

5. Public Hearing Continued from January 21, 2021 for TM Center (H-2020-0074) by SCS Brighton, et al., Located East of S. Ten Mile Rd. and South of W. Franklin Rd.

- A. Request: A Preliminary Plat consisting of 83 buildable lots and 2 common lots on 132.42 acres of land in the R-40 and C-G zoning districts.

6. Public Hearing for Ten Mile Crossing (H-2020-0074) by SCS Brighton, et al., Located east of S. Ten Mile Rd. and south of W. Franklin Rd.

- A. Request: A Development Agreement Modification to terminate all existing agreements in the Ten Mile Crossing development area in favor of one master agreement to govern future development of the overall area. The proposal includes a request for adoption of project-specific design guidelines to supersede those in the Ten Mile Interchange Specific Area Plan (TMISAP), which include deviations from certain goals and guidelines including decreased floor area ratios, different street and streetscape designs, landscape and architectural design elements and site development standards, including an increase in height of up to 100-feet to allow for 6-story buildings [i.e. TM Crossing – AZ-12-005 (Inst. #114002254, 1st Addendum #2016-062220, 2nd Addendum #2017-051907, TMC Expansion #2019-011700); TM Creek/TM Creek East – AZ-13-015/H-2015-0018 (Inst. #114045759, 1st Addendum #2016-073497, 2nd Addendum #2017-113747); Ten Mile Center – AZ-14-001 (Inst. #2014-065514); Calnon Properties – H-2015-0017 (Inst. 2016-030845); and Bainbridge Franklin – H-2018-0057 (Inst. #2019-077071)].
- B. Request: A Rezone of 40.98 acres from the R-40 and C-C zoning districts to the CG zoning district, 3.9-acres from the TN-C and C-G zoning districts to the R-40 zoning district, 0.65 acres from the R-8 and TN-C zoning districts to the C-G zoning district, and 0.53 acres from the TN-C zoning district to the C-G zoning district.

McCarvel: So, at this time we will open hearing item H-2020-0074, Ten Mile Crossing, and we will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next applications before you are a request for a rezone and a preliminary plat. There is also a concurrent development agreement modification application submitted with these applications that is to be heard by City Council that does not require action by the Commission. The site for the proposed subdivision consists of 132.42 acres of land, zoned R-40 and C-G. It's located east of South Ten Mile Road and south of West Franklin Road. The proposed plat encompasses land that was annexed with the Ten Mile Center, TM Creek East,

Calnon and Bainbridge Franklin projects. The Comprehensive Plan future land use map designations are commercial, mixed use commercial, mixed use residential, high density residential and medium high density residential. The applicant requests a rezone of 40.98 acres of land from the R-40 and C-C to the C-G zoning district, 3.9 acres from TN-C and C-G to R-40, .65 acre from R-8 and TN-C to C-G, and .53 acre from TN-C to C-G. The smaller area proposed to be zoned C-G will clean up the zoning in this area where it's irregular and doesn't follow parcel lines and/or proposed streets. The area proposed to be rezoned to R-40 south of the Ten Mile Creek will be an extension of the R-40 zoning that exists to the west and will allow for the development of additional multi-family residential uses with conditional use approval. The proposed zoning and use is consistent with the underlying mixed use residential future land use map designation. The target density for this designation is eight to 12 units per acre. The future land use map designation of the abutting property to the west is high density residential, which allows multi-family residential uses at a target density of 16 to 25 units per acre. Future land use designations are not parcel specific and an adjacent abutting designation when appropriate and approved as part of a public hearing where the land development application may be used. Because the high density residential designation allows for a higher density, staff recommends this designation apply to future development of this property, since the density will be higher than 12 units per acre if apartments are developed on the site similar to those to the west, i.e., TM Creek East Apartments. Future development of this property is currently governed by the existing development agreements for Ten Mile Center and Calnon and Bainbridge Franklin. Conceptual development plans were not approved for Calnon or Ten Mile with these projects, other than a conceptual street layout for the Ten Mile Center property. The larger area to be rezoned to C-G between Franklin Road and the Ten Mile Creek is designated on the future land use map as mostly mixed use commercial with approximately a quarter of the area on the west end as high density residential. As noted, because the future land use map is not parcel specific and allows for abutting designations to govern, staff recommends the abutting mixed use commercial designation to the east apply to and govern future development of the western portion of this site as well. The proposed C-G zoning district is an appropriate zoning choice for the mixed use commercial designation, which allows for a variety of uses, including commercial vertically, integrated residential, live-work employment, entertainment, office and multi-family. Future development of this property is currently governed by the existing development agreements for TM Creek East and Calnon. Also Bainbridge Franklin. Conceptual development plans were not approved for these projects. In the absence of conceptual development plan to ensure a mix of uses from each major use category, i.e, commercial, residential and employment, are provided as set forth in the Ten Mile plan in accord with the provisions of the annexation. Staff recommends a conceptual use plan or a bubble plan is submitted and included in the new development agreement that demonstrates compliance with the existing development agreement provisions. This applicant did submit a conceptual use plan this afternoon as shown. Staff has not had adequate time to review this plan, however, to determine consistency with the plan. A preliminary plat is proposed consisting of 83 buildable lots and that consists of 74 commercial and nine high density residential, and two common lots on 132.42 acres of land in the R-40 and C-G zoning districts. The plat is proposed to develop in six phases as shown. Phase one consisting of multi-family residential

apartments in TM Creek East on Lot 16, Block 3, is currently under construction and almost completed. No development has occurred on the remainder of the site. Phase two commenced last year with the completion of Wayfinder from Vanguard to Cobalt between the existing roundabouts. The development of phases three through six may vary in area and sequence based on the product need and market demand. The proposed common lots will contain the Ten Mile Creek and this is just a diagram showing the road sections. The proposed common lots will contain the Ten Mile Creek corridor and that's this area right here, which includes a ten foot wide segment of the city's multi-use pathway and the relocated Vaughn Lateral, which will be deeded to Nampa-Meridian Irrigation District. There are no existing structures on this side. Wayfinder Avenue and the western portion of Cobalt in front of the TM Creek East Apartments has already been constructed outside of the subdivision process and are not consistent with the street section designated on the street section map in the Ten Mile plan. However, they do comply with ACHD standards and have been approved by ACHD. These street sections were constructed as standard street sections with two travel lanes, a center turn lane, bike lanes and no on-street parking. South Vanguard Way from Ten Mile Road to the roundabout at the southwest corner of the site was approved and constructed with the TM Crossing development to the south. The eastern portion of Cobalt to New Market and Benchmark and the extension of New Market, Benchmark, from Franklin Road to the southern boundary of the site is proposed with the subject plat and has not yet been constructed. Staff recommends New Market and Benchmark is constructed a -- as a residential collector street in accord with Street Section D in the plan, with on-street parking along both sides of the street. Staff did discuss this with ACHD and they are supportive of this design. Because Cobalt is already partially constructed staff did not recommend any changes to that street section beyond what was proposed. There are two driveway accesses proposed via Franklin Road with the plat, one to the east and one to the west of New Market-Benchmark and that is this location right here and here. These accesses do require a waiver to UDC 11-3A-3, which limits access points to arterial streets unless otherwise approved by Council. A cross-access and ingress-egress easement is required between all nonresidential lots within the subdivision. Written testimony was received from Mike Wardle, Brighton Corporation, the applicant, in response to the staff report. Staff is recommending approval per the provisions in the staff report. Staff will answer any questions that Commission may have.

McCarvel: Any questions for staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Sonya, you mentioned staff hadn't had a chance to review that preliminary design. Is that -- does that change anything right now?

Allen: Madam Chair, Commissioner Cassinelli, not necessarily. Obviously, this still has to go to City Council and by that time staff will do a complete review and offer any comments we may have.

Cassinelli: So, that's not a concern at this point?

Allen: I -- I can't say whether it does or it does not meet the intent of the plan -- the guidelines in the plan. It does show a mix of uses as -- as recommended, but I'm -- I'm not sure about the percentages, so that's what staff needs to look at a little closer.

Cassinelli: Okay.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher. Go ahead.

Cassinelli: You're muted. Madam Chair, you're muted.

McCarvel: Yeah. Commissioner Lorcher. I could hear me here.

Lorcher: I wasn't around for the original Ten Mile Crossing conceptual land use plan. Based on staff looking at this and I understand that they are trying to kind of just change some things around to fit things a little bit better. Is it a lot of changes or is it more subtle, compared to the original plat?

Allen: Madam Chair, Commissioner Lorcher, there -- there was not a previous plat for this area. There -- there was not a conceptual development plan for any of this area, except for the Bainbridge Franklin property at the northeast corner of the site and the applicant no longer plans to develop that property in accord with that concept plan, so that is changing. Really, the only plan that we have in effect for this area is the future land use map in the Ten Mile plan, so -- so, the concern is with this concern staff had in the absence of a conceptual development or use plan was once we grant zoning, then, that entitles the property to develop per that zoning district. So, that's -- that's the reason for staff's requesting the use plan to ensure that future development is consistent with the uses designated in the comp plan.

Lorcher: Thank you.

McCarvel: Any other questions for staff? Okay. If there is no other questions for staff, would the applicant like to come forward.

Wardle: Madam Chair, this is Jon Wardle with Brighton. Can you hear me?

McCarvel: Yes.

Wardle: Perfect. And I would like to share my screen if I could. It says while Sonya is sharing and I cannot share.

Allen: I will stop sharing, Jon, just for you. There we go.

Wardle: Perfect. Thank you. Get one second here to just type in a code here really quick. I just want to confirm that you can see my screen as well.

McCarvel: Yes.

Wardle: Perfect. Good evening, Commissioners. My name is Jon Wardle. My address is 2929 West Navigator Drive, Suite 400, Meridian, Idaho. 83642. And I am representing the combined entities of Brighton and FCS Development, who are the property owners or their affiliated entities out here at Ten Mile. We really appreciate the opportunity to be finally in front of you tonight. One -- on the surface the applications may appear to be just a rezone and preliminary plat applications. However, there is much more to these applications with the inclusion of the Ten Mile Crossing DA modification and design guidelines and which we have included in the applications. The design guidelines, the staff report and applicant responses all addressed those items. These applications now integrate a cohesive vision for 308 acres, which is more than just the preliminary plat area before you through the adoption of specific design guidelines concurrent with the Unified Development Agreement, instead of five as they currently exist right now. Before I get too deep into the details with the applications I wanted to note that there are a number of conditions that we have asked to be modified or eliminated in the staff recommended comments and conditions. To understand the context of those, however, I want -- I need to step back a little bit and provide an overview of what has occurred prior to tonight's hearing. The Ten Mile interchange specific -- the Ten Mile interchange specific area plan also the TMISAP, was created through a public process that included property owners, citizens, developers, design professionals, agencies and elected officials to provide input. I will note that in our opinion developer input, while provided, was not given adequate consideration based on actual market conditions. There -- these workshops, agency meetings, and public hearings were -- were established to create a vision for a major community asset around the Ten Mile interchange that at that time had been generally undeveloped. The TMISAP was adopted in June 2007 with practical and aspirational goals, as well as directive to implement the plan and achieve results. A couple highlights from the TMISAP. It said that the plan requires an entirely new way of doing business for private and public sectors. The plan calls for bold new actions as characterized through the plan development and its use of charrette in particular. The city encourages -- and key landowners to take initiative and begin the implementation process bringing forward detailed design guidelines, zoning, and infrastructure proposals. Making the changes will not necessarily be easy and it will require leadership on behalf of the city. And, finally, the TMISAP comprises many small and medium sized parcels held by many owners. None of the parcels of land within the study area is large enough to affect the type of development described as desirable. To achieve this vision, as well as critical mass for financial success, adjacent owners will need to collaborate on development efforts. In addition, implementation was also a notable topic within the TMISAP. In fact, there was much described about how the public and private would work together to see the vision. A couple of key points here. The city encourages developers and key landowners to take the initiative and begin the implementation process, bring forward design detailed guidelines and zoning. Zoning. The city could look beyond the existing development regulations to new development provisions. These regulations could be linked to the

design guidelines and should be written expressly to promote and guide the type of mixed use development. Development regulations. The plan implementation will be accomplished through the city's existing development codes, through amendments to these codes, or by the development of new provisions, such as new zoning districts, overlay districts, design guidelines and development standards. And, finally, achieving results here it will require leadership on behalf of the city and a willingness to innovate and collaborate with the players involved. And, finally, here one last item from the TMISAP, which is probably one of the areas of the -- of the document that's not renewed very much, because it is farther back in there. There are a few key statements here, both for developers and for the city. Developers are strongly encouraged to undertake these tasks and invite the city to the table as a means of advancing the plan more rapidly. The city should develop a side of -- a set of design guidelines for the interchange area or encourage the development community to work together to prepare a set of design guidelines and the city should develop an expedited review process for projects that embrace, incorporate, and where through cooperation developers have developed partnerships and specific integrated plans that cross property lines and advance necessary infrastructure construction. And, finally, the last statement was the city is ready to work as your partner. So, here we are today. Just a little bit more context. Since the adoption in 2007 the commercial real estate stalled and -- and user demand shifted dramatically. It required a close evaluation of the plan and how best to move forward to secure users, but create flexibility to adapt to more changes, including those to come, which we all know today as COVID. It also presented opportunities to work with adjoining property owners. This slide here is interesting. The first applications we brought to the city were TM Creek, which was on the corner of Franklin and Ten Mile Road, which was about 40 acres and, then, TM Crossing to the south, which was adjacent to Ten Mile Road and north of I-84, which was about 77 acres. For us development only can finally commence in 2014 with plats. So, seven years after the adoption of the TMISAP. We provided plats, construction plans, and improvements. But an item that kept coming up with each application was the ad hoc approach to planning a larger area outside of what we current -- what we owned at that time and interpretation of the TMISAP. There has been a lot of effort, discussion, and maybe even occasional frustration by both city staff and us, seemingly because site condition -- site specific actions were referencing back to general aspirational statements no longer applicable, achievable in the market, or not responsive to current conditions in the TMISAP. Additionally, we have now seen seismic changes and a need to be flexible given COVID. In collaboration we work closely with our adjoining property owners to address land use, specifically Calnon, which was all the property to the east of us, excluding the Bainbridge property. We worked with them on land use annexation and zoning within the plan. We also worked with Treasure Valley Investment Shakoori, which was between the Ten Mile Creek property, the TM Creek and TM Crossing properties, to implement long-term desired transportation elements, which was the extension of Wayfinder and the construction of two roundabouts. We ultimately purchased those properties, so that a cohesive vision and complete plan for 300 acres shown here bounded in red could be achieved. Of note we purchased all of Calnon, which is on both sides of TM Creek, south of Franklin. Treasure Valley Investments from Ten Mile Road all the way back to the future Benchmark, Market Street and the Bainbridge Franklin property, which is directly to the north -- northeast corner of the site.

Of note, each of these, including TM Creek and TM Crossing, all had individual development agreements. So, we are dealing with five separate development agreements. However, by assembling all these parcels we were able to achieve one of the TMISAP goals to work across property lines in a collaborative way. So, here we are today. We did wait for some time, even though we had acquired these properties, to come together with a plan. It -- to provide you with a preliminary plat so we could understand the planning considerations, such as roadway connections, pathway pedestrian access, and land use and provide flexibility to be able to adjust to market conditions. Here before you outlined in red is the TM Center Subdivision, which is before you tonight, which is inset in the TM Crossing 308 acres. We submitted application on May 29th, 2020. The first hearing was scheduled for August 6th, which was continued. Then 9/3, which was continued. Then 9/17, which was continued. Then 12/3 which was then tabled to tonight. However, the most important discussion that was needed was to establish a set of design guidelines and a cohesive development agreement for all the properties within Ten Mile Crossing and not just the TM Center plat. We determined the best approach was to establish the design document and hired Cushing Terrell to research, review, and create a draft study. For the Ten Mile Crossing DA modern design guidelines, which is the area bounded in red here, we engaged Meridian staff one year ago and when I looked at that date today I was surprised, it was one year ago when we had our first conversation with staff on this issue to discuss the sub area plan and project specific guidelines. On July 15th we had a pre-application meeting and presented a draft sub area plan. On November 5th we had a second pre-app meeting. And, then, on November 19th we submitted applications. At the time of our application submittals they were a Comprehensive Plan text amendment, combining five development agreements, a planned unit development overlay to incorporate design guidelines and zoning modifications. Following redirection by staff in early January, a revised Ten Mile Crossing application was submitted on February 16th, which included DA modification to combine the five projects into a single master DA and design guidelines and zoning modifications, which we previously have talked about. All these applications are before you tonight. These two applications are. One of the items that is mentioned in the staff report, however briefly, but there is not a lot of context and I want to spend a little bit of time to review this document. So, if you will indulge me for a few minutes, like I said, we hired Cushing Terrell to prepare for us design guidelines for all Ten Mile Crossing, which applies to all 308 acres across the property. Our intent is that these design guidelines become the base and the governing guide for all development within Ten Mile Crossing and would be attached to and included in the development agreement. So, what do the guidelines contain? Well, there is, obviously, purpose and applicability. Those things are pretty common that you would find in -- in most zoning and guidelines. But more specifically there is design review process. There are design guidelines for site landscape. Typical street sections. The creek and pathway systems. Architecture and signage. Then, finally, we also provide some specific use standards on things that always come up that we wanted to incorporate into this document. And, then, there is a fairly extensive appendix photo library of buildings that are proposed or built within Ten Mile Crossing to provide a flair and flavor for the type of development that we want to see. Like I said, there is purpose and flexible -- purpose, applicability, and intent. Ideally the purpose of this is to encourage flexibility, innovation, and creativity and to eliminate some of that

rigidity which could be found in strict interpretation of zoning code or architectural guidelines. We want them to apply to the entire Ten Mile Crossing project, so that there is a unified approach to design and implementation. We also want to provide a simplified administrative procedure for all future submittals -- architectural submittals through a design review board. We have discussed having and have presented in these guidelines a design review board. That would be the first step that would approve all exterior improvements, both the site, building, and structure for every building out here in Ten Mile. That Ten Mile design review board would be comprised of three or four independent architects from the application. We wouldn't have any architect reviewing our own plans. And the content of that would still have to include the information required by UDC. The one difference here is that that design review board becomes the -- it basically takes a step out of the city's process to provide them with more time. It would be presented to the city with an approval letter. The city would review for conformance with the guidelines and, then, it would move directly onto the certificate zoning compliance and, then, the city would issue the CZC, so that the building permit process could begin. Obviously, there is design exceptions and there is an allowance for that by the Planning director. A few of the high level things which are detailed within this. We have site and landscape, architectural and signage. I'm going to get into those details on the next slides. Also on the left-hand side this is very similar to the conceptual land uses plan you saw tonight. We provided more detail to that. But it shows what has been built or under construction and what is forthcoming. Also the open space plan on the right-hand side here shows all the pathway corridors. It does show the detached sidewalks throughout and the -- and the Ten Mile Creek and the Purdam Drain. We have provided four design considerations where additional architectural review needs to occur on key corners, on the frontage area between the creek and Franklin Road on Wayfinder. We have also identified an area that multi-story structures should be -- should occur. We have -- we have a number of five story, four story buildings already out here, and in this document we have asked for approval of a hundred foot, which would allow us to get to six levels or six stories on these buildings should that need arise. One of the items that Sonya had mentioned and had detailed quite a bit in her guidelines were roadways. Within this plan we have created a transportation circulation map, have also detailed the type of roadway system, the standards which would be there. We have reviewed these with ACHD. These all comply with their standards. We do know that there are different guidelines in the TMISAP, but we are requesting that these roadway standards carry through the balance of the project. We have also provided the city with an overall comprehensive pathway plan. Of course there are detached sidewalks throughout the entire community. But, more importantly, we have a variety of eight foot and ten foot pathways designated here on this map. We have the Ten Mile Creek regional pathway. We have a parallel pathway to future Benchmark which would be ten feet. We have a ten foot Purdam drainage regional pathway. We have an eight foot pathway connecting between the two roundabouts on Vanguard and Cobalt. We also are building a six foot parallel pedestrian boulevard shown there at F, kind of an east-west connection from Vanguard over to Benchmark. And, finally, we have a very specific detailed Main Street on Wayfinder north of the creek up to Franklin Boulevard. The elements in the design guidelines are site and landscape. We provide specifics for site amenities, fixtures, pavers, all of the tree planting elements. We also have standards in there for parking lots that would be required throughout and there

is a whole set of actual implemented plans and pictures in the document itself. And I will go through this quickly. We have architectural guidelines for commercial. The important thing here is to identify form, scale, proportion, height, elements and details, materials and styles. How to screen mechanical equipment and lighting throughout. So, we have done this for commercial, for mixed use and flexspaces, flex buildings, for retail and residential in the multi-family side. I will note that we will in the future, on the part that is held out to the east, come back with more guidelines for single family residential, which will be appended to this document. Finally, one of the things that's important is the unification of signage. We have spent a lot of time creating a signage plan throughout Ten Mile, which is required at key locations, as well as the tenants in front of their buildings if they are going to have monument signs and this, too, is laid out in the design guidelines. And, like I said, there is an extensive photo library. Here is just a snapshot of a few of those, but if you get into the documentation it will show elements of all the things which I have already discussed tonight. So, going forward, you know, we find ourselves tonight needing to restate the -- restate and effectively defend -- essentially defend the importance of Ten Mile Crossing design guidelines. The TMISAP itself states that it wants developers to take the initiative and undertake these design guideline activities, to work a lot collaboratively across ownership and boundaries and bring forward detailed design guidelines to the city. Also it states that the city should develop an expedited review process for projects that embrace this collaborative approach, provide leadership, and be ready to work as a partner with developers. I will say that we have had very good support from staff on many issues, but on the issue of the TMISAP needing more specific guidelines, that's why this set of guidelines is before you tonight and that's why we are asking for your consideration. We are at a loss, however, why staff has either ignored or rejected the design guidelines that had been submitted. It -- staff does state in the staff report that they are not supportive for the different design guidelines and it's to have -- the purpose is to have a unified design for overall area. However, the TMISAP states that the city encourages developers and key landowners to take the initiative to bring forward the detailed design guidelines and zoning and infrastructure financing proposals. Finally, there are a few items that we just wanted to highlight and discuss just to be clear. The first is the conceptual land use map, which has been talked about. We have provided here additional context for the type of uses. We haven't got down to the specificity simply because there are changes that will and could occur and staff knows that as DA -- this prior DA mod had been modified to address changes in the market and new plans. We are asking for that flexibility, but also to give the city some certainty as to where certain uses will occur and the type of intensities we could expect. We provided, like I mentioned, a complete set of design guidelines to cover 308 acres out here at Ten Mile Crossing. We provided a process by which we would have a design review board and provide approval to the city, so that the CZC process could continue, as noted in our design guidelines. We have also provided a comprehensive roadway plan. I have identified what has been built, what will be built, and to what standards those will be built. I will note, however, that there -- there is a lot of conversation or staff time to talk about roadways. The Ten Mile Crossing design guidelines provide a comprehensive roadway plan for both circulation and standards. However, our details do differ from the TMISAP, but we are fully compliant with ACHD standards. Some of the TMISAP plans are aspirational, but are not necessarily applicable given the future land use pattern. There

is the proverbial chicken and egg. What comes first. Without roads buildings can't happen. Buildings can't happen without roads and we have to make a commitment and that's what we have done. We have made a commitment, created key areas where some of those ideas could be accomplished, like Wayfinder Road north of the creek going up to Franklin Boulevard, where we can create that Main Street fill. We have established a guideline for all Ten Mile Crossing, so that there is a cohesive roadway plan that provides cross-access and connectivity. As mentioned, although it's not before you tonight, we have asked for two connections to Franklin Boulevard shown here. We know that it is a City Council item, but it's important to note that they are consolidated accesses that purport to provide joint use for the users of the sites. I will note that there is a cross-access to 12 Oaks. However, it is both deficient and poorly designed when you look at the cross-access between multi-family and the future commercial that's here. Will we use it yet, but it doesn't accomplish the need for access to the site. Pathways. I think this is something that's super unique. We know that the city has a master pathway plan and we have been able to not only embrace it, but enhance it. Originally there was a pathway just for Ten Mile Creek, which was to the north. We have also added in the Purdam Drain and we have taken the initiative to add ten foot and eight foot pathways and sidewalks, detached, throughout the entire project, so that we have connectivity. You will also note on this exhibit there is a red circle in certain locations, which are amenity sites. Those amenity sites provide connections where the people will be able to stop, we will have enhanced seating areas, there will be opportunities to go point to point and not just have a pathway system without a place to rest or visit with people, especially given that we have a large demographic of office workers out here. So, this will benefit them, as well as the residents -- residential uses which are already on site and will be in the site in the future. Arrival. One of the things that we have -- have worked on and we have presented both for -- to the north on the ICCU site and we will do here at Vanguard is a dramatically enhanced arrival at these entries in the project. We are going to create a sense of arrival. There is going to be definite identification. Here is an opportunity as well to provide that art element that the city has identified in a very prominent location. You will note here that one of the unique things about the site is if you drive it it -- we are directly adjacent to a not so pretty detention basin that's surrounded by chain link fence. We do have a license agreement from ACHD to enhance that area and to expand the area. Just to give you a frame of reference, this intersection -- that represents at least 60 feet highlighted here that will be enhanced directly at this intersection on both sides. Not just on the south side, but we will do the same -- it will mirror on both sides, provide an opportunity for signage, as well as public art. We have noted, however, that there is a condition in the -- in the staff report that the buffer along Ten Mile going between Vanguard and Cobalt be expanded to 50 feet. The UDC for gateway areas is 35 feet. One thing to note is in this area it drops down significantly from Ten Mile Road. There is a slope there already and the 35 foot landscape buffer, just as we have done to the north in previous plats, is -- is more than adequate to provide that separation from the street for pedestrians and provide landscaping on the backside of that as well. We have provided you with all of these items noted in our requested changes that was submitted by Mike Wardle earlier. We are anxious to move the process forward, to have you approve the preliminary plat, which has been before you since August, with a unified master development agreement and accompanying specific guidelines for Ten Mile Crossing, so that Ten Mile Crossing

can be planned, developed in a complete and cohesive way that sets the standard for all the Ten Mile interchange area. In conclusion, we do concur with staff's recommendation for approval and request your approval of the Ten Mile Crossing DA modifications, which we know that is a City Council item with their proposed design guidelines, of the proposed rezones which are before you and of the TM Center Subdivision plat, including the requested of modifications which we have made and submitted to the conditions of approval. The proposed modifications achieve the direction of staff leadership for a master DA design guidelines to supersede the TMISAP and to provide for better -- a guide for development for all Ten Mile Crossing. We respectfully request your approval of the pre-plat and Ten Mile Crossing development agreements and design guidelines and I stand for any questions that you might have.

McCarvel: Thank you, Mr. Wardle. We -- I did allow -- we went over quite a bit, but it was a large -- a large request here and a lot to get through. So, at this time do we have any questions for the applicant?

Cassinelli: Madam Chair?

McCarvel: Yes, Commissioner Cassinelli.

Cassinelli: Yeah. I was going to give you a hint there who it was. Yeah. There was a lot of information here and I have several questions, but I will take turns. First of all, Jon, can you -- if you can summarize your conclusion there. You are saying that you are in agreement with all staff conditions, is that accurate?

Wardle: We are in agreement with staff's conditions. We have, however, made some modifications as it continues to revert back to references to the TMISAP and we are asking that the design guidelines be those that we have presented -- included in our application and are before you tonight. Those are noted -- go ahead.

Cassinelli: I was going to say -- so, those modifications you made are just -- just with regards to the design guidelines.

Wardle: Primarily that is correct. We went through -- sorry, Commissioner Cassinelli, Madam Chair. We went through the condition. We did strike out all the references to the TMISAP. We included reference to the Ten Mile Crossing design guidelines. We did make a couple of notes in here regarding some of the -- the streetlights and we also made some notes based on, you know, the location of the pedestrian trails based on the current pathway plans. These -- a lot of this relates to development agreements and stitching together those five development agreements. So, we have made a lot of those notes based on that. One of the items that -- Commissioner Cassinelli, that you will note in there that we have struck, there -- there is a common reference found in the TMISAP regarding pedestrian scale of streetlights. We have made a very strong effort to create that pedestrian scale on Wayfinder between Franklin and Ten Mile Creek and we have -- we have provided pedestrian scale lighting, but there is also the other issue of the requirements to light the roads. So, throughout the document there are locations -- like

on Ten Mile Road, on Franklin where it talks about creating pedestrian scale streetlights or lights at a lower level, we are just simply striking that and saying that the streetlights that are -- that still need to be installed, that they should meet city -- or city standards and should be acceptable as -- as requested. We have also made a note in here -- there -- there is a -- we have done this before, it's been picked up on previous DAs, but some of the existing DAs do not have the language about the certificate of zoning compliance and submittal process to go forward. But certificates of occupancy would have to wait until a plat has been recorded. But those other steps could occur prior to a subdivided lot.

McCarvel: Other questions for staff? Or, I'm sorry, for the applicant.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I think you said Commissioner Holland, so I will just keep moving forward. You are hard to hear, but that's okay. Jon, I wanted to say, first of all, thank you, it looks like you guys have done a significant amount of work. It's not -- we can definitely see how many pages of documents and how many months of planning have gone into this. So, I want to take a second and just recognize how much work you have put into this process. I know before us tonight we really have three applications at this point to go through that with the Commission. The three applications we have is the preliminary plat for the 83 buildable lots and two common lots. Then we have got the request for the development agreement modification, which we can make a recommendation on, but that's really Council. And, then, we have got the request for the rezone to the C-G and, then, the other requests that are in there as well. Just making note of that. One -- one comment -- we never really had a chance to talk about the Ten Mile Center area. I appreciate that you have some amenity sites along the pathway network, but I'm curious if you have plans for a future open space that's more than, you know, an amenity site here and there. If there is -- if there is a plan at some point for a public plaza type style place or a -- you know, I think it would be amazing to have a five to ten acre park somewhere in this development when you have got so much residential and so much mixed use. I'm certainly a fan of mixed use and I think, you know, Ten Mile is a great opportunity for Meridian to compete and bring some jobs a little bit closer to home for residents, but I certainly would love to make sure that we have elements of open space beyond maybe just the pathways in there and I was just curious if you could talk about it a little bit.

Wardle: Madam Chair, Commissioner Holland, thank you, again, for clarifying what is before the Commission this evening. Yes, parks are a key aspect to -- to our community and I think Meridian has done a very good job of -- of parks in and around the area. We also have access to public schools. But one of the things that we really keyed in on -- on this plan, Commissioner Holland, was the importance of not just a creek, but an enhanced creek. Not just a drain, but an enhanced drain. And not just a pathway, but a series of connected pathways. I think we would -- while having a dedicated five acre area would be nice to have and there are dedicated landscape areas within the residential pieces, so I want to be clear about that, that the residents that are out here both within the multi-

family and future residential will have dedicated landscape areas and those will be site specific development items. But the key I think for -- not even think. The key to all of this is how do we connect both a daytime population and an evening population and the best way to do that is through pathways. Like I mentioned, just the pathways themselves we have three and a half miles. We clearly have at least that much, if not more, in sidewalks and we made a very concerted effort to provide passage or pathways across those in a safe way as well. So, I will be clear, we haven't provided a five acre park out here, but we have spent a lot of time with city staff on creating a pathway system and adding to that pathway system in a very meaningful way and that's why we also want to create these little amenity areas throughout. They are not small. Some of them are very linear; right? But the idea is that we are giving people a place that they can go and be social or rest or just make their way on a circuit as well.

Holland: Thank you, Jon, I appreciate that, and I know your team always does a great job with -- with planning and I have seen a number of your subdivisions and normally you guys do a great job. I would just ask that as you kind of consider what uses come through here in the future that having some sort of central amenity area, like a park or like a plaza space, would certainly be something I would love to see, because I think it would tie the whole development together fairly well when you have got 308 acres that you are looking at. So, just -- just a request, a recommendation, but that's just one comment for now.

Wardle: Madam Chair, if I might just make one comment there.

McCarvel: Sure.

Wardle: We do agree that plaza spaces are very important and we -- as you will note in front of our building -- and this is part of the -- maybe the beauty of us having some control is that we are able to dictate and ensure that these buildings are providing that positive space that's directly associated with the buildings. So, we agree with that.

McCarvel: Thank you. Other questions for the applicant?

Cassinelli: Madam Chair, if nobody else -- this is Commissioner Cassinelli.

McCarvel: Yes, Commissioner Cassinelli.

Cassinelli: Jon, can you address -- you're -- you're wanting a -- a change to the height to a hundred feet. Can you -- can you kind of highlight where -- where those -- where that change would be?

Wardle: Madam Chair, Commissioner Cassinelli, I just want to -- can you see my little hand cursor on the screen?

Cassinelli: Yes.

Wardle: Okay. So, down here in Ten Mile Crossing in particular -- but it may happen a little bit to the north, it really would be user driven, but down here, that's where we really see that that hundred foot comes into play. With -- some of those buildings we have built already are five story and we have had to ask for alternative compliance, which I know that there -- that comes up at times, because it exceeded the height. It was within a percentage, but it exceeded the height. As we have talked to certain users and the opportunity to provide space, it has come up that maybe we would do a six story building here or there. I don't see that we would do a lot of them, but by making hundred foot allowed that gives us the flexibility without having to go through alternative compliance or any additional review for that.

Cassinelli: And would that -- does that apply to the entire plat or --

Wardle: It's -- well --

Cassinelli: Go ahead.

Wardle: No, I interrupted you. I apologize. Go ahead.

Cassinelli: Well, I was -- I was -- I think you -- you understood what I'm saying. Does that apply to the entire -- the entire -- the entire area here or -- or just specific zones within this?

Wardle: I'm going to let David Turnbull address that.

Turnbull: Madam Chair, Commissioner Cassinelli, I think that in general you could say it would apply. We don't anticipate it happening anywhere north of Cobalt Drive. As you know, we have got a fairly major medical user out here with potential to expand. So, that's one potential area in the D or E areas, that's probably where you might see it. We are not saying it's going to happen, but it does follow some of the aspirational aspects of the area that the city has always requested us to go as dense as we possibly can. You do run into some building code issues the higher you go, it gets more expensive, so there is always that balance and that calculation we have to run through, but this, as Jon mentioned, would help us to avoid future alternative compliance requests, which the city seems to suggest we -- we promote, but, then, we have to go through this alternative compliance. So, we are just trying to do away with that -- probably annoyance for everybody.

Wardle: This E -- D, E, that's Cobalt right there. That's what David had referenced. That would be the -- the northern line.

Cassinelli: Okay. Another quick question, if none of the other Commissioners have one.

McCarvel: Go ahead.

Cassinelli: There were -- there were a couple of additional access points off of Franklin. Can you highlight those? Are those -- so, they would be in those -- where the arrows are?

Wardle: Madam Chair, Commissioner Cassinelli, that is correct. Those -- those would be the locations where we have discussed with ACHD about having those. ACHD does have a process that requires us to -- to get their approval for that. They are not granted outright. But of note they do align with uses across the street and we are able to consolidate -- particularly on the count on Banbridge piece, multiple access points into a single. We still have the -- the -- the collector system that will be there and internal backage roads, but being able to provide access directly out to Franklin Road from those locations is important.

Turnbull: And, Madam Chair and Commissioner Cassinelli, I just want to emphasize what Jon mentioned before about the cross-access that's already provided through the 12 Oaks apartment complex. If any of you had an opportunity to drive through there you would see that it comes right in and, then, directly into the property through an apartment parking lot and we don't think that that's really much of a beneficial use for the property that we own, nor -- you know, it's most likely just going to create conflicts with the residential use to the -- to the east. So, we will take that through the process with ACHD and the city for the waiver process that's required. I don't think you are granting it here through this process. That's not on the table.

Cassinelli: No. I was just curious where those -- where those were located.

McCarvel: Okay. Any other questions for the applicant? Okay.

Cassinelli: Madam Chair, I have one more.

McCarvel: Okay.

Cassinelli: Do you have -- Jon, do you have an overlay of -- of the before and after in terms of the rezones?

Wardle: I do. So, this is -- this -- Madam Chair, Commissioner Cassinelli, this is the current zoning on the site out here and you will note that there is -- there are a variety of zones that are already designated on the site. So, that's the current zoning base. This will be the new rezone area. To the north along Franklin and down to the Ten Mile Creek, that will all be zoned C-G. So, the R-40, the C-C, will convert to C-G. South of the creek we are changing a little bit of the TN-C to R-40 to continue that along Cobalt and those are the changes that are -- and there is a little bit of a cleanup south of Cobalt as well. But that's -- those are the changes there. So, kind of the existing and the proposed modifications.

Lorcher: Madam Chair?

McCarvel: Yes, Commissioner Lorcher. There we go.

Lorcher: The -- the reasoning for C-C to C-G along Franklin Road, so would that all be accessed from inside the complex or -- I know you had requests to have driveways or accesses from Franklin. What kind of businesses were you looking at or is it going to be more retail or is it going to be more office space? Franklin's very busy already right now and I don't know what was proposed there before, but I mean there is -- so, I think there is a Valvoline Oil shop right now and you can access that when you come into the complex. Is that what you are thinking that's going to continue to be for Franklin Road for commercial?

Wardle: Madam Chair, Commissioner Lorcher, let me talk first, then, I will let David jump in as well. Along Franklin Road we do -- we do envision, starting with Wayfinder -- so, that's the -- that's the western collector that's north-south, we do anticipate that there will be a variety of retail uses that will be on that main street that will approach the street, have a great relationship with it, including some live-work units. It is very likely that as we work our way down Franklin Road that you will have other support services, whether they be financial, food -- even probably some small retail along there on key corners. We do have also that we have built -- this exhibit doesn't show it very well, but where the -- you reference the Valvoline. There is also a backage road or an internal drive aisle that provides access east-west that parallels Franklin and allows you to get to the light. What we are asking for, Commissioner Lorcher, is just a -- another single point of access that would allow people to turn into the site, get out of the site at that location and this location over here. But we also provide significant internal circulation. So, that that's not the single point. We have these collector roadways.

Lorcher: Thank you.

McCarvel: Okay. Any other questions for the applicant?

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: One more follow-up question. I know -- this area is also in an urban renewal area for Meridian. I'm going back to my public plaza and parks comment just for a second, but just making one -- one note and hopeful that perhaps that could be something where the urban renewal agency might be able to step in and help with some of those other central amenities if that is something to move forward for considering in the future. I just wanted to make that comment and see if you had any other thoughts around that.

Wardle: Madam Chair, Commissioner Holland, it's a good point. I will note that it's my understanding that there are not any city designated park sites out here and so because it's not, quote, a public asset or designated, it wouldn't be able to be done as part of the urban renewal. Again, I do want to restate, however, that we are providing for substantial site specific open space with the residential uses and, again, we still are very high on the

connectivity of the pathway system. But with that I appreciate the comment. And we will --

Turnbull: We can explore it.

Wardle: -- we can explore it for sure.

Holland: Thanks, Jon. Appreciate it.

McCarvel: Okay. If there is no other questions for the applicant, we will move on to public testimony. Madam Clerk, do we have anyone signed up to speak on this application?

Weatherly: Madam Chair, we have one person online with their hand raised. That's Lori. Lori, give me one moment, please, to move you over to permission to talk. Lori, you have permission now to unmute yourself.

McCarvel: And, please, state your name and address for the record and the floor is yours. Do we have Lori still there?

Weatherly: Lori, I sent you a memo to ask you to unmute.

McCarvel: Yes. Lori, I think you need to unmute on your end. There you go.

Lori: Sorry, I was trying to log onto another device, so I apologize.

McCarvel: So, did you want to speak?

Lori: No. Thank you.

McCarvel: Okay. Thank you. Any other comments? Anyone else wish to speak on this application in person or online? Okay. All right. We will move back to the applicant then. With no questions from the public, does the applicant have any closing remarks?

Turnbull: Madam Chair, David Turnbull. I will just finish up with thanking Jon for doing a pretty comprehensive -- and we understand it's a lot of information, but he gave a pretty comprehensive look at it. In fact, he went so a long my daughter had a baby while he was speaking.

McCarvel: Congratulations.

Turnbull: I just got that -- I just got that text, yes. You know, I think I want to highlight what our intent is here. This -- this goes back to over a year ago with discussions with the city about, you know, mutual frustrations with how we have worked through these applications and -- and we came up with -- I thought -- I think should be a mutual understanding that we are following the plan which asks us to come up with specific design guidelines and we commissioned an architect and spent quite a bit of money to

come up with these design guidelines to give us consistency in architecture, consistency in landscaping, consistency in everything down to the kind of, you know, ground cover you can use and the benches and trash enclosures and all of those elements, because we want to see this be a cohesive development and we also want to alleviate some of the burden from the staff and also take it away from -- take it out of our hands by hiring professionals and we will pay those fees and I hope we can demonstrate to you that we have got -- we have -- we have tried to do the most innovative, high density commercial, high employment, which was the goal of the city. There are -- there are changes that came about through the last dozen or so years. There used to be a lifestyle center designation on this property. Well, guess what, that got built at The Village at Meridian and Anna Canning, who was the planning director at the time, commented to me, well, there is only going to be one of those probably that are supportable in this city. So, that's probably not going to happen at Ten Mile now -- and we concur. So, we have not -- we don't have a heavy retail focus out here. We have a heavy high density employment, medical -- the medical component is going to be substantial and, then, we have been able to do some things with high density multi-family that hasn't been done in the Meridian market and those things have come about -- probably weren't practical even to do 12 years ago. The market changes, though, and one of the things that COVID brought us was a realization of the need for -- that the companies that actually survived and thrived through this environment have been the ones that had drive throughs, for example, and so we have incorporated all of these things into these design guidelines that will be reviewed by third party architects, so that when they come to you you have the -- you know, architectural review is not a check the box kind of science. There is as much art to it as there is engineering and that's what we hope to bring to the table. That's why we spent a great deal of effort working on these design guidelines to provide the city the product that it wants and deserves. So, you know, we could -- we could go over some additional items, but I think you have what you need. I know you know what the applications are before you. The City Council is going to have to be the final decision maker on some of these, but I hope you can see the intent of what we are trying to do here to accomplish something great for the city. So, I will close with that. Thank you.

McCarvel: Thank you. If there is no more questions for the applicant or for staff, could I get a motion to close the public hearing on H-2020-0074, items No. 5 and 6 on the agenda.

Grove: So moved.

Cassinelli: Second.

McCarvel: It has been moved and seconded to close the public hearing on Items 5 and 6, H-2020-0074. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

McCarvel: I have got --

Cassinelli: Madam Chair?

McCarvel: -- Commissioner Holland and Commissioner Cassinelli unmuted. Go ahead, Commissioner Cassinelli.

Cassinelli: I will just start with some comments and we will probably have -- have lots of comments and thoughts and stuff. I -- I really agree with Commissioner Holland's suggestion on some sort of park open space. I don't know that it needs to necessarily be five acres and -- something to where -- and I -- you know, I understand what the applicant said as far as it's not being a lifestyle center, but still somewhere where those coming from the outside that don't live or work there that are coming there to -- you know, to grab a bite of food or -- or whatever they may be -- they might be doing, can -- can go there and take that -- you know, take the sandwich from the deli and go eat maybe off site and just enjoy it. So, just something -- and maybe in that. I guess it would be the northwest corner or something that I could just kind of envision. So, that's -- that's one thought. And, then, personally, the -- the -- the pedestrian scale lighting that -- that staff has required, I'm definitely in support of. Comment on the height aspect is I don't necessarily think we should approve that sitewide, because, then, they could potentially take it and put a six story building right up against Franklin. I'm not saying that they would, but if that -- you know, if we give them that -- that leeway, that latitude, they could. So, I would like to somehow see us only allow that in a specific area within this plat or just leave as is and have them -- I mean if they can -- they have got an alternative compliance at least on one building I think to go -- to go up high enough, I -- I think, you know, I would -- I would rather have -- have that be the case, honestly, to -- to do it item by item. So, that's my -- my thought on that. Those are my -- those are my main thoughts right now. I would like to hear -- maybe after some questions, if Sonya could comment a little bit more on the -- on the design guidelines and just get a better understanding of where staff is at as opposed to where the applicant is at on -- on the design and that's it for now.

McCarvel: Commissioner Holland.

Holland: Do we want to pause and let Sonya answer that question first before we get too --

McCarvel: Yeah. Go ahead, Sonya. Sonya, would you like to unmute.

Parsons: Commission, I'm happy to answer that question.

McCarvel: Okay. Thanks, Bill.

Parsons: You are welcome. And I think it -- I think those are the -- the applicant's done a very good job of explaining where we -- where we started and where we are at now, because as they have pointed out in tonight's presentation, it is very clear -- or at least the intent is that this is a partnership. This body, staff, applicant, property owners, we set out on this vision to make sure that we got something innovative, while still being flexible for applicants and that's probably the -- a lot of the time that we spent with the applicant

on this process is from -- from our standpoint, from city staff standpoint, having to look at five different development agreements to regulate a development -- or try to manage a cohesive design and theme over 300 acres is -- can be a challenge, particularly with different team members looking at different applications. Each one of us are going to have a different interpretation and that's why we really started out on this adventure with them. And I will call it an adventure, because I think we have all learned and grown from it. We know -- at least from my perspective I think some of our codes need to change to support what the applicant wants to do. For so many years the city has used the development agreement as the tool to kind of regulate development and I'm one team member, but I think that the PUD process is what we should be using to regulate developments, especially these larger master planned communities, and as we sat down with the applicant and worked through all of these design challenges that we were faced, we looked at it as -- as internally and we looked at it with them -- we were under the impression that our current PUD standards don't allow for that flexibility that they want under these current standards that they are presenting to you tonight. But what we did realize is that through the development agreement process we could at least add some flexibility or change some of the design guidelines in the -- in the comp plan, because the comp plan really is a guide, whereas the zoning ordinance is law and that's the discussion that we had with the applicant and came up with this concept of doing one master DA to govern the 308 acres and eliminate the five into one and that's where we ended. We -- we certainly shared our concern with how do we implement these guidelines. Is it appropriate to allow them to propose different guidelines that are different than what's intended for the Ten Mile area? And as staff that's -- that's what we are tasked with. We are tasked with ensuring that the development complies with the plan and that's why Sonya laid out in her staff report some of those elements that she thought should be kept as part of our recommendation. Now, ultimately, you as a recommending body and City Council, they will have to determine whether or not this is the right avenue to take. You have to -- if you think this is the right way to move forward, then, I would encourage you to set forth your recommendation that Council take this under consideration or at least provide staff some direction as we move forward with some future code changes, because as you know I'm one to say I think the Ten Mile Plan is pretty aspirational. It has some things -- and kind of going back to Cassinelli's height comment, the reason why we supported it as part of this process is because the Ten Mile Plan encourages higher floor area ratios, which, basically, means you are going to intensify the property and go vertical and a lot of those employment areas -- or a lot of the buildings they have built out there we have done alternative compliance and we have gotten those plaza areas because of doing that alternative compliance process. We have also talked with them about incorporating some plazas into their commercial space, too, so -- and public art as well and we have gotten the same responses you have gotten tonight, that they are willing to look at that and take that into consideration. The one component that you are not seeing as part of their design guidelines is really the residential component that they have highlighted and that's where you are going to start seeing some of the innovative open space and some different residential uses that they will come back and eventually amend their DA and include those design guidelines as part of that project. So, I don't want you to think you are not getting the full picture tonight. Right now the applicant's really trying to meet the intent of the plan, but do it differently than what we have done it -- the way we

have done it before and that's really coming up with an 80 page document is saying, city, please, endorse this, so that we can give your staff the tools to review this 308 acres under one specific guideline, rather than having them look at multiple documents. I don't know if I helped the conversation or hurt it, but I guess just giving you staff's perspective, that's -- that's really why we got to where we are and I'm hoping out of this that we get some clear direction from this body and City Council, because I -- I tend to agree with the applicant, we just need to be more flexible and we need to be innovative and if this is the tool to do that, then, I think at some point we should really think about it and think about changing our codes to align and move in this direction.

McCarvel: Thank you, Bill.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Bill, a couple of follow-up questions to that. How integrated was staff in the creation of the design guideline document that the applicant proposed? Were you sitting at the table with them while they were trying to develop most of that document?

Parsons: I wouldn't say we were sitting at the table. I think they really took the lead. To be -- to be frank with you, I was the one that encouraged them to do it, because it's my planning experience from other -- another -- a previous life I guess I should say -- that's what they -- that was their main tool. They had zoning ordinances from 1976. They didn't ever get into the code. They controlled everything through the PUD process. Whereas when you come to Idaho you have a different set of rules to follow and you look at the land use laws and, really, the DA is where you kind of -- once you get zoning out you -- you kind of typically get what you get and that's why we are -- we scrutinize applicants so much at the annexation process, because we want to -- if we are going to give away zoning we want to make sure we have clear direction and clear plans moving forward. So, no, we weren't at the table, but the applicant was always willing to share the information with us and ask us for our feedback. Now, were we as -- as responsive as we should have been? I would probably say no, just given the workload and what we were dealing with we could not give them a full comprehensive review of this document. I have read through it and looking through -- they have taken out a lot of the -- some of the things they had in it they did remove it, because we felt it was unnecessary and so looking at it today do I feel comfortable with what they are proposing? I -- again, I can't say that I have gone through our code and compared that to what -- the Ten Mile guidelines compared to what they are proposing here, but what they are showing here and what Sonya alluded to in her presentation tonight was the plan encourages that mix of uses they gave you a bubble plan that showed that. So, do I know what the percentages are? No. Do I feel confident that they are going to meet the spirit and the intent of the plan? Yes. And that's -- that's always been their intent and in our communications with them that's what they have always conveyed to us, that they recognize what the plan is and they plan on meeting the intent of that plan as closely as possible. And I -- and, you know, from our time constraints as far as design review, I like

-- I like the aspect of having a third party review. Currently we don't have -- we have -- currently all of the design review is at our staff level and, then, if the applicant doesn't agree or make the changes, then, we have to convene a design review committee to look at that, which is basically our third party review to say yes or no, we agree with staff or don't. So, them putting that extra level of scrutiny on themselves is probably making them as much accountable as the city doing the review for them. So, I do like that aspect that they are proposing, because I think that will help expedite some of the review for staff. So, again, I go back to my closing remarks. It's -- it's really more of a philosophical discussion tonight whether or not this is the right approach we should take. And to be curious -- it's going to be interesting to see what Council does on it.

Holland: Thank you, Bill. So, I guess I can jump in with my comments, if that's all right, Madam Chair.

McCarvel: Go ahead.

Holland: So, again, I go back to -- we have three different applications in front of us, so -- and the way that we deliberate I just want to make sure we -- we talk about them in that order. So, the first item we have is the preliminary plat of the 83 buildable lots and the two common lots for the 132 acres of land in the R-40 and the C-G zoning districts and, then, the second application we have is the development agreement modification and the rezone request. So, speaking just high level about the request for the preliminary plat and for the rezone, I don't see big concerns. I think they have done a good job of explaining why they want to make those rezone requests. I think it fits well with the way that they have shown the bubble concepts. So, I think those ones are fairly straightforward, with the additions of what the staff report has. Talking about, you know, the concept we have been talking about, whether they have a design guideline, I -- I'm not opposed to it either. I think it's really nice to have a smart focused area. This is a really unique spot in Meridian and it does have -- I mentioned it has an urban renewal district with it, which is one of the few tools that cities have to be able to use to fund public infrastructure. So, I know that all of these new buildings that are going up -- the increment from all of these additions is going into a pool that can be used to help with infrastructure needs. So, I know that there -- there is some assistance in helping with roadways and helping with these pathways and I think they have -- they have done a fabulous job with the pathways. I have walked some of the projects. I have driven around some of the projects. Just previously looking at some of the -- I mean I have had a couple of business visits out at the new buildings that are up there. So, I think they have done a great job of comprehensive planning and design. I still would push for wanting to see more of a central amenity site somewhere in the plaza and I do really like that they have got the amenity areas. I understand and appreciate that they don't want to seek being a lifestyle center, because The Village exists, but The Village is several miles away and I think we have got so much density that we have approved within a one mile radius of where the site is that it would be nice to have a walkable amenity where multiple people could gather and have a little bit bigger open space beyond just what's in the residential neighborhoods connecting to it. So, I think that that would still be fairly strong in my recommendations, is that they consider having an element of public space, whether that's a plaza, whether

that's green space, whether -- whatever that is. I know I keep going back to that, but once the ground is developed there is no way to go back and add more ground back to it and when you have got a 308 acre space, hopefully, they can carve out five -- five to ten acres somewhere in there for a nice central amenity. So, I'm going to get off my soapbox with that. I would also say I -- I appreciate that these developers have been so transparent in their process that they have certainly gone above and beyond in the way that they have come back to the city with a really nice looking document and suggestions, so I'm not opposed to making a recommendation to Council that they consider, you know, a different way of doing business when it comes to this specific project area, because it's part of the urban renewal area, because it's part of an employment center and a focus for Meridian, and, you know, I know that they are well known developers and they have done a great job with other projects. I'm not saying that we should approve it because they are a good developer, I'm saying it because it's nice to have a thoughtful plan that's laid out well. On a couple of the other issues that we have talked about, I would agree with Commissioner Cassinelli on the streetlights, I would follow staff's recommendation on that. I don't see any challenge with the hundred feet height, as long as we limit it to being on the side that's closer to the Interstate, because I would agree that a hundred foot building right off of the corner of Franklin and Ten Mile might stand out a little bit and that, you know, they would follow the intent of the bubble plan concept. I would hope that they would have some additional retail uses, even though it's an employment and high density focus. I think having that many employment centers and those many residents nearby they are going to want restaurants to go to, they are going to want somewhere to go for their break. Certainly would be a nice amenity and while retail certainly changed with COVID, I don't want to plan the future of our city on a one to two year pandemic, because I know that retail will come back in a different way in the future. So, that was a lot of comments for me. Sorry. I'm done now.

McCarvel: Commissioner Yearsley -- or Commissioner Grove.

Grove: Thank you, Madam Chair. Sorry, my internet has been fluctuating, so I'm going to leave my video off, so I can attempt to not cut out. I would say that I agree with Commissioner Holland on just about everything that she said. I think for me that the height restriction being lifted I'm okay with them lift -- having it lifted and would go along with the rest of this body if they wanted to, you know, say where. I'm not as concerned about it I guess in this general area with limiting it, but I'm okay taking the limit off in terms of height. I'm very impressed with the level of detail that they have put towards the combining all of these different elements to make a cohesive plan and I like where they have gone with this. And I was a little confused trying to like read through all of the documentation leading up to this, but hearing all of the explanations tonight and getting a little bit more familiar with it, it's something I can get on board with.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Madam Chair, I don't really have much more to add that -- that the other Commissioners haven't really added. The fact that the developer has taken the time to really put a Comprehensive Plan for such a huge parcel that's very unique to our community and, really, the Treasure Valley. They are the first ones to, you know, set the bar for this type of project. So, it -- from the beginnings of what they are proposing seems very viable and it would be a good space.

McCarvel: Commissioner Yearsley?

Yearsley: Madam Chair. So, I was actually involved with Planning and Zoning when this and the other application came in to develop all of this and I'm actually excited to see that that centerpiece actually has some momentum to move forward -- they actually start developing that piece as well. This was always meant to be kind of a showcase area with the Ten Mile corridor study that was done and I think so far they have done a really good job, especially as -- how would you say it? How the market has driven different things. Initially they were looking at more retail space, now it's more office space. People actually like that look a lot better. I think it plays better to the diversity for a live-work-play type stuff. So, I -- I'm in favor of what -- what they are proposing. I do agree with allowing the hundred foot height -- height restriction on there. Have a little height on this, this is the area to put that. So, you know, it's not like we are setting it off. I think this is a good location. So, I -- I'm a favor of this proposal.

McCarvel: Okay. I think we have got all the comments. I would agree especially with Commissioner Grove. It was a lot to read and it makes a lot more sense. I appreciate the presentation. I have to admit when I saw he had 56 slides up there I was a little nervous, but I appreciate all the effort that went into the presentation tonight. It helped a lot. Yeah. I would -- the height sitewide, I think we might want to take a look at that, just so, you know, who knows what happens in the future and, you know, once we give that away it's gone, so -- and, yeah, the central amenity, I'm sure whoever makes the motion, will get that in there.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Is there -- if -- if Sonya or Bill could comment, because I'm still very concerned about just giving a wide open approval on the -- on the height limitation. I think we should rein it in a little bit and if they need to go outside of what we put up as a boundary, then, the alternative compliance is still an avenue, but it's kind of a check and balance. But Sonya or Bill, is there -- is there something that you could say to put my mind at ease on that, that it wouldn't get out of control?

Allen: Chairman, Commissioner Cassinelli, all I can add really is that current code does allow for the height to extend above that. I believe it's 20 percent in the code through alternative compliance through a conditional use permit. The applicant is trying to avoid doing that every time and going through the lengthy hearing process every time they have

that happen. Other than that, you know, that's -- that's under your purview. If you want to specify locations that they can or cannot go up to a hundred feet, that's -- that's really your decision. I don't really have any other ideas, unless Bill does.

Parsons: No. I think you said it well, Sonya. It's really to, again, keep with the spirit of the plans. Again, the idea for this area was intensification and have taller buildings. That's -- and the C-G zone itself allows up to 65 feet in height. As Sonya mentioned, I think the tallest building out there is about 79 feet, if I remember correctly. Somewhere in that realm. So, we did alternative compliance and they did plat the area and we moved on. So, certainly, if -- if you want to self impose a specific area you can certainly add that in -- in your motion, Commissioner Cassinelli. Probably anything south of Cobalt and east of West -- I think it's Benchmark Street, if I'm not mistaken, which is basically -- and the Interstate there, it's -- pretty much all of that's C-G and the center of the project is probably I think where you guys -- based on the discussion leaving the -- the height limitation in that area.

McCarvel: Yeah. I think that's exactly the borders that the applicant actually referred to as well is where they wanted to put them. South of Cobalt.

Holland: Where was that again?

McCarvel: South of Cobalt.

Parsons: Yeah. Between Cobalt, the Interstate, and east of -- or, excuse me, west of Benchmark. See if I can zoom in on my map here and get the exact name of the -- it's South Benchmark Avenue is what I'm showing.

Holland: Thanks, Bill.

Parsons: Which is that eastern most -- eastern most north-south collector road where Jon's cursor is going up and down.

Cassinelli: Is there a way to --

Parsons: It's a retail, office, entertainment, medical area.

Cassinelli: Yeah. I wouldn't want to see a hundred -- I wouldn't want to see a hundred feet right at the border -- right at the edge of Ten Mile. I don't know that they would ever do that, but if -- if they could, you know, if we gave them the green light to do it now and that's where they could squeeze something in, then, you have got a six story building right at the -- you know, right at the edge of Ten Mile that, you know, winds up creating a -- you would wind up creating kind of a tunnel feel going through Ten Mile and I -- that's not -- you know, if we could even -- I'm great with -- personally, the benchmark I think on the east, Cobalt on the -- on the north, but if there is some way we can -- whoever is -- you know, our -- we have a professional motion maker when it gets this detailed. You know, if there is a way that they --

Holland: Commissioner Yearsley?

Cassinelli: Exactly. If there is a way, too, to keep it a little bit in from -- from Ten Mile I would be -- I would be fine with -- with -- as long as we are keeping it -- keeping it in a confined area I'm fine with going to that height limit. I don't know --

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I'm not sure what the foot requirement could be, but we could say that we would be allow -- willing to allow hundred foot height buildings as long as they had more than a hundred foot buffer or whatever number we decided is the arbitrary number between the -- a hundred foot buffer between Franklin Road, Ten Mile Road, or adjacent residential. Whatever the buffering is. If we could do something like that, instead of using roadways.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: One thing to kind of keep in mind as we are making these suggestions is the -- the road -- Ten Mile especially here is higher up than the property in a lot of places and so when we start saying a hundred feet or whatever, it might be -- it's going to be very different from the road than it is for the property itself and so I would -- I would caution us in making very detailed conditions on some of this, I think -- I think that the developer, you know, is going to do what is going to draw people into their development, right, and walking views and not allowing people to, you know, be welcomed into their space and welcomed into the city is not their intention, especially seeing how they own this entire development. So, I'm in favor of not putting a ton of restrictions in terms of the boundary for the height restriction.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I agree. I think -- I don't know if I have an issue with trying to put a condition on this.

McCarvel: Okay. Thank you.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: I think I would also agree. I think it's tough when we put too many conditions on it and measuring out a number. I was just trying to find a solution that might work for

the Commission, but I think I would be okay saying that we would allow the hundred foot height south of Cobalt and west of Benchmark Avenue, because I think that's the area that they are proposing that for and just -- I would agree that Ten Mile is kind of an elevated road coming in and if you are going to have that density that's the area that's designed for it. So, I don't really have a concern having a hundred feet high along Ten Mile, because I don't think they are going to block them all adjacent to each other.

McCarvel: Is there a motion in the near future or do we have more discussion?

Grove: Madam Chair, can I throw in one more thing?

McCarvel: Absolutely. Commissioner Grove.

Grove: So, just -- I guess maybe a question to Commissioner Holland. With the plaza open space piece that you have been pitching for -- for this, I think one of the other maybe wording that we can run there -- I think amphitheater is something that has had success in some of these types of places. So, just kind of throwing that out for consideration for the -- not necessarily for the motion itself, but just throwing up the development idea.

McCarvel: Okay.

Lorcher: Madam Chair, are we going to try to combine several of these public hearing numbers together in one motion or are they going to be separate?

McCarvel: That's up to the motion maker. But I think -- I will pose that question to staff, since we have the No. 5 and 6 listed separately, do you need two separate motions?

Allen: No. You can include it. They -- they are all open together, so --

McCarvel: It's all under one item number, so --

Holland: All right. I will try taking a stab.

Yearsley: Before we do that, can we have the applicant go to the conditions that they wanted to see on the screen.

Cassinelli: We would have to open it back up.

Yearsley: No. No. Just have to display that list of conditions, so at least we something to refer to when they are looking at it.

Holland: I don't think we have to make the specific conditions today, because I think they are tied to the development agreement. I think -- we are not approving the development agreement modification, we are just a recommendation to it.

Yearsley: Okay.

Holland: I know in the staff report they mentioned it's pages 48 through 56, there is a number of highlighted items that are in there. I have the staff report open, I can pull it up in here really quick. It's 48 to 56. There is a few highlighted items. One of them was around their conceptual use plan being submitted. Let's see. The bubble chart -- I'm not seeing all the highlight items. Another one was related to the TMISAP for complete streets. Talking about the starting point for each street. Sidewalks. Bike lanes. White shoulders. Crosswalks. Medians. Et cetera. The applicant shall address at the public hearing or in writing prior to the hearing what additional design features are planned for internal public streets within the development aside from those proposed. That was one of the items highlighted. So, I really only see a couple items highlighted, unless I'm missing something.

McCarvel: Yeah.

Holland: You help us out if there is specific things we need to address in that.

McCarvel: Yeah. Commissioner Holland, I'm only seeing on page 48, Item A, and on page 56 it would be number four.

Holland: Staff was it -- either Sonya or Bill, did they not want to include the bubble chart? Was that one of the challenges?

Yearsley: Oh, I don't think the Council has had a chance to review that. So, I don't think we want to include that yet.

Allen: Madam Chair, just to clarify that staff did not have the use plan, so -- initially. So, that's -- that was the request that they submit one, which they have done.

McCarvel: You indicated you --

Allen: But generally it looks good, but the staff will take a closer look at it before the Council hearing.

Holland: Is there any other items we need to make sure we note, Sonya?

Cassinelli: This is my -- this is Commissioner Cassinelli. This is my last pitch for a little restriction on -- on -- on the height. Where ever a motion is going.

Holland: Did you have a specific request, Commissioner Cassinelli?

Cassinelli: I just -- I mean I like -- because I would have -- by -- by the time you hit Vanguard, Ten Mile is pretty much flush with property there, so -- I mean I would like to see -- and I'm not -- I don't have a map that specifically shows the C-G, but I would like to stay south of Cobalt and within -- you threw out a number of a hundred feet of major arterials. I think -- although we would eliminate Franklin if we kept it south of Cobalt, but -- and I think that's their intent anyway would be to keep it south of Cobalt, but if that's

their intent then -- then, you know, just to specify that in a motion for Council to review I think would be -- I think is adequate and, then, a hundred feet it keeps it back to -- to keep it more -- more inviting. I mean I -- I have seen -- you know, been around the country, you see a lot of projects where you get a lot of height right by the main roads and it doesn't mean that -- you know, I mean that -- people will still -- you know, you can still go in. It doesn't make it less inviting I guess, but it sure makes for a -- kind of a closed internal feel as you are -- when you are out -- when you are on the outside. So, a hundred feet?

Yearsley: I could do 50 feet.

Grove: Madam Chair, I -- I don't want to put those restrictions on, because then -- I don't know what those parcels are going to look like, how they need to develop. I'm really hesitant to put those restrictions, especially -- I mean I want to encourage the height and I think -- I mean there is not a lot of places in our city where we can encourage that amount of height and so I think for me I don't see those -- I hear your concerns, I guess, but I don't share them.

Holland: Can I help out in the motion, that we make a note that just says for any properties that are adjacent to Ten Mile, if they are going to -- if there is a hope to go with a hundred foot building that they would work with staff to find where that's appropriate and, then, give staff that level of approval.

Cassinelli: Well -- and that's what an alternative compliance says and that's why even if we set a hundred feet or 50 feet or whatever that number is, they can still get an alternative compliance. I just -- I'm just -- my thought is -- again, it's just a check and balance on that, so that once we -- I mean if we go a hundred feet everywhere then -- then they have got the ability to do that anywhere on the property without -- without anybody having a -- you know, be -- without -- without a check on that. So, I just -- that's why -- that's my thought. I'm not saying that I wouldn't be in favor of it, I'm just saying that, you know, I think we need to keep a little bit of control here on it and have a -- have a -- you know, have a final look at it before it's -- before it goes up.

Parsons: Yeah. Mr. -- Madam Chair, Members of the Commission, if I may try to help move this conversation along. I hear you what you are saying on the highest. Is it possible that maybe in your motion tonight that you say that the applicant work with staff prior to City Council to kind of designate an area to where they were -- at least in the plan. If these design guidelines come into play or that DA gets signed, at least there would be an exhibit as part of that DA that showed where it's appropriate to have hundred foot tall buildings and, then, the applicant can -- can work with us and, then, we can take that up to City Council.

Holland: I think that's a great suggestion.

McCarvel: Commissioner Holland?

Cassinelli: I think I would be -- I would be good with that.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council for the hearing date of March 18th, 2021, several items. For H-2020-0074, for TM Center with the preliminary plat request, for H-2020-0074 for the development agreement modification that the applicant would work with staff on identifying prior to the City Council hearing the specific areas that the applicant would like to see hundred foot buildings and provide a conceptual diagram for Council to consider, but that they would provide significant buffering between future residential uses, neighborhood roadways, and that they would consider the area south of Cobalt and west to Benchmark Avenue for those higher height buildings. That the applicant would follow the bubble plan concept that was proposed in this evening's meeting as they move forward with their concept plans. That the applicant might also consider a significant central amenity for the project, whether it be an amphitheater, a plaza, a park and that they might seek assistance from the urban renewal agency or work with Council on what that amenity might look like, but that the commission would like to see some sort of significant central amenity added into the concept plan. And that we would also recommend approval of the request for the rezone of the 40.9 acres from R-40 and C-C zoning districts to the C-G zoning district. The 3.9 acres from the TN-C and C-G zoning districts to the R-40 zoning districts. The .65 five acres from the R-8 and the TN-C zoning districts to the C-G zoning district. And the .53 acres from the TN-C zoning districts to the C-G zoning district. Did I miss anything?

McCarvel: A second?

Yearsley: I will second that.

McCarvel: We have a motion and a second to recommend approval for Items No. 5 and 6, H-2020-0074, with recommendations and modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I think we may be in for a bit of time on the next one. Can we take a --

McCarvel: Yeah. That's -- that's exactly where I was going. Let's take a five minute break. We will reconvene shortly after 8:10. Five, six minute break. Thanks.

Cassinelli: Thank you.