal and vertical mixed-use. It becomes an issue of interpretation application. And the reality is - - and -- and I recognize that some of you are new, some of you have been here for a while, who have known, as we have come through with applications that are much more vertical in nature, there is a hostility of many in this community to those types of vertical uses and some of the visions of vertical mixed-use have -- that were articulated 17, 20 years ago as we went through planning things, have just not come to fruition in the City of Meridian. So, Commissioner Grace, you are -- you are to be commended for acknowledging that it's confusing, because it's part of the discussion that we have had for a very long time and our point has been, A, we are trying to be surgical with the zone changes that we are asking, that we are trying to work within these boxes, but what we point out -- and -- and this has been the reason why you are being asked to make a -- an amendment to the Comprehensive Plan and our approach was you don't really need to amend the Comprehensive Plan, we are proposing zones that are totally consistent with the land use matrices of compatibility provided in the Ten Mile Plan, the issue is how do you, then, take a -- a C-C zone, which is currently there and which is permitted and staff goes, yeah, but the Ten Mile plan requires that to have these other elements and so when I said I think we get to the same place -- from the beginning of this process we didn't want to come in and say, you know what, the Ten Mile Plan doesn't work at all. Blow it up. Let's just turn it into commercial like anything else. What we did is, no, we looked at the Ten Mile Plan, a comprehensive plan is a guide. The -- the key to it is how you implement it through adopting zoning standards and if the city wanted TN-C to mandate a mixture of uses that we would have adopted a zoning code that says in the TN-Z zone you cannot set back, you have to build to this point and you have to include these uses. We have not done that in the 17 years. So, that's where -- as we look at what staff has come back to, we understand staff saying, look, you know, we can't say and we are not going to say that this in our view complies with the Ten Mile Plan. That's a policy discussion that we have had repeatedly. We -- we believe it does. But their solution is like we could support it if we made these changes, because it would be easier to administrate if we did what happened across the street where you took a land use that was designated for lifestyle center and -- and turned it to commercial with heightened design standards and so that's -- that's our position, Councilman -- Commissioner Grace, is that we can get to the same

place and if staff says, well, we think it would be more functional if you change the land uses to medium high density residential and commercial on the land use map and implement it with these other things that we can support that. It's -- it's two separate paths to the same place. I -- I still believe that when we look at a comprehensive plan and we look at the underlying zoning that is permitted and the zoning that's already there, that you have to take into consideration that those zones permit the uses in the design type that we find in the UDC and if they have that in the UDC and it doesn't necessarily reflect what the aspirational goals of the Ten Mile Plan are, then, that's a failure on all of us for not coming forward with codes that fully implement that and so that's a long way of saying we have had our disagreements with staff, but when we got the staff report and they -- they recognize that if this is the path that the City Council thinks is appropriate that could be supported, we are not going to die on that hill, because I think we all agree that it gets the overall project plan -- you know, nobody's really disputing the overall project plan, everybody's disputing what is the appropriate land use designation on the Comprehensive Plan to get there and our view has always been that's kind of a backwards way to look at it when we look at what the zoning under these five development agreements already is.

Grace: So, you are willing to get there the way the city would like you to, but you sort of want to make your pitch for the way you would like to get there first; is that -- which is -- which is reasonable.

Wardle: Well, I -- I would just say that again we -- as -- as Commissioner Sandoval asked, I mean it has been a very lengthy process on how to bring these five development agreements together and -- and just to be clear, the reason that it's been 15 months is that BVA acquired the 118 property earlier and, then, we have -- we have put the rest of this under contract and working through it. So, it's -- it's not a reflection on staff being problematic, it's the fact that we came in with the first 120 acres and go here are things that we need to do with that. Now, that 120 acres we want to take 70 and include it with this other and work through it. So, all I'm saying is I think we -- from the very beginning I encouraged my client not to come in and go we are taking the commercial zone -- the commercial land use designation and putting it over this entire area, let's look at the Ten Mile Plan, identify those elements that work, that -- those elements that are permitted under the existing zoning and let's be very surgical in the asks that we are making on where does the line really need to be for the C-C zone, because that's, you know, on the map if you see it, the C-C zone cuts through just south of where the big right of way is and it leaves kind of an orphan parcel that you can't really work with. So, our suggestion was, well, let's make the lines of the future land use map and let's make the lines of the zones conform to where everybody's pretty much in agreement that the infrastructure is going to be, so that you have those clear points of demarcation, that the -- the -- the break point between the residential and commercial is that collector that, then, leads to the north. Let's make it so that the C-C is actually reflective of how the -- the backage road comes over from Ten Mile Crossing under Ten Mile and -- and wraps around. So, it's -- we appreciate the staff has come forward at least with an alternative that they think gets us to the same place.

Grace: Just one more thing -- sorry, I don't want to monopolize the whole conversation. What is your response to the -- kind of hesitation or concern from the city that the way in which you want to reconfigure might lead to reduced employment opportunities?

Wardle: I think what we have seen -- and, again, as kind of the leading office park developer in this market for the last ten to 15 years, where and how people work has changed and the original Ten Mile Plan, you know, contemplated the type of office park that you are -- that you see at Ten Mile Crossing, that you see at Eagle View Landing. I think we need to have flexibility and I -- I -- I disagree with the characterization in the Ten Mile Plan that the only jobs that support families are jobs that are in cubicles in office buildings and so as we look at this -- I mean I think you have to look at what types of mixed warehousing and retail opportunities exist, because we have seen fundamental changes in how -- how retailers treat their employees. We have seen fundamental changes in bricks and mortar, where most bricks and mortar is now bricks and mortar logistics and warehousing of some type and so I think that -- I disagree with the characterization that we are eliminating, you know, high paying family-type jobs. I think we have got to be reflective of the fact that when the Ten Mile Specific Plan was adopted 17 years ago, you know, we have subsequently had COVID, we have subsequently had a fundamental change in logistics, so there are a variety of opportunities -- and even retailers have recognized that higher paid employees that have specific skills are valuable and that's why as we have talked to retailers -- I mean you are not seeing the notion that a retailer can just go out and pay a minimum wage. Those days are over. And they are looking for employees that they can give responsibility to on that -- that flow of products, because of that mixture of -- of bricks and mortar and -- and logistics behind the scenes. So, I disagree with staff's characterization. I don't think it's necessarily staff's characterization, I think it's the contemplation from the Ten Mile Specific Plan and we know things have changed.

Lorcher: I would like to add to that. So, you are saying you disagree with the employment categorization based on like being in a cubicle, but the question is based on your multi-family options can I afford to live, work and play in this community?

Wardle: I believe you will be able to.

Lorcher: Because that's -- that's going to be the key.

Wardle: That is the key.

Lorcher: Right. So, that's why the staff is saying is that, no, you don't have to, you know, sit at a desk, because that doesn't look like that, but if I'm paying 2,500 dollars a month for a two-bedroom apartment and I work at Target and my spouse, you know, is in construction, I might not be able to do that. Therefore, I can't live here. And so the whole idea of live, work and play -- or live, work and entertain now goes out the window and you have a whole different -- now you always have people always coming in, as opposed to collectively creating into the space. So, is your goal to create multi-family housing project -- product that people will be able to afford to stay in this space?

Wardle: Madam Chair, that certainly is the vision and the plan. I mean what we have seen and what you all know with all of the residential projects that have come through is that, yes, there is absolutely an affordability crisis in this community. So, how do we address the affordability crisis? Well, we appreciate the fact that, you know, when we look at this site and we look at -- at the recognition that there needs to be denser development, because that lowers your infrastructure costs and lowering your infrastructure costs makes it more affordable. I can't tell you what rents are going to be in 2028, you know, when -- when things would come online, but certainly it has been the intention as we have worked with our residential partners that -- that this is to develop a - a more affordable product and, unfortunately, more affordable in this day and age doesn't necessarily mean the affordability that people had in there -- in mind in the past, but certainly that is the goal. And I don't see -- that's part of the reason why we had pushed for the, you know, TN-C. We can -- the R-15 I think gets us to the same place. It's like you have to have the density in proximity to those jobs, so that there is a better match and that's what we are trying to do here.

Lorcher: I do have another question and I was reading through the staff report -- I'm not sure where the comment came from, but the city's goal for whether it's a Ten Mile Plan or just this in general was to be a 48-52 for commercial versus residential and did I read it right that you are proposing more 27 percent commercial and 73 percent residential? Like your -- did I read that right?

Wardle: No, I --

Lorcher: Okay. Just -- that's why I wanted to clarify. So, thank you very much. All right. I read that wrong. Okay. Any other questions for the applicant?

Garrett: Yeah. I -- I do. And I certainly appreciate what you are saying about 17 years ago and being held to that. I mean look at the world 17 years ago. When you are talking about the changes that staff has proposed and you are talking about, are we talking ten percent, 15 percent, 25 percent? What -- what do you think is the change in a --

Wardle: Well, I -- in my mind, you know, the changes staff is suggesting to land use designations of medium high density and commercial and we were saying, you know, we think we can work with mixed-use commercial, mixed-use residential and H-E-D, high -- high employment density. So, it's -- it's -- you know, we have proposed three land use categories. They are proposing two. And, then, there are just some minor changes in what the zoning would be. I don't think anybody's -- you know, certainly the feedback that we have gotten from staff, it's how do we come up with a categorization for these zones that they feel is -- is workable. It's not necessarily the uses as proposed that are problematic. Sorry, Commissioner Garrett, I can't do that math.

Garrett: Well, yeah, I mean when I think about what happened 17 years ago to today it's just unfathomable that -- that changes what -- what it's had to office buildings. I mean in

the -- in the -- in the big cities a lot of those office buildings are 30 percent, 40 percent vacant right now.

Wardle: And -- and I just want to be clear that we are not saying abandon the Ten Mile Plan, we are saying the Ten Mile Plan is a guide and we look to that guide. It encourages mixed-use. It encourages -- and we agree this is an appropriate location for some higher density residential and higher density office. But it also needs to have other commercial elements that you see have -- have been functioning and part of it and that -- that we can get there and we value -- I mean that's -- the thing that we have liked about the Ten Mile Plan and we have been respectful of is we like the fact that you can look at that section and go there is space here for warehousing. There is space here for retail. There is space here for office. There is space here for housing. Space here for recreation. And we are coming to you with, you know, five development agreements that on their own may not have been able to implement the overall vision, recognizing that there are -- there are modifications and some deviations from I think what staff would have necessarily preferred and certainly in their reading of it, but I think we can get to the same place.

Garrett: Thank you.

Lorcher: Commissioner Garrett, did you have anything else to add?

Garrett: No, I don't. Thank you.

Lorcher: Madam Clerk, do we have anybody for public testimony?

Lomeli: Thank you, Madam Chair. We have Jenny Defreitz. Defrayes. Thank you.

Lorcher: Please state your name and address for the record.

Defrates: Yes. Jenny Defrates. 4038 West Peak Cloud Drive, Meridian, Idaho.

Lorcher: Okay.

Defrates: And I am right next to the Ten Mile parcel and I understand I'm not here to try to hold back the tide of the ocean or anything like that. I am here for a very special cause and I want to preface it with a couple things. That, one, this 110 acres is going to turn the gridlock on Ten Mile and Franklin and the Interstate there -- turn the gridlock into quadruple, if not more octobal gridlock at 7:30 in the morning and between 3:30 and 5:30. So, that's a whole other subject. But I am here to testify of what I have seen going around and this is the first time I have come to one of these meetings and I have seen those white signs everywhere. I get it. Back -- I just looked it up -- April 21st, 2023, on Franklin. I noticed the white sign right then. I never did anything about it then. They decimated a forest along Franklin. Decimated the forest. Nothing's even been built. No subdivision has even been started where they are at Black Cat and Franklin. I noticed Horse Meadows at Pine and Black Cat. That must have been a recent go for it, red -- you know, green flag. They decimated every tree on that parcel for that subdivision. I am here to speak for a tree and it's just not any tree, it's right there on Ten Mile. It's right next to your

white sign that you put up and it is 45 to 50 feet high. I believe it's a cedar. This is what it looks like. It's the most beautiful tree. It's the most beautiful tree in this part of Meridian. Every time I drive by I'm looking for that orange slash for them to tear it down and I want for these people with their college degrees to figure out how to save this beautiful tree in their plains and I'm -- you know, yeah, I had 37 years in California in the mountains. I had 17 years in the Rocky Mountains in a little town called Crested Butte and I am a tree lover. I -- I would chain myself to this tree. That's how much I love it. So, I don't want to have to do that, but I would if I -- if it came to it. So, I'm just asking for some consideration for a tree that God made. It's not Boise, City of Trees. It's Meridian. But let's have some humanity for a tree. Thank you.

Lorcher: Madam Clerk.

Lomeli: Madam Chair, we have Colin Ronhaar.

Lorcher: Please state your name and address for the record.
I'm Colin Ronhaar, 332 North Broadmore Way, Nampa. Good evening. I'm just -- I work for Ardurra. We have been working with BVA as the civil engineer on this project since their beginning. We have also been working since 2019 on the adjacent 120. So, a lot of planning jargon has been tossed back and forth tonight, but I'm here to answer any questions you may have on engineering, roads, utilities, anything you have, let me know.

Lorcher: Okay. Commissioners, won't ask during public testimony, but did you have any other comments that you would like to make?

Ronhaar: I did not. I think we have -- we have worked with staff closely on -- on utilities and the -- and the roads and you -- you saw that memo from ACHD and there is a mixture of public and private roads out there and I think we have done a good -- good job. I know transportation is a concern and always has been, but we are working closely with ACHD to -- to make sure that going forward have the best options out there.

Lorcher: Okay. Thank you. Madam Clerk?

Lomeli: Madam Chair, we have Elizabeth Allen, if she wants to speak.

Lorcher: Please state your name and address for the record.

E.Allen: Elizabeth Allen. 1144 South Silverstone Way, Meridian. 83642. Thank you. First I want to thank staff for all the hard work that we have been doing with them for the past 15 months. It's been really great to work with them. So, I'm a planner at Ball Ventures Ahlquist. I think to start out my testimony I would like to take my BVA hat off and speak as a resident of the Treasure Valley. So, I live in Canyon county. I work in Meridian. The services and goods that I like to purchase are not available to me in Nampa, which is north of where I live. So, I have to drive 30 to 45 minutes either to Eagle Road or to downtown Boise to go to Whole Foods or doctor's offices down there and what we are proposing at the District at Ten Mile provides those goods and services

where I could only drive 15 minutes instead of 30 to 45 minutes. So, that will reduce traffic. Well, transportation for me, as well as other individuals that live in the valley. So, I just wanted to speak to that and just talk about the importance of this development for myself as a resident. So, talking about the design standards, we talked about it quite a bit earlier -- and my BVA hat is on -- is on now. That's a really important element that we added to our application to provide that cohesive design that was discussed earlier and Tom referred to the architectural committee, so we will go through that process with that -- we will streamline the design review for staff and just make it a smoother process for the developer, as well as staff and the items that we -- I think are important to talk about in the design standards are color -- so, we are -- we have outlined what colors should be allowed within the development to provide consistency and, then, we have massing -- not permitting monolithic design. So, creating different architectural standards that will make the buildings look really nice. For signage -- the good part about adding signage to these design standards it will -- is it will be allowed us as a master developer and the design review committee to review the signs before they come to staff to make sure that there is no signs that just look outlandish, to make sure the design looks really nice. And connectivity. So, we talked a lot about pathways and connections for pedestrians, as well as traffic, but there is a big emphasis on pedestrians with open space pathways, it's a pathway that goes around the entire site and just making sure that all areas of the development have that connectivity to make a really nice user experience for the people that are coming there and also people that are living adjacent to the area that they have a walkable area, so they don't have to drive everywhere. And, then, just talk about those areas that were mentioned. The important part about those areas and the way we design those three areas, the way that they are, is to provide a transition from the residential to the north down to the -- to I-84. So, you have the short -- the shorter buildings up to the north and, then, the taller buildings, more intense uses along the Interstate. So, it was very intentional and that's why we didn't align it with the future land uses, because we needed that transition and I will stand for questions.

Lorcher: Okay. We won't -- we don't take questions during public testimony, but thank you. Madam Clerk.

Lomeli: No one else has signed up.

Lorcher: Okay. Anybody in Chambers that would like to make any comments or on Zoom? I think we just have staff and council on Zoom. Anyone else? Would the applicant like to come back and make any comments about public testimony, please?

Peterson: Madam Chair, thank you very much. I will be brief. I don't see her, but I will follow up through the -- the very pleasant lady from Crested Butte. I'm also from Colorado and I will commit to meet with her after this meeting to discuss saving that and other trees. That sounds like a very good idea. I would be all for that. I want to briefly discuss -- and I will be very brief -- the concern over a reduction in employment. Two things. The -- the Ten Mile Plan, when it was drafted and adopted 17 years ago, I was still in law school. The first iPhone hadn't hit the stores yet. YouTube didn't exist. And the -- the idea of remote work from home probably would -- probably lead to someone getting fired. Brick

and mortar ruled as king in that day. I do want to make note that in this proposed development that we have we will have 536,000 square feet of office space and 220,000 square feet of medical office space. The lines look different on the map than they did 17 years ago, but we have incorporated those along that the third area on the -- with -- with frontage access and visibility from the freeway. For context and for comparison of the Eagle View Landing development that's -- incorporates the Top Golf currently right now - - and I might be off by a little bit -- we have 450,000 square feet of office. We will be bringing jobs to this site. Those lines were drawn. They don't exactly match what was proposed 17 years ago, but -- but times have changed and we have -- we have accommodated, we have met with staff, we think their -- we think that their suggestions are appropriate and -- and I guess in closing the Ten Mile Plan is important. It is not an overlay zone. It is -- it is not codified in this area in Meridian. It's none of those things. But it is important. Its goals are laudable. And the intent of our plan is to meet those goals and to also take into account the changes that have happened since it was adopted 17 years ago. Thank you so much.

Lorcher: Thank you. All right. At this time I will take a motion to close the public testimony.

Garrett: I will so move.

Rivera: Second it.

Lorcher: It has been moved and closed -- it has moved -- moved and seconded to close the public testimony. All those in favor? Any opposed? All right. The public hearing is closed. Thank you.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: I guess I will start on this. There is a lot of moving parts here and I appreciate you being amiable to adjust the language in your proposal to City Council to follow the guidelines of the city planners. One of the benefits that we have as a Commission and as city planners is that we look at each individual application on its own; right? It's not across the street, it's your own thing, but if we don't have any guidelines, then, it's just chaos and, of course, if another program or another product developed somewhere else in the city eventually we just need to have those kind of set, because it keeps things consistent, so that we don't have an applicant saying, well, you did it over there, so why can't we do it over here and -- you know. And, then, everybody's creating waivers, so why even have the guidelines in the first place; right? So, I appreciate you being able to work with your application to be able to adjust to what the city is asking you to do as far as the zoning is concerned. The proposal of asking for putting in 268 to 402 residential units at the interchange at Ten Mile is a little daunting, because even before your district is even created is a busy place. But if people can live, work and play there and they are not driving all the time, that could be something that I think could appeal to a lot of different people. You know, overall the project is a good one. I like the idea of having kind of a -- a west version of entertainment, shopping, medical, hotels and all that, so that those of

us on the west side or like those in Nampa don't always have to go to Eagle and Fairview to be able to get those services, but also being very aware of the fact that even before this development begins Ten Mile interchange is already quite crazy and Highway 16, which will help alleviate some of that, is not even on the books until at least the end of 2025, possibly '26 or '27. So, we are many -- still many years away from that actually happening. I would like to hear from my fellow Commissioners as far as what their thoughts are and how we make a -- how we make any kind of recommendations to City Council.

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: First I want to say to the applicant, you know, thank you guys for putting in the time and effort on this. It's clear that you -- you really strive for making the best product possible, but mixed-use -- as presented I don't think the project integrates the various uses as intended by the FLUM; right? We want the communities -- we want to be able to have multi-modal transportation to walk, bike, drive, whatever you are going to do and other folks in close proximity. You know, I -- I agree with staff that a map amendment and rezone is inappropriate and I believe that there is a path forward, though, that is in alignment with your recommendations. I also want to say policy can drive quality, believe it or not, and that translates long term success for the community overall. I would have said 15 months is a long time. So, I'm hopeful that we can come to an agreement tonight, you know. And in -- in the public testimony, you know, it was -- goods and services were spoke to, but I was presented as requesting fear of both and more residential. So, I think that's in a little bit of conflict, but, in summary, I do believe that the project can and should move forward with the proposed staff recommendations. And if you could integrate the trees that's clearly appreciated.

Lorcher: Thank you, Commissioner Sandoval.

Grace: Madam Chair?

Lorcher: Commissioner Grace.

Grace: Before I finish I -- and I give a -- plant a seed maybe in staff's mind, so that they can give me some cites and help me out, but before I finish I wanted to ask what exactly are we approving? You know, I see this potential -- there is a motion here to approve and I want to make sure I understand what I would be approving and so I will just go through a couple of my other thoughts -- or unless you have an answer right now and, then, you can chime in, but -- so, you know, I'm not opposed to consolidation of -- of the -- of the development agreement. That sort of makes sense, to -- to find some uniformity and -- and cohesiveness with the design standards. That sounds reasonable to me. I am concerned about staff's sort of hesitation and -- and concern that it adds a lot of residential and potentially less -- less commercial, less jobs, but I thought the argument was -- was reasonable there, too. You know, there is different ways -- there is different ways to measure jobs and employment and I -- I think that's fair. I'm tracking with the arguments

on the Ten Mile Plan. It has been a long time that's past to be pulled into that at this point. You know, I -- I -- I -- I have seen the importance of it. I see -- I see why we want to ensure that what's developed is in accordance with the -- with these plans, but things have changed and ultimately what I'm reading here is that there is a change in reconfiguration of the existing FLUM designation and it's not that significant. So, I'm mindful of that. But I -- again, I -- I -- I just want to make sure I understand when we say there is four issues before us and staff's not in favor, I think -- this is what I think. Tell me if I'm wrong. I think what staff's saying -- we are not in favor of some of these the way they have been laid out. Here is our recommendation. Therefore, the Commission's approval, as written, would be approving it with staff recommendations. Is that an accurate description?

Allen: Madam Chair, Commissioner Grace, staff has to make a recommendation based on the city's adopted Comprehensive Plan, including the Ten Mile Interchange Specific Area Plan for this -- this area and the Unified Development Code and its consistency with that. Based on those plans staff is recommending denial of the proposed applications, all except for the preliminary plat. Staff does not have the authority to recommend a project that is not consistent with those adopted plans. City Council does. Therefore, staff did leave a path forward if the Commission and Council believes it's appropriate that this area develop as proposed by the applicant. The commercial designation and zoning is not consistent either with the Ten Mile Interchange Specific Area Plan, but staff's suggestion on that -- it's not necessarily a recommendation, but if -- if Commission and Council feels that this is appropriate, then, we feel that the future land use map and the zoning should reflect the actual land uses on the site and the development. Kurt, do you have anything to add on that?

Starman: So, Madam Chair, Members of the Commission, I think that's a -- that's a good summary, but I won't repeat that. With respect to -- I guess to answer Commissioner Grace's question in particular, so you have several applications before you -- all before you concurrently. The one that doesn't require an explicit recommendation is the consolidation and modification of the development agreements. That's really within the Council's purview and the director, but, really, it's difficult, if not impossible, to separate those issues, that the development agreements from the rest of the applications before you. So, the reality is you probably need to consider them all in their totality. On all the applications before you you are in an advisory role, recommending role, so you are not making decisions tonight or if you do make your decision you are making a recommendation to the Council. If I had to summarize what Sonya just described is -- I want to make sure I stay within my lane, so I won't go too far outside of the legal purview, but, basically, to paraphrase what Sonya described is that if you look at the applications within the confines of the current Comprehensive Plan, including the Ten Mile Interchange Specific Plan and the zoning that exists today, staff -- this is from the planning perspective, not necessarily legal, but staff is not able to support that, because there is some disconnect therefore and that was -- you heard that during public testimony, the applicant's description and staff's presentation. So, really, in my mind what it comes down to is if what you heard tonight convinces you as a Commission that, yes, maybe staff is correct that we can't check all the boxes under the -- the applicant's proposed application

and the COMPASS plan, the specific plan and the zoning that exists and is being requested, but you think it's a good project and you are inclined to recommend Council proceed, the best path to do that would be to recommend the alternative that staff put forward in your staff report, which was the alternative zoning and FLUM designations, knowing that that, too, is not completely consistent with the specific plan and the Council will still need to make findings that, you know, the -- the zoning being in that alternative proposal, the zoning being proposed and the FLUM designations are still generally in a corridor in accordance with the comp plan and the specific plan. That's for the Council to make a determination. But I guess in a nutshell what I think it comes down to for the Commission is, you know, if you concur with staff that it's difficult to support the application with the -- the -- the initial FLUM request and the initial zoning request and -- but you still think the project's a good one, then, probably the most logical recourse or recommendation for the Commission would be to recommend the alternative FLUM designations and zoning designations as staff proposed and the applicant is in agreement with.

Grace: And, Madam Chair, just one follow up to that. Going down the path of -- of the - the alternative, you know, I guess course of action of -- of modifying the FLUM and the -- and the rezoning, is -- does that set a precedent that we don't want to do as a city?

Allen: Right across the road to the east is an example of that, The Brighton development. I don't know that a precedent is set in this instance. I will defer to Kurt on that.

Starman: Madam Chair, Members of the Commission, I think Chair Person Lorcher made a good observation earlier that, you know, a decision with Project X doesn't set precedent per se for Project Y. So, I guess I would start there. But I think the question and the concern is a good one. And, you know, to the extent that weighs on the Commission or you have an opinion about that, I think that's -- that's perfectly fine to capture in your recommendation to the City Council as well, that -- yeah, I don't want to put words in anybody's mouth, but, you know, we should -- you know, maybe the recommendation is we do go down this path, but our recommendation also is that, you know, the Council is mindful of deviating from adopted plans and maybe the better course is we should refresh the Ten Mile Specific Plan soon or -- you know, or eliminate it or, you know, whatever that might look like. But I think it's a good -- good concern is that to the extent we deviate on a consistent basis that's -- that's likely problematic, I think you may want to make a comment about that to the -- to the Council and your thoughts about that.

Grace: Okay.

Garrett: Madam Chair, as I said earlier, I have a concern in the -- at the Ten Mile Plan trying to hold to that now and the world's gone upside down in terms of employment and residential. I would say that a refresh is definitely in order, but if these are experienced developers and I know we have seen a lot of their developments around town, I'm -- I'm comfortable knowing that they would be applying the best standards possible, but to be held to a plan that's 17 years old I think is -- as a sentence meant versus a guideline, I

think is -- is the issue and I would rather think of it as a guideline and, then, how do we modify it to fit today's world. That's it.

Lorcher: Thank you. Commissioners, do you have any other comments or questions that you would like answered?

Rivera: This is definitely, you know, complex. It's a great piece of property there that we all want -- we are in favor of the best interest of what's being developed there and we have a sample across the street, but I -- I agree with my fellow Commissioners and I think this -- there is a path forward here for sure. It's just a matter of, you know, some -- maybe some outdated information that needs to be refreshed internally or -- you know, or meet in the middle or -- you know. But I appreciate the presentation and -- and, you know, the efforts here to -- of what they are trying to do and kind of stay within, you know, the most -- best value for -- for -- for that property, for everybody involved. But, yeah, I think we just -- we just -- I think we are close, but -- and there is a pathway, but we just have a slight disconnect.

Lorcher: Thank you. Well, the question is how to create a motion; right? One way or another. So, just to reiterate, we are creating a motion that addresses the Comprehensive Plan for the future land use map. The development agreement modification, which includes to merge all of the other projects into one. The rezone and the preliminary plat. Those four items. Which blend all together anyway.

Grace: Right. So, Madam Chair, I'm -- what I'm confused about -- or what I -- what I think is the difficult piece, maybe, is -- at least personally I'm -- I'm not -- I don't want to deny the project. I just don't. I -- I want it to move forward, but I either want the City Council to give some consideration to looking at the FLUM or the -- the -- the zoning and leave that to their discretion if they think that's appropriate based on, you know, making it consistent with -- with what the applicant's proposing or finding a way that the applicant can -- can - - can continue to work with the city to, I guess, find a proposal that works in a manner in which you don't have to redo those fundamental plans the FLUM and the -- and the Ten Mile Plan. So, like you said, I'm just not sure how we say that.

Lorcher: It sounds like the applicant is amiable to work within the definitions that the city has put forth.

Grace: Yeah.

Lorcher: So, that could be part of the motion with also your comments in regard to acknowledging that these items need to be looked at at City Council for consideration to move the project forward.

Starman: Madam Chairman, as a way to assist or not -- you can do this -- I would offer this to you, but in your -- in your packet -- I think this is also in your outline for time as well, but in the packet it's page 63, but there is -- I think staff did a good job of describing and succinctly that -- it talks about what -- you know, the application that's before you,

including what the -- the requested FLUM designations and zoning -- rezone request. The next paragraph says -- and that's the paragraph that says staff is not able to support that and here is why and, then, there is a second paragraph at the bottom of page 63 of this -- your packet that states if the Commission and Council is intending the projects that proceed, staff would recommend this different scenario, which has different FLUM designations and different rezoning recommendations. So, you could -- if that's something sort of synthesize where the Commission may be as a whole, if that's where you are gravitating toward that you like to advance the project with that alternative -- those alternative FLUM and zoning designations, you may want to incorporate that last paragraph at the bottom of page 63 of the packet into your motion, if that makes sense. Grace: I must have reread this agenda item like three, four times today, which I don't normally do, because I feel like I usually get it after one, but --

Lorcher: There is a lot of moving parts. There is no question about that.

Grace: Yeah. Madam Chair, I -- I -- I -- I'm not against giving City Council the -- the ability to -- not that they need it from us, they can do it for sure, but the ability to look at those -- you know the FLUM and the Ten Mile Plan, but if there is a way that we can achieve some agreement without doing that, I guess that would be my first choice and so, you know, if -- if -- if -- if I could, you know -- if the motion -- if I could make a --and I'm not making it - - I'm just describing if I could make a motion that said something like approval, but with the requirement that the applicant continue to work with the city and find, you know, some mutual agreement short of modifying the FLUM and -- and the Ten Mile Plan, that's what I would be in favor of. But just sort of dipping my toe in there. Is that something that -- that's possible?

Parsons: Madam Chair, Members of the Commission, let me give you my perspective of things and, then, see if I can help guide you to make a motion this evening. So, the applicant is one hundred percent correct. We started -- started with them 15, 16 months ago and this is a very complex project with so many different moving parts. No one disagrees with you on that. It is complex. And I can tell you over those 15 months I have seen various versions of this plan and the plans that you see this evening are a lot of suggestions that came from staff. We wanted them to hold the corners. We wanted them to build collector roads consistent with the plan. We wanted them to have street furnishing zones and come up with those details. They approached us on the idea of having their own design concepts and they were asked our opinion of how it worked across the street and we -- we met with them and discussed those requirements with them. So, again, although some of that integration that Sonya spoke to you about tonight hasn't occurred, the applicant's always felt that their plan was consistent with the Ten Mile Interchange Specific Area Plan. However, staff hasn't on certain things. So, I don't want the Commission to think that none of this plan comports with any of those things. It does. It does meet some of those things. And we have to remember that, yes, it's project by project. There is -- there is no precedent out there, but there is other -- other properties around this designated mixed employment that could have some of these other things as well. So, you have to look at the plan holistically, as well as looking at it at this myopic view. So, to -- to put it bluntly, the Commission -- or even the Commission -- or the Council

can say it's consistent with the plan, we don't need a comp plan amendment. I'm -- I'm just one person. They may -- they may listen to the applicant and say, you know what, we don't think any of this needs to change. You are fine. But, ultimately, you need to make a recommendation on -- on how you feel it adheres to the plan and that's where staff has set the -- the -- I guess we set the table for you. We -- we put the silverware and the dining ware in front of you and said just make a -- you can overturn staff's recommendation of denial and say we recommend approval that you move forward and we think it should be commercial and medium high density residential and have -- and have Council take action on that. So, again, I hear what you said, Commissioner Grace, but I'm not sure what we can -- what we are going to gain by saying continue to work with staff. I think we have done that. We have proven that this is the plan they want to present and we just -- I think we just need to get it moving forward and get in front of City Council. Just -- just my experience in dealing with this and working on it. Thank you.

Grace: Madam Chair?

Lorcher: Commissioner Grace.

Grace: With that -- and thank you for that. That's really helpful. I would make the motion that after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of File No. H-2023-0071 as presented in the staff report for the hearing date of August 15th, 2004 --

Lorcher: '24.

Grace: 2024. With the additional recommendation that the City Council consider whether FLUM designations and zoning are consistent with the proposed development plan and whether those need to be modified.

Lorcher: Kurt, do we need to address the preliminary plat or the DA in that motion as well or is that enough?

Starman: So, Madam Chair, I will maybe rely upon some assistance from the motion maker as well, but I interpret the motion to mean approval of the staff recommendation, its totality, with the modification. So, that would include the other items, including the preliminary plat.

Lorcher: Okay.

Grace: Correct.

Lorcher: Okay. It's been moved to recommend to City Council as presented in the staff report, with the following recommendation to City Council to consider the FLUM and the zone consistent -- is it consistent or need to be modified? Do I have a second?

Rivera: I will second the motion.

Lorcher: It has been moved and seconded to approve File No. H-2023-0071. All those in favor say aye. Any nay? Motion passes. Thank you.

MOTION CARRIED: FIVE AYES. TWO ABSENT.