

**Public Hearing for Skyranch (H-2024-0022) by Laren Bailey, Conger
Group, located at in the S1/2 of the SW1/4 of Section 31, Township
3N, Range 1E**

- A. Request: Annexation of 20.039 acres from RUT in Ada County to the R-15 zoning district.
- B. Request: Rezone of 24.53 acres of land from R-4 to R-15 zoning district.
- C. Request: Modified Development Agreement to create a new development agreement for the construction of the proposed single-family residential development.
- D. Request: Preliminary Plat consisting of 285 (284 new and 1 existing) and 36 commons lots on 43.82 acres in the proposed R-15 zoning district.

Lorcher: Okay. The next application we have on the agenda is Skyranch Subdivision for annexation, rezone, modified development agreement and a preliminary plat. We will begin with the staff report.

Ritter: Thank you. Good evening, Commissioners. So, the applicant is requesting annexation of 20.039 acres of land with R-15 zoning. The rezoning of 24.53 acres of land from R-4 to R-15, modification of an existing development agreement to create a new one to develop -- to develop the proposed single family residential development and a preliminary plat consistent of 285 building lots -- that's 284 new and one existing, 28 common lots, six common drives on 43.82 acres of land, zoned R-15. These are the exhibits for the annexation and rezone. So, in 2015 the city, at the request and consent of the property owners, annexed the property, approximately 1,322 acres of land, with the R-4, R-8, R-15 and C-G zoning districts. It was envisioned that some of the subject properties will seek rezoning consistent with the future land use map designations in the future. At the time no development was proposed with the subject annexation request and, therefore, a vast majority of the property was proposed to be annexed as R-4. All of the subject property owners signed a development agreement that was executed upon approval. Within the DA is a requirement that any proposed development plan be reviewed and approved as an amendment to the executed development agreement. Upon development, redevelopment of all these properties in the future, adherence to the characteristics of their prospective land use designation described above will be required. So, the annexation of these properties -- it was basically a placeholder until the properties came in for development. So, this is a portion that has been requested for annexation. This is a portion of the project that is requesting a rezone that is currently R-4 and this is the property boundary. The project boundary. So, access to this development -- it's proposed from East Lake Hazel Road. Per the Idaho Transportation Department no direct access to a state highway is approved. Due to the proximity of this development to a state highway, ITD is requesting a traffic impact study for the proposed development.

Access is also proposed from the east side of the property via the future collector road. Again, as the property is within close proximity to State Highway 69, the applicant will be required to provide noise abatement. Noise abatement could include, but not limited to, a berm or a berm and a wall combination to help reduce traffic noise and, then, staff is also concerned that the entrance -- the length of the entrance off of East Lake Hazel Road is short and the potential for traffic to back up when trying to access the site. And this is the entrance off of East Lake Hazel Road. So, this is the preliminary plat that they are proposing. They have six phasing plans with this to develop this. Landscaping meets the requirement of the UDC. It requires 35 -- 35 foot wide buffer along entry corridors, North Meridian Road, and 25 foot along arterial roads Lake Hazel and a 20 foot wide buffer along all collector streets. They exceed the open space requirements. It is required for them to have -- they are at 17.1 percent, which we require 15 percent. They exceed the amenity points requirement. We required nine for the amount of property that they have and they provided 30. These are the amenities that they are proposing for their preliminary plat. They also provided some conceptual building elevations. The applicant states that the homes in Skyranch will include -- will be a mix of different product type, two story and single story detached single family homes. So, the buildings will need to be designed with elevations that create interest through the use of broken plane windows and fenestration and produce a rhythm of materials and patterns. Design review is not required for single family detached structures, however, because rear and sides of the home facing East Lake Hazel Road will be highly visible, staff recommends a DA provision requiring elevations -- that those elevation incorporate articulation through change of two or more the following modulations. Projections, recess setbacks, pop out bay, abandoned porches, balconies, material types and other architectural elements to break up monotonous wall planes and roof lines that are visible from adjacent public streets. Single story homes are exempt from this requirement. Design review for single family attached and townhomes will be required to meet the city's architectural standards. If a subdivision is put here staff is asking that they put a mix of different housing types, like with townhomes and single family attached within the development. So, the Rawson Lateral resides on a portion of the property and the applicant is proposing to keep it open. The applicant has also provided a 50 foot ingress-egress easement to provide a future bridge crossing to connect the parcels to the south. Again with this current development agreement that they have there was a provision in the development agreement that said if a rezoning application is submitted in the future the city comprehensive plan and future land map designations for the subject property -- we will look at that and determine if the -- the rezone that they are requesting is appropriate. For the area that they are asking to rezone is within the mixed-use regional area. So, the applicant's current proposal has limited to single family residential development occupying the majority of the mixed-use designation area and with no internal vehicle or connectivity between the two areas, which does not align with the intent of the Comprehensive Plan for this area. By focusing solely on an inward facing single family development the proposal fails to meet the goal of creating a mixed-use environment that would foster a vibrant self-sustaining community with neighborhood supportive uses, employment or retail options nearby. This lack of compliance with the Comprehensive Plan could raise concerns about whether development will contribute to traffic issues, support a balanced community, or meet long-term growth objectives. So, for the mixed-use development there is a max of 30 percent

of residential units that -- residential that is allowed and the rest of it is supposed to be commercial. So, the applicant stated that their project will encompass 11 and a half percent of the 219 acres of mixed-use parcels. The parcel has no access to South Meridian Road. It's limited due to -- limited due to the Rawson Canal and the applicant is the person that -- proposing that the property to the south will be developed as commercial and make up the development -- which will make up the development for the mix -- make up the whole of the mixed-use development. But, again, for the mixed-use development to be consistent with the plan they need to demonstrate the following: Functional integration. Development must show that even undeveloped parts of the area can be functionally integrated, either immediately or conceptually. The project should prove that all planned components can work together cohesively. Local connectivity is required to limit local trip impacts to the regional network both for traditional single family homes and mixed-use areas. So, the current proposal lacks such connectivity and is located near a major regional intersection planned for expansion to seven lanes with additional access restrictions. Although the developer claims the proposal integrates with the surrounding commercial areas, no conceptual plans have been provided to support this claim. It is also supposed to have outward facing design. The development should not be insular to turn its back on the neighboring properties or streets. Instead, it should engage with the surrounding -- surroundings, promote an interaction in adjacent areas and development. The planned development does not set up or support any future physical -- visual connectivity with the remainder of the mixed-use area. It also has to have physical integration and shared features. There should be a tangible connection between the different parts of the development, such as shared amenity -- amenities, walkways or other spaces. This physical integration supports local connectivity making the area feel cohesive and accessible. It should support -- support for local services. Development must intentionally create opportunities for local services such as -- as office, gyms, retail, employment or public uses. The current single use proposal fails to support this objective as it does not include local services within the development. Design integration. There should be visual corridors or clear lines of sight connecting points of interest throughout the development. This creates a sense of openness, visual connectivity, making it easier for residents and visitors to navigate the space. The proposed development, however, is essentially isolated and does not provide connections to the property to the south. It is presented as a single use development without the commercial component required by the Comprehensive Plan. It should have purposeful open space. Open space should not be incidental, but purposely designed to enhance connectivity and functional integration. They should serve as common areas that bring people together and provide opportunities for interaction. The open space provided is solely for the purpose of the single family resident and is not designed to integrate. The open space was not designed with integration with commercial -- to integrate with commercial. It should also provide pedestrian connectivity. Pedestrian pathways and connectivity must be prioritized. Mixed-use areas should encourage walkability, allow residents to move easily between home, services and public spaces without relying on vehicles. Pedestrian connectivity is crucial in mixed-use development to encourage walkability. The absence of such connectivity and the proposal would force residents to walk along busy arterial roads to reach services and public spaces or depends on vehicles to access them. The UDC requires pedestrians connections between residential and commercial areas. limited

reliance on arterial roads -- vehicle connectivity should be designed so that local traffic does not depend entirely on material roads. Instead development should incorporate an internal street system that distribute traffic more efficiently -- effectively within the area. So, this proposal lacks connectivity to commercial areas without requiring residents to walk along or cross over a major arterial effectively isolating the development as a single use area. So, the applicant indicates that the residential uses comprise between ten and 30 percent of the development area, which gross densities range from six to 40 units per acre within the residential portion. The proposed Skyranch neighborhood in the mixed-use area would occupy again 11 percent of the two point -- the 219 acres providing a density of 6.5 units per acre, aligning with the comprehensive -- Comprehensive Plan's vision. However, the applicant did not account for the Comprehensive Plan's requirement that mixed-use areas bisected by an arterial or highway are considered separate independent areas for use and design integration and will be evaluated as such. As a result the applicant's approach to using their property as a single use area does not align with the intent of the Comprehensive Plan for mixed-use development. To comply with the Comprehensive Plan the applicant needs to redesign the proposal and incorporate a mix of housing types, local services. It could be office, daycares and add public amenities, parks, plazas within the 24 acres of the mixed-use regional area. This would -- this would not only align with the future land use map destination, but also enhance the functionality and integration of the development within the surrounding area and, then, staff also recommends that the applicant provide a mix of dwelling types within the residential area, such as single family attached or townhomes within Block 8, Lots 2 through 17 and 19 through 34 and Block 9, Lots 2 through 17 and Lots 19 through 34 of the development as allowed by the Comprehensive Plan within the R-15 zoning district. So, the Comprehensive Plan policy to 01.01C encourages the applicant to maintain a range of residential houses -- residential land use designation that allows diverse lot sizes, housing types and density. To support this policy again the staff recommends that the applicant provide additional housing options in the development. So, staff finds that while the proposed lots comply with the dimensional standards for the R-15 zoning district, they do not meet the intent of the mixed-use development -- mixed-use design due to the single use nature proposal and we do have some block lengths within the residential development that exceed the 750 foot requirement that will necessitate a waiver from the Council. Additionally, the existing house that is proposed to remain as part of the proposed development abuts two streets, which is prohibited by the UDC. Further the lots to the north do not transition to align with the largest estate style lots that are zoned RUT within Ada county. Therefore, the applicant need to revise their plat map to address the -- identify issues and demonstrate the necessary connections. Again these are the items that I went over for a mixed-use. This is where it talks about when it is bisected by an arterial that is reviewed independently. So, based on the application that came before us staff is recommending denial, because the current proposal does not in line with the intent of the Comprehensive Plan. The proposal is limited to single family residential development occupying the majority of the mixed-use designation area with no internal vehicle pedestrian connectivity between the areas, which by focusing solely on the inward facing single family home development the proposal fails to meet the goal of creating a mixed-use environment that would foster a vibrant, self-sustaining community with neighborhood supportive uses, employment and/or retail options nearby. The lack of this

compliance with the Comprehensive Plan could raise concerns about whether development again contributes traffic issues, support the balance of the community or meet long-term growth objectives and as is application is -- the applicant is requesting an annexation and rezone, the Comprehensive Plan is the appropriate tool to analyze this proposal. If the applicant wants to develop the property as proposed, the applicant has the option of continuing the hearing and applying for a Comprehensive Plan map amendment before the December 15th deadline. So, at this point I will stand for any questions that the Commission may have.

Lorcher: Would the applicant like to come forward?

Clark: Hi, everybody.

Lorcher: Good evening.

Clark: Hethe Clark. 251 East Front Street in Boise representing the applicant and, Commissioner Smith, last time I was here you said something about it seems like it's always hard when I come. So, here we go.

Lorcher: There we go.

Clark: This one we definitely feel a little beat up by the staff report, but I also want to explain why we are not crazy in the reasoning that we have for why we think this does satisfy the staff report, because we don't think that you have been given the complete picture. So, let me walk you through this a little bit and, then, by the end hopefully we can get a little closer to being level set. So, this is our project. We are discussing the 43 acres near the intersection of Lake Hazel and Meridian. A portion of the property is already annexed. It's an area that the city's focused development on over the past few years. Linda did mention that this was part of the big 1,300 acre annexation. It's less than a mile from this project to the Discovery Park. We are very close to the new fire station and Brighton's Apex development is on the east and the south sides of this project. So, this is an area that's anticipated to develop and it is developing with a number of uses in the very immediate vicinity. I'm going to return to this when I focus on the staff report, but with regard to the Comprehensive Plan we do have the two designations. We are medium high density residential on the east, while the rest is mixed-use regional. I do want to point out that the property is divided from the rest of the mixed-use regional area, that node that's along the hard corner by the Rawson Canal. Given where the Rawson connects, the -- any access onto Meridian is going to be south of the canal. In other words, on the other side, not against our property. So, no access to Meridian Road. In addition, we have low density residential immediately to our north, which means that -- and Linda mentioned that they would like to see a transition. So, this is a very difficult piece. The city has comprehensive planned low density residential against mixed-use -- mixed-use regional that is constrained by the Rawson on the south and constrained by Meridian Road on the west. Now, in addition to being planned and close to city resources, the western half of the property has already been annexed. As I mentioned it was part of that large annexation that -- the western portion has an existing R-4 zone, so we have to

keep that in mind when we are discussing the comp plan designation of mixed-use. It's very important to note that the transportation network has been improved. You -- you all know Meridian Road is all built out, but Lake Hazel is almost complete. I expect it will be complete in the next couple of weeks. So, it's going to be built to its -- its ultimate condition all the way to Locust Grove and, then, it's being extended to Eagle Road, which is why my commute now takes 45 minutes instead of 20, because I live just south of that intersection. Commissioner Garrett knows exactly what I'm talking about. And, then, on the weekends I can sneak over, though, and use the ten foot pathways that go all the way from my house on Eagle all the way to Meridian Road and all of that is in and we participated in the construction of the ten foot pathway through a cooperative development agreement with ACHD. So, we paid for the ten foot pathway in front of our project. It's already there. I think that's a very important piece to keep in mind when we say that there isn't any pedestrian connectivity over here. I don't think that's accurate. Our plan includes the 284 single family homes in the R-15 zone. Minimum density is six units per acre or just above that at 6.5. As Linda mentioned, all the open space requirements are met. We are above those minimums. But I would also remind the -- the Commission that we are less than a mile from Discovery Park, so it's a very good place to have a project just like this. Pedestrian connectivity. So, pedestrian connectivity is throughout the project. It will connect to the larger pedestrian network. As I mentioned, the regional pathways have already been put in on Meridian Road. There will also be additional regional pathways on our west side at Meridian -- excuse me. When I said they are already in on Lake Hazel, not already in on Meridian. So, we will be putting it in on Meridian, but we will also be putting it in on the collector on the east side that -- that is already under construction by Brighton. I also want to point out -- and I think that you didn't quite get a complete picture from staff. So, with regard to the access point -- if I can get the cursor to wake up here. So, you can see -- it's not working very well there, but you can see this is our primary access down at Lake Hazel. That will have a light and that will have a very easy ability for pedestrians to be able to cross the street to go into the -- the massive development that Brighton is bringing forth with the several hundred thousand square feet of commercial. So, our folks will not have to get in a car to go to any of those projects and they are going to have ten foot pathways to get to all of them. With regard to the amenities we are at 30 amenity points, rather than nine allowed. We have dog parks, pickle ball, pool -- it's going to be a very well amenities project. Housing mix. These are some updated elevations. It's a mix of single and -- and two-story detached. Now, this comes up quite a bit, so we decided to start putting a slide together for this in terms of the -- the timeline. So, given where we are today, if we were to be approved we would be doing final platting and site improvements in 2025 to be ready for the our first phase of homes in 2026. The project is expected to develop in six phases. So, we would have those phases going through 2031, then, the last few houses coming online in 2033. So, let's talk about the staff report and why we are not crazy. The -- it's never staff's obligation to make the case for the applicant. Like I -- I fully agree with that. It is not their job to -- to -- to make the argument for me. But I think that the staff report was unrealistic in some of the ways that it depicted this property as being a property that is just easy to turn into a mixed-use paradise. From our view there is two questions that have to be asked. So, what does the comp plan actually require and what impact do site constraints have on what we ultimately are proposing for the property? So, let me start

with a depiction on what those site restraints include. I will get into each in more detail. So, on our south we have the Rawson that separates this property from the ability to be able to connect to the property to our south. On the north, as I mentioned, we have the low density residential that requires a transition while we are trying to hit the density minimums for that area and on the west we have no access to Meridian Road, meaning that there is neither the visibility nor the access that is required for you to have a viable commercial project on the property. Now, the comp plan -- and this is part of what didn't make it into the report. The comp plan is not a rigid document. The -- the -- the comp plan is a policy document. It is intended to set the stage for the zoning code requirements with -- that would then set the various details. It's not a zoning code. It's policy. And so the -- it speaks specifically that it is intended in a general way to describe how the community should develop. That concept's of flexibility occurs throughout the comp plan, including in the discussion of the mixed-use areas, which is where this is from. So, with regard to the mixed-use areas within that area some projects may not warrant a mix of uses. This is, again, directly from the comp plan. The comp plan also says that conditions may exist within some mixed-use areas that influence these matrix and access limitations is specifically one of the items that addresses that concern. So, talking about the site. So, this -- the Rawson, just to give you a little bit of reference, the truck that's in these pictures is 22 feet long, gives you a sense of scale. The canal is about 30 feet wide in places. This isn't a small like drainage ditch that's easily overcome. The -- the bridge divides our site from our neighbor and our neighbor is the one that has the hard corner where commercial services are likely to be viable. The big issue, again, is access. With the -- the mixed-use area is on the west; right? So, the -- the west side of our project that's the area that is divided separated from Meridian Road. No access -- and it's going to be hiding behind the Rawson Canal. So, you have no visibility and no access. In addition, that's not -- that's not just ITD that says that we are not going to have access on Meridian Road, that's -- that is Meridian city code that there would be no new approaches on a state highway. So, Meridian says we can't have access there, which -- which, in turn, makes that commercial development more difficult. But it's not just that we can't have the access, you heard staff say that in addition we have to have sound and buffer requirements against Meridian Road. So, we have to build a berm, put up a fence -- there is no -- no visibility anymore at that point. It makes this very undesirable for a commercial property. Again, the comp plan says that if there are access limitations it supports reduced intensities. So, what we have provided in order to try to be consistent with -- with the -- with the Comprehensive Plan -- we have provided internal gathering spaces throughout. One thing that I don't think was really addressed here is that this concept of what is the integration with our neighbor. Again we have the Rawson Canal that separates us 30 feet. But we took our open space and we have this area that's down near our main area that is open, that faces and addresses our neighbor, that does provide for an opportunity for an integration of those areas to allow for folks to get into that easily and to make some enjoyment of that. I -- I want to be clear, though, the staff report states that we have to -- in order to satisfy the Comprehensive Plan we have to share amenities with our neighbor. That's an unconstitutional requirement. You can't force folks to share amenities with their neighbors. But what we can do is try to integrate it, look at it, make sure that when things come along that they can work together in an appropriate way. We -- to be clear we don't know what's going to develop on the property to our south. I can't

control that. I can't control that timing and the city can't force me to control that timing, because, obviously, that would be an impossible condition. Anytime you throw a plan on your neighbor's property you are in dangerous ground, especially if that plan ends up somehow in -- being incorporated in -- in your own approvals. But we have provided that open space in that area and, then, in addition -- and this is something that Linda mentioned at the beginning, but later when we said that there is no -- no connection is inaccurate. Where you see there is a blue box there, we provided an access easement in that location that could be converted later in the future into a connection across the Rawson. Now, again, that incorporates significant costs and expense. If that's a public bridge, then, that is public expense and I just want to give the -- you folks something to think about is that the distance from that blue square to the main intersection is about 250 feet. Down to the main street is 150 feet. And back over is another 250 feet. So, we would be putting in a bridge in order to save 600 feet of travel distance. So, it's -- the bang for the buck in terms of -- in public expense for having an additional connection there across a significant canal is questionable in our view. Let's see. And, again, the -- you know, we think that need is limited and, then, from a pedestrian perspective you can walk just around there, you are going to have the traffic light, you are going to be able to make it down to your -- to the neighboring -- or excuse me -- to the development across the street. All of this is going to give pedestrians a low stress, easy crossing to go down to all that new commercial development and that development, if you look at the area -- I don't think it's appropriate to leave that conversation out, because you can see that there is going to be significant commercial development just across the street and we are providing a very easy way for our pedestrians to get there. So, to conclude, we are proposing the 284 single family homes. The area that's being criticized is already annexed and in the city with an R-4 designation. We are trying to do something that gets it into the type of zoning that actually is approved for mixed-use. Keep in mind mixed-use -- one of the approved zoning designations is R-15 and the remainder of it fits the medium high density residential designation perfectly. We have to keep in mind those constraints, though, and when we say that we can just do Bown Crossing, that Bown Crossing is not behind the Rawson. Bown Crossing is not behind a berm and a soundproof fence at Meridian Road. Bown Crossing is at Boise Ave in Park Center with one hundred percent access. So, this is -- that's not an appropriate evaluation here. We think that this straddles the various issues and we ask that it be approved. So, I will stop talking and answer any questions that you have.

Lorcher: I do have a question. So, you are -- one of the suggestions that you said across the lateral was to potentially build a bridge, even though your entrance to your subdivision is -- what did you say 600 feet to the --

Clark: Something like that.

Lorcher: -- east of that. Does the -- will the irrigation company even allow you to do that?

Clark: So, that's been an interesting conversation. The irrigation company is basically at this point starting to take the lead from ACHD, but we don't think that it's going to be a bridge that the public wants. ACHD is not requiring it of us now. I -- my personal opinion

is that under the -- the prior, you know, regime they would have said -- they would have just said no. I -- I can't say that at this point, but -- but I certainly think there is questionable public benefit to putting a bridge across the Rawson under these circumstances.

Lorcher: And the ITD traffic study, has that been -- that has been requested by your group or --

Clark: Madam Chair. So, this is a -- an area that's been heavily studied with ACHD. We provided traffic counts in order to prove up the COMPASS model, which is kind of where things are trending in areas that have been heavily studied and built out. We have provided all of that data to ITD and we think that's all taken care of.

Lorcher: Okay. But the results haven't been given back is that what you are saying?

Clark: No. We -- we do know the results. We know that the -- the road improvements that have been made along that corridor and the timing for them has been -- continues to be proved up in accordance with the COMPASS model and the traffic counts that we provided didn't contradict that. So, that -- it's -- it's a little different than the create from scratch traffic impact study model that we might be used to.

Lorcher: Right.

Clark: But where we have this kind of big data it helps us to be able to just prove things up, rather than spending a lot more money to create it from scratch.

Lorcher: Okay. Commissioners do you have any questions for the applicant at this time?

Garrett: Yeah. I have a question.

Lorcher: Commissioner Garrett.

Garrett: Yeah. It's -- as Mr. Clark indicated, he and I have a lot in common on this corner. I go by it daily -- three times a day. Today as a matter of fact. So, I'm very familiar with it. What -- there are developments that are north of this that to the best of my knowledge those are somewhat bound, aren't they, by Meridian Road constraints? I mean they have those exits and entrances, but they are extremely dangerous.

Clark: Oh, yes. Commissioner Garrett, I see -- I was thinking you were going to ask a different question, so I was going for a different slide, but I don't have a good one for that one. Yeah. That's correct. So, what -- what we have on -- on these major highways is these access limitations and ITD does try to ensure that the fewest amount of accesses that can be there as possible would be there. There are limitations on that; right? So, if, you know, a property is going to be landlocked, that sort of thing, then, they -- they would give typically a limited access. So, you know, we would anticipate that the hard corner just to the south of us is probably going to get a right-in, right-out on -- on it on -- on Meridian Road. That -- we don't know that, but that -- you know, given our experience we think that's likely to be the case. But overall up and down that corridor ITD policy and

city code would both try as a -- as a safety matter to reduce the number of accesses, if that answers your question.

Garrett: Right. I -- I mean I just look at that and I -- I think, you know, you -- you just don't have any opportunity on Meridian Road and if you did it would be dangerous.

Clark: Uh-huh.

Garrett: But I compliment you on this plan. I personally thought it was a good idea and it is close to the fire station as you indicated and the big new development at Discovery Park and the expansion, they have got dog parks, they have got little league fields, they have got soccer fields, they have got any number of things within a short walking distance, so --

Clark: Thank you, Commissioner.

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: For the applicant. So, you are talking a lot -- or you mentioned your neighbors to the south. Is this just a presumption that they want to do fully commercial? Have you had any conversations? Because that's a big assumption in my opinion. Have you had any talks? Have you asked them?

Clark: Commissioner Sandoval, yes, we have spoken with them and they have indicated that their intention is to develop commercial. Obviously, that's not a binding thing. We can't say that that absolutely is going to be the case, but that's what they have instructed us and that certainly would be the highest and best use for the hard corner of Meridian Road and Lake Hazel, which everyone knows, for better for worse, Lake Hazel is supposed to be the next Chinden; right? So, there is going to be a lot of traffic coming along that hard corner. So, I would be shocked if it was used for anything other than that.

Sandoval: Thanks.

Lorcher: Mr. Smith.

Smith: Madam Chair. Thank you. Like I said, I can appreciate the difficult type of applications that you tend to represent. Someone's got to do them and I'm glad that every inch of Meridian is being looked at for its best and highest use. That being said -- so, I have -- I just have a couple of questions. Could you walk me through I guess how this -- these property boundaries came to be with this -- this western portion, including the hard corner? Was this at one point its own parcel?

Clark: Commissioner Smith, I don't know the answer to that. I -- all I know is it's in separate -- it was in separate ownership at the time we acquired it and the -- the person

to the south is intending to hold and, then, ultimately develop. So, I don't know exactly what the -- the genesis of the property -- properties were, though. The -- the Rawson being the -- the natural divide, I would expect that they have been in separate ownership for a while, but I don't know that for sure.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Thank you. An additional question about the easement. Trying to just kind of imagine what that could be built out to be as a crossing, that location, and its location on that kind of curved street doesn't quite make sense to me. I guess my question is in an alternate configuration, one that maybe looks -- looks different than this, do you anticipate that easement could be positioned somewhere else along the Rawson perhaps in a way that might facilitate better kind of cross-access? You know, I guess it -- what I'm asking is if you have the entire property to -- to go in one would that easement potentially live somewhere else?

Clark: Yeah. That's a -- that's a good question, Commissioner Smith. So, there is a couple of different things going on there. So, the -- the reason we picked that location was because of sight distances to try to meet ACHD policy. So, we put it at the location where you are not going to have those 90 degree turns that make it difficult to get an access. The other issue is that -- and you guys know we have had -- I have probably had five or six applications in front of you guys that have been along canals and one of the things we deal with when we are developing along canals is block length and having 45 degree angles streets, all that sort of thing, and, then, the other thing that drives this is that we have this kind of short distance north to south, which means that we have got to have some east-west roads coming down and so between the block length limitations and the need for those east-west roads, it makes it very difficult to put that connection really anywhere else. The other issue, Commissioner Smith, that I would foresee is that if this develops to the south of us -- you call it a -- if it's a big box or a -- or a large convenience store or something like that, if you put that bridge in the middle it's probably going into the back of the employee parking. Whereas we were thinking that if you have it over here to the side near the -- near the open space that that probably helps to integrate into something that could be more functional for that kind of mixed-use concept. Dropping it into the back of the building didn't make sense to us.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: One other question. I think there was one slide that you had that talked about the future allocation for other parcels of what residential could be within the mixed-use. Yeah. Right here. So, if I'm reading this correctly, basically, in regards to the percentage of the area that can be residential, is this essentially stating that we are almost limiting the rest of the mixed-use to 44 acres of residential or, you know, basically 20 percent of their area.

It would -- not -- not per code. But is that the idea that we are allocating additional residential here, so that we would have less residential of these other properties?

Clark: Commissioner Smith, what we were trying to do with this drawing -- and, yeah, I should note that I think staff doesn't agree with our interpretation of this, you know, with the idea of the arterial bisecting and now suddenly we have a mixed-use area that lives unto itself and you can't consider anything else. Frankly, I don't think that's a realistic way to consider a mixed-use area that covers all four sides of this -- of the -- of these major intersections, but I will -- I will set that aside for now. But what we were trying to do was try to provide folks with some assurance that this is a relatively small portion of the mixed-use area that is not ideal for commercial development, but yet you still have significant areas that could be devoted to commercial and -- and still achieve the -- the overall goals. So, like I would note that across the street from us that property that's north of the Rawson probably is going to end up with having some of the same conversations we are having here, because it's probably not going to -- it's also going to probably be access constrained. So, there is going to be these kind of flexibility type conversations that are going to be coming as you look at applications within this area and we just kind of wanted to give you the larger context, because we think it's too myopic to just look at those two properties in isolation.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. I -- I appreciate that. I think, you know, even if -- even if I'm taking the dispute with the staff around the arterial bisecting out of the picture, I'm just imagining a future hearing where say that site on -- on the southwest and we are full -- Full Gospel Slavic Church is, coming and saying, hey, we have a lot of residential near us, more right across from this big box, for whatever reason we want to have a higher ratio of residential in our mixed-use, but look at this northern property there is 79 acres here. We can put more commercial and less residential there. I -- I guess my concern -- and I'm hoping you can speak to this -- is that we are looking at, okay, increasing the residential here for a reason and if they come to us -- you know, this future developer down here comes to us and says, okay, we actually want to increase the residential here for a reason, it's kind of putting it all either on the back burner of -- the final applicant either has to have a lot more commercial or we have to accept that our residential to commercial ratio is just going to be out of whack for the area and I think neither of those two outcomes are ideal and so that's the concern. If you could speak to that, how is this not just putting that on the back burner.

Clark: I get that. So, Commissioner Smith, I -- I understand the concern. The -- the point of this drawing was to try to give everybody context as to what the outcome is and where the -- you know, where the residential would be, where -- where we expect the commercial would be. Two points in response to your question. One is, first, the Comprehensive Plan is a general guide and, second, that needs to be evaluated on a case by case basis for each property and so in this case we are not asking you to kick the can and move the

commercial to some other property just because that's our basic preference. We are asking you to look at this and say, okay, we think that this satisfies the Comprehensive Plan, because you have got site constraints, but you still have done the X, Y and Z, including, you know, the pedestrian connections and orienting the open space next to your neighbor and so under these, you know, facts, you -- we think that you have done enough to -- to satisfy our inquiry. The -- and -- and anybody, you know, at the -- at the Full Gospel Slavic Church -- if that property were to go they would have to jump through those exact same hoops. This isn't a precedent for anyone else.

Smith: All right. Thank you.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Yeah. The -- I mean -- I mean what we have been presented here -- I appreciate how this is locked in here. So, I mean I don't want that to get lost on here. I like the fact that of all the amenities you have, the open space leaves a little bit of -- a little to be desired as far as the placement of it in -- in my opinion. The bridge location as far as using that as an argument, because it's so close, I mean it can be moved. Does it make sense to move it to where it might be in the back of a business? I don't know. But like you said, we don't know what's going to go there and what's the best use of this property as a whole without taking anything else into consideration for the mixed-use regional portion of this. I mean the mixed-use piece of it doesn't have to be commercial and I think that's kind of what is being missed here. It doesn't have to be commercial, it just has to be different. It has to be something else. So, why is it just exactly the same as the rest of the property that's -- that's in this application. Why can't it be different in such a way that it actually blends in with the property that is going to be to the north and has a better use of, you know, overall for other types of uses.

Clark: Commissioner Seal, I'm not sure I understand the last part of your -- of your question. Like at the -- but let me give a shot at it and see how it goes. So, yeah, commercial is definitely a shorthand. You know, when I -- when I say commercial I also think, you know, if I have three quarters of a million to invest in a -- in an office -- a small office, I don't want to put it up behind a soundproof wall and a berm over on Meridian Road and it is over at Meridian that we are talking about that is the -- the area that's subject to this mixed-use regional conversation. So, I -- I think that's a -- probably a distinction without a difference in terms of commercial versus office versus whatever. With regard to the mix of housing types, we have single -- single family detached and two story, one story. We have considered whether additional types of single family would make sense. As you guys know, this development group does a lot of this across the -- across the city. So, for example, a townhome -- you know, in our view a townhome doesn't really create a -- you know, a significant difference in terms of the look and feel of the neighborhood. It's going to cost just as much to build and it's not going to sell in the same way, because folks are going to prefer to -- if they are going to spend that much they are probably going to go somewhere else or they are going to go for the house that

costs the same, but has its own detached yard. And so in our view it's -- it's -- it's a marketability question to go with it. Just trying to be realistic in terms of trying to get something that could go to the market and be successful. So, I hope that got to the various elements there.

Seal: Yeah. Madam Chair, it's -- and -- and he -- yes. Kind of. I mean -- I mean it -- it just seems like you are -- you guys are very very rigid about what you are going to put in there. Period. Whether it's based on money or trends or whatever that looks like it just - it seems like that this is it and you guys you are just unwilling to budge on that. So, it's going to be this type of housing and that's it. And, then, there are no other alternatives. I mean there is, you know, work-live, you know, opportunities that could take place in here for people that don't necessarily need that road front, you know, signage and exposure and things like that, that there is there -- there are other opportunities that could be had in here. So, to just have the argument be as rigid as it is to have this kind of density and mixed-use just doesn't make sense to me.

Clark: I understand. And, you know, certainly as the -- as the recommending body if you would like to make a recommendation along those lines we are happy to consider it. We kind of have to live in both worlds; right? We have to live in the world of -- of -- the kind of theoretical comprehensive plan and we also have to live in the world of what can be sold and that's where we live.

Seal: Understood. Thank you.

Lorcher: And with that in mind the current zoning of R-4 is not marketable?

Clark: Madam Chair, that's a very good question. The -- the development of the property that we are proposing is intending to try to make this consistent with the Comprehensive Plan designations, which is also consistent with the development agreement requirement to consider the Comprehensive Plan whenever you come in and suggest a rezone. So, with that in mind, given that it's a mixed-use regional Comprehensive Plan area, we propose the R-15 and -- and with -- with that we have a minimum density across with all the different machinations of six and we -- we stayed pretty close to that low end, because I think we are at six and a half. So, that's the thought processes is that we are trying to acknowledge and respect what -- both what's in the development agreement and what's in the Comprehensive Plan.

Lorcher: One more question. For Skyranch -- and I know this has nothing to do with you. What is to the north of you along Meridian Road? Is that another subdivision?

Clark: So, north of us there is vacant land that is comprehensive planned low density residential.

Lorcher: Okay.

Clark: So, that's part of -- you know, when I mentioned that we have these various site constraints on all sides --

Lorcher: Right.

Clark: -- it's a little bit out of place to have a mixed-use density comp plan designation next to a low density designation and so that's why we feel a little bit of whiplash when staff says, okay, put in lower density stuff up there, but hit the mixed-use, you know, numbers and it's -- it's tough.

Lorcher: So, is there any physical constraints on the north end of the Skyranch property? For example, you have the lateral on the south -- south part. Wasn't there actually some topographical -- like hills or is it just all flat land between you and the next parcel going north?

Clark: I don't think it's -- I don't think there is any hills and there is no significant topographical issues.

Lorcher: Okay. Thank you.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Question for staff, Kurt, applicant. I recall in -- in previous applications on other issues we had examples where say there was a development that was straddling say R-4 and R-8 in order for the sake of maybe transitional kind of space the code allowed for developing of some of the R-8 and R-4 and vice-versa, it's like leading to some percentage. Is there anything in code or is there anything in the comp plan that would -- would limit the ability to do something similar with this R-15 and the mixed-use residential on this -- this -- this side? I'm -- because a lot of what we are talking about with the mixed-use residential is this is the Rawson kind of creating this -- this natural barrier and I'm just -- I'm seeing some -- some less disruption on that medium high density residential side. I'm just wondering if there is a feasible alternative to where you can incorporate some of that mixed use, shift it over into that R-15?

Parsons: Madam Chair, Member -- Members of the Commission, if I'm understanding your -- your question correctly, you are asking whether or not there is a possibility of floating in addition -- a designation across a different land use designation I think is what you are asking. So, yes, that -- that is possible. The comp plan allows you to float up to 50 percent, but it's -- it's the larger of the two and I believe the mixed-use regional is the larger of the two. Or is it about the same? Okay. Well, then -- then there is a potential to do that as well and that goes to some of the -- some of the other comments I want to share on some of the discussion that the applicants had with you. So, a couple -- couple clarifying remarks if I may. One is if -- if commercial was provided along Meridian Road there would not be a requirement for sound attenuation. That's -- that's only a requirement

if you have a school, hospital or residential. So, again, if you were to pull up the plan there and let's say, for example, you see where that westernmost stub street is stubbed to the north there, if that were to stay office and L-O and, then, the residential transitioned, you wouldn't be looking at that sound attenuation. So, you are not blocking off the commercial business. The other -- so, I just wanted to provide that clarification. It's only required because the applicant is proposing a residential zone up against it. Whether it's R-15 or R-4 there has to be no sound attenuation, that's -- that is the code. That is accurate. And he is -- he is very -- he is correct that access is very limited on this roadway and it will be for the foreseeable future and we are processing an application on the southern portion of Lake Hazel, so I just -- can't go into too many details with you, because it is a pending application. So, as you mentioned that is accurate. What we are -- what we are working with them on. But as you all know, the other thing that I would like to share with the Commission is what's difficult and we hate -- I -- I agree with the applicant, he has some very valid points tonight, but the difficulty is we just modified our mixed-use standards to make them hopefully easier to understand and incorporate them into these mixed-use areas. But, obviously, when you have a plan it doesn't always take into all the site constraints that could come with in-fill or these types of developments with canals, limited access. We try to do the best we can with goals and policies to give applicants flexibility. That's where staff in this particular case -- and I think we have had enough conversations with the applicant offline on this, but that's what we are really challenged here is with us being so rigid in the code saying you have to look -- we have to look at this 36 acre mixed-use regional area. We can't look at the other surrounding areas. This particular site, 24 acres of the 36 is residential. So it's already exceeding the -- the ratio of that residential use allowed by the comp plan. So, all of those -- and, then, just the integration with commercial and not giving us a concept plan, all the things -- of these things coming together, that's why it's difficult for staff to say, yes, this works and that's why we have made the recommendation that we have. It's not that we don't disagree with the applicant and their points, because they are valid. This is a very limited site and that is a big canal, but ultimately staff has to look out for the public's interest and we have to make sure -- and that's why it was very critical when we modified those mixed-use standards. We had some general mixed-use policies and, then, we had what we wanted to see in a mixed-use regional area and so those two areas combined to give you the integration, the pedestrian -- it's -- it's more than vehicle connection, it's pedestrian integration, and when we are forcing people out onto an arterial at a signal to go off on Lake Hazel and turn back into a commercial development, that's not, integration, that's forcing more traffic on an arterial and that's what the mixed-use policies say don't do. That's why it's critical that we have the interconnected roadway. So, again, when we talk with the applicant I could see them -- the mixed-use is almost reversed on it. They should actually be Meridian Road the commercial and, then, transition to the -- to the east with your residential and, then, hopefully someone on the low density residential above will float the mixed-use designation on their front edge and get more office and, then, you do have another access to potentially Meridian Road through Shafer View Estates. So, there is ways to do it. We just don't have the plans or the information to show that proves to us that it does work and that's why we are taking a pause and we have recommended what we have.

Lorcher: Thank you.

Clark: Madam Chair, if I may.

Lorcher: Yes.

Clark: So, you know, part of the challenge that we are having is that some of the -- the things that staff is asking for don't make sense to us; right? So, like Bill's comment just now -- and -- and Bill and I get along great. We complement each other on our shoes all the time, so -- but when we say that something about our mixed-use development requires folks to drive across the street to get to other commercial developments just because we didn't do whatever doesn't make sense to me. We are providing the regional pathway on both sides. There is going to be an intersection. There is going to be a light. There is going to be a low stress crossing there. Another piece that I would just mention is that the standard I have got on the screen right now survived the update of the mixed-use requirements from earlier this year. It existed before. It exists now. So, even with the update to the mixed-use standards in the Comprehensive Plan, we always have considered access limitations in determining whether this makes sense and, then, the last when we talk about looking out for the public, looking out for the public also means that we take a reasonable and practical interpretation of the facts and circumstances at the time that recognizes the investments in the private property rights and balances that with what staff would like to see in terms of the kind of hypothetical planned community as it might turn out to be and so looking out for the public isn't just upholding a plan that, you know, I think has a -- as you guys know every Comprehensive Plan is Rorschach test, but looking out for the public is not just that, it's looking out for the private property rights and making sure that we are taking that into account when we evaluate these things.

Lorcher: Okay. Thank you.

Clark: Thank you.

Lorcher: Madam Clerk, do we have anybody to testify on this application?

Lomeli: Madam Chair, you have Sean Lanahan.

Lorcher: Can you come up? Did you want to speak or no? No? Okay. All right. Did you have any other comments? Well, I guess I should ask is there anybody else on Zoom or in Chambers?

Lomeli: Madam Chair, I have an Emily Shavers that signed up. I'm not sure if she would like to testify.

Lorcher: Is Emily here? Okay.

Lomeli: Madam Chair, that is it.

Lorcher: Did you have any other comments before we close the public hearing? All right. Can I get a motion to close the public hearing, please?

Smith: So moved.

Seal: Second.

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

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Lorcher: Anybody like to start?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. I -- it's never an easy yes or an easy no when -- when Mr. Clark is the applicant -- you know, stating his case. I understand and I agree with a lot of the challenges of the location. One of the things that I -- I really struggle with is the concept of there being kind of crosswalks for pedestrian access. To me doesn't necessarily mean that there is always safe pedestrian access. I -- I'm -- I'm -- I -- I think back to -- I think it was a year ago on Ustick and Cloverdale where I believe a young mother was hit and killed and I think there is some questions about, for example, I don't believe that -- I think that's actually in -- in Boise's jurisdiction, but there are some questions to me if intersections like that are safe and I think when I think about serving community, I'm thinking about things like that. I'm thinking about how we handle the future in-fill issue this might create on that southern -- southern boundary. I'm thinking about just the difficulty making this transition in any direction and I understand that this is something that the applicant has worked hard to -- to address. But I -- I think this is an issue for me where -- where I don't know if I can support -- I don't -- I don't think I'm there. I'm not enthusiastically opposed to it. I -- I see a lot of the effort and a lot of the care that -- that went into the application, but I just -- there are too many issues at the moment regarding easements, you know, potentially floating, you know, all kind of the -- well, the comp plan doesn't really mandate that kind of -- kind of issues that -- that I think it's just too much for me to support at the moment. I -- I do think something in -- in -- in the future that might look somewhat similar to this could -- could be a great application, but I think at the time with all of those kind of surrounding issues there is just too many of them at the moment for me to support.

Lorcher: Thank you.

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Yeah. I appreciate this -- this is going to be a -- it's going to be a tough one to -- to develop for all the reasons that Mr. Clark brought up. So, it's going to be tough and -- and I don't know that it's fair necessarily that the connectivity portion with the canal being there -- I don't know that it's fair that we expect that of the applicant. That said that is what is required for this, so that's, you know, unfortunate for this piece of property. I would like to see -- I mean if there is -- you know, if the applicant were amenable, to be honest, I would like to see some kind of blending of, you know, mixed-use -- you know, switch some of that out in order to provide for, you know, more of a mixed-use type development to go in across the board. I mean the mechanism is there to do that, so that way we don't have -- you know, essentially, we are taking an R-4, we are going to an R-15 and we are just packing everything that we can in there possibly, you know, when -- when you have really long drive aisles and seven shared driveways you are packing everything in there you possibly can. So, that's tough for me to swallow. So, I -- I would like to see, you know, something happen at this location, simply because I think it is going to be hard to develop and I think this is close to something that we might want to see go in there, I just don't think this is what it needs to be at this point in time. I mean I can appreciate where it's -- where it's at and -- and -- but I just -- I'm -- I share Commissioner Smith's sentiment that I'm -- I'm just -- I'm not there with it. Thank you.

Garrett: Madam Chair? Yeah. I'm -- I'm contrary -- contrary to their opinions. I'm familiar -- as I said, I go by this at least once a day sometimes multiple. It's a tough intersection and it is -- Lake Hazel's being developed into five lanes and it will have a lot of traffic. You know, whether someone is hit by a car I don't think we can hold Mr. Clark that -- that -- you know, that's fate. But the fact that this has many amenities already present -- I think it's suffices to do with what he is given on this and you have no access on Meridian. I mean the speed limit says 55 and I -- I think it's 20 percent of the people do that 80 percent far exceed that and so you are limited on Meridian and, then, Lake Hazel is going to be a five lane road, so it won't be -- have the exact constraints that it did when it was a two lane road. It will have traffic dispersed over a greater area and that should be finished any day now. I look at it and I think that this development is well conceived for -- given the constraints that you have, the physical constraints, and -- and I just don't know how you would ever put any type of business in there. You just -- there is no visibility. You would have to be a destination business that everybody knew -- knew about and there is no signage. Nothing. So, I think being a residence is about the only thing you can do.

Lorcher: Thank you. Mr. Sandoval, do you have any comments?

Sandoval: Madam Chair, yeah. To me the biggest issues are the cross-access and I know you said the additional expense of having that extra bridge likely wouldn't be worth it, but in my mind I'm thinking, okay, so that area to the south -- say we -- we go with your plan. It's all residential R-15. Business to the south. So, a family's got to go -- that's 600 feet, that's not a big deal, then, than they are on Lake Hazel, which is, obviously, a very large arterial street. So, I think just safety wise that's a huge issue and I don't think there is any amount of money or resources really that would pay for even the possibility of an accident on a road like that. So, the interconnectivity to me is the biggest issue, not so

much the residential, it's so hard to integrate other uses in there and I understand maybe a better way to go about this, as staff suggested, is to put an application to modify the comp plan. I think that's a reasonable accommodation, but as it sits, yeah, I can't support this.

Lorcher: Yeah. I -- I feel like the density for the south -- south Meridian is -- is -- is too high. The -- the private streets with all those houses kind of crammed in there, it just seems -- you know. And I understand that you want to be marketable and you have a product to sell and townhouses are going to cost the same as the other, but I think there has got to be a -- a good compromise for redesign to be able to have maybe -- if it is a commercial or office more on Lake Hazel side, since it's going to be -- or somebody pointed out the new Chinden and less density for the transition for the other subdivisions that are around it. So, the way it's designed right now I -- I won't -- I cannot support it either. Commissioner Smith, did you have any other thoughts?

Smith: Madam Chair, just a motion if --

Seal: Madam Chair?

Lorcher: Commissioner Seal.

Seal: Just real quick and -- and this -- just off of what Commissioner Garrett had said, I just -- I mean even in opposition you kind of help make my point and -- and that is there is a massive amount of connectivity that's going on as far as the major arterials here. So, if they were to switch up the mixed-use for some of the residential and redo that and bring that down onto Lake Hazel Road, that to me makes way more sense, because there is a lot of exposure there. As far as the ten foot pathways, I struggle with why we put those right on the major arterials here. So, I wish we would follow other communities and, you know, park them back a little bit, so that they are -- they are just a much safer way to go about that as -- as it would be, because I think that the -- I'm -- I'm glad to see that the ten foot pathways are coming in. They make a lot of sense. Especially for people like me that like to bike everywhere and I'm -- you know, hopefully they will continue to do that and make them more protected, especially on, you know, major arterials and intersections like this and, then, as -- as far as -- if they were to swap some of the mixed-use and residential areas, I think they could do it in such a way that the bridge, then, makes sense and ties in better to what may be commercial property on to the south of them, as well as allow them to have, you know, better lot alignment with the -- with the property that's to the north of them. So, again, I mean it's a really tough piece of property to develop, but I think being rigid in that it can only be this and it's because it's -- it can only be like this and it can only be because of our access limitations is not accurate. Thank you.

Lorcher: Thank you. Commissioner Smith.

Smith: Madam Chair, after considering all applicant -- all staff, applicant and public testimony, I move to recommend denial of File No. H-2024-0022 as presented during the hearing of October 17th, 2024, for the following reasons: A lack of mixed-use and

compliant with the spirit of the Comprehensive Plan. Limited connectivity -- limited interconnectivity. Limited transition space from adjacent properties and pedestrian safety concerns.

Seal: Second.

Sandoval: Second.

Lorcher: It's been moved and seconded to deny application 2024-0022, Sky ranch Subdivision for the reasons mentioned. All those in favor say aye. Any opposed?

Garrett: Nay.

Lorcher: Motion passes. Thank you.

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