

Public Hearing for Apex Farr Subdivision (H-2024-0014) by Brighton Corporation, located at west side of S. Locust Grove Rd., north of E. Lake Hazel Rd. and east of S. Meridian Rd.

- A. Request: Modified Development Agreement to remove the property annexed with South Meridian Arbor Ridge (H-2015-0019), Inst.#2016-007071 and portions of the property annexed with Shafer View Terrace (H-2020-0117), Inst.#2021-102396 and Apex (H-2020-0066), Inst.#2020-178120 from the existing development agreements to include in a new agreement and update the overall conceptual development plan for the site and other provisions as applicable.
- B. Request: Rezone of 38.69 acres of land from the R-2 to the R-8 (0.76 acre), R-15 to C-C (6.66 acres), and R-4 to R-8 (31.27 acres) zoning districts.
- C. Request: Preliminary Plat consisting of 381 single family residential building lots, 6 commercial building lots and 60 common lots on 131.89 acres of land in the R-8, R-15 and C-C zoning districts.

Lorcher: Okay. The next file on the agenda is File No. H-2024-0014. Is a request for a modification for the development agreement, rezone and preliminary plat for Apex Farr Subdivision. We will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is -- oops. Let me get here to the right spot here. Is a request for a development agreement modification, a rezone and a preliminary plat. I just wanted to make a note that there was a discrepancy in the hearing notice for the rezone, but the description on the agenda is correct and it has been corrected for the Council notice. This site consists of 131.89 acres of land. It's zoned R-4, R-8 and R-15 and is located on the west side of South Locust Grove Road, north of East Lake Hazel Road and east of South Meridian Road. A little history on this property. Except for the R-2 zoned portion, the -- the rest of it was annexed in 2015 with an R-4 zoning district as part of the South Meridian Category A annexation, which included -- excuse me? Oh, I'm so sorry. I didn't realize I was -- or wasn't. All right. Let's try that again. So, it was annexed as part of the South Meridian Category A annexation, which included multiple properties and property owners. A placeholder R-4 zoning district was approved with individual development agreements for each property owner, i.e., Arbor Ridge, Brighton Investments, LLC; SCS, Brighton, LLC, and Murgoitio Limited Partnership, which require modification prior to development of the property to approve any proposed development plan. In 2020 a modification to the existing development agreements for Brighton, SCS Brighton, Murgoitio Partnership was approved, which replaced these agreements with one new agreement, which was Apex. A rezone was approved for much of the subject property from the R-2 -- excuse me -- R-4 to the R-8 and R-15 districts. The Arbor Ridge R-4 zoned property along the northern

boundary was under different ownership at that time and was not included in the rezone, but is part of the subject rezone application. A preliminary plat was also approved for Apex Northwest Subdivision, which included the R-15 zoned portion of the subject property at the southeast corner of the site. The conceptual master plan included in the development agreement depicts future development with no specific development plan for the areas not included in the preliminary plat with a general street layout on the south -- land southwest of the Williams gas pipeline and a future school at the northwest corner of Locust Grove and Crescendo. In 2021 the R-2 zoned portion of the property was annexed with the development agreement and included in the Shafer View Terrace Subdivision as Lot 1, Block 5. This lot was depicted as a future phase with no specific development plan. A preliminary plat was approved in 2021 for Apex West Subdivision, which included Lot 1, Block 5, Shafer View Terrace Subdivision and a portion of the subject property. A portion of this property is included in the subject preliminary plat. The remainder will be part of Apex West Subdivision. The Comprehensive Plan future land use map designation for this property -- it's on the middle map here -- is designated low density residential, medium density residential and mixed-use community, with a future school designation. The applicant is requesting a development agreement modification to include the South Meridian Arbor Ridge property and portions of the property annexed with Shafer View Terrace and Apex and a new development agreement with an updated conceptual development plan as shown. These properties will no longer be subject to the previous development agreements. The proposed development plan is generally consistent with the future land use map. The future school previously planned at the northwest corner of Locust Grove and Crescendo was shifted to the south side of Lake Hazel, east of Locust Grove. A rezone of a total of 38.69 acres of land from R-2 to R-8, which is .76 of an acre, R-15 to C-C, which is 6.66 acres and R-4 to R-8, which is 31.27 acres, is proposed. The area proposed to be rezoned to R-8 is designated medium density residential on the future land use map, except for a .76 acre portion, which is designated low density residential. The area proposed to be zoned C-C is designated mixed-use community. The proposed zoning is consistent with the associated future land use map designations. A preliminary plat is proposed consisting of 381 single family residential building lots, six commercial building lots and 60 common lots on 131.89 acres of land in the R-8, R-15 and C-C zoning districts and is a resubdivision of a portion of Lot 1, Block 5, Shafer View Terrace Subdivision. The remainder of which will be included in the Apex West final plat. The plat is proposed to develop in seven phases as shown on the phasing plan on the right. Minimum lot size proposed is 4,180 square feet, with an average lot size of 8,021 square feet. A gross density of 2.84 units per acre, with a net density of 5.43 units per acre is proposed, which is consistent with the density desired in the medium density future land use map designation. A mix of front loaded and alley loaded single family residential detached units in a variety of different lot sizes are proposed, with larger lots along the northern boundary to provide a transition between the rural lots to the north of the Farr Lateral. Access is proposed via the extension of East Quartz Creek Street, East Trenton Street and East Liberator Court at the project's west boundary and from South Locust Grove Road via South Apex Way and East Crescendo Street. An emergency access is proposed at the northern boundary via South Margaret Avenue. Several common driveways are proposed as depicted on the plat. Stub streets are proposed for future extension and interconnectivity with adjacent development and

future development in Apex Pinnacle. A collector street is stubbed to the north, which will extend to East Amity Road, with future development and South Apex Way will extend to South Locust Grove Road as a collector street in accord at the master street map. Cross-access ingress-egress easements should be provided between all of the commercial lots. There are several common driveways that are depicted on the plat. Private streets are proposed to access for the residential units in Blocks 2 and 23. As shown ACHD will not allow those streets to be public alleys, because some of the lots don't have frontage on a public street. This also creates an issue with addressing the units that have frontage on both a public street and the proposed private street, which staff is concerned will create confusion for emergency responders. Therefore, staff is recommending these blocks are reconfigured, so that public alleys may be allowed and addressing can be from the adjacent public street. Lot 23 at the southeast corner of the development consists of rear loaded single family residential units on the west side and commercial uses on the east side as shown on the layout on the left. A 25 foot wide buffer to residential uses is required on the C-C zoned property per the UDC. The applicant is requesting a reduction in the buffer width to zero with the provision of a 15 foot wide common MEW on the residential portion, which will include landscaping and a sidewalk. Staff is not in favor of the proposed layout with the residential units abutting the parking lot for the commercial area with only a 15 foot wide landscape area in between. Staff recommends the access drives for the residential units are constructed as alleys, instead of private streets and a north-south public street is provided between the residential and the commercial lots for addressing purposes for the east facing residential units, which is an issue with the proposed layout for on-street parking for the residential units and as a transition separation between land uses as shown on the layout on the right. There are several site constraints that affect the design and layout of the project. They include the following: The Carlson Lateral runs along the northwest boundary of the site. The Farr Lateral runs along the northeast boundary of the site at the highest elevation of the project. The McBurney Lateral will be piped and is located in the southeast portion of the project. The Watkins Drain runs through the northwest quadrant. The Williams Northwest gas pipeline bisects this site within a 75 foot wide easement and that's shown in orange there on the plan. There is an existing sewer trunk line on the northwest corner of the property and a 25 foot wide easement and there are slopes between seven and 12 percent along the northeast boundary of the site within the area shown in red on the map. Due to these constraints the applicant is requesting a waiver from City Council to the maximum block face length standard of 750 feet without an intersecting street or alley. Block faces are allowed to extend up to one thousand feet where a pedestrian connection is proposed between the streets within the block. The face of Block 12 along Precipice Drive is approximately 2,500 feet and that is the street that runs along the northern -- northeast boundary of the site right here. There are two pedestrian connections proposed within the block that provide pedestrian access between streets. The Farr Lateral runs along the north side of the street at the highest point of the development as I mentioned. The face of Block 12 along West Vertex Drive is approximately 1,500 feet long. One pedestrian connection is proposed within the block that provides pedestrian access between streets and that is just the other side of this block. So, it's this area right here. Traffic calming is proposed in the form of a 29 foot wide street section for West Precipice Drive along the Farr Lateral, which will only allow parking on one side of the street and

bulb outs and choke points at pedestrian crossings as shown. A landscape plan was submitted with a preliminary plat that depicts street buffers and common open space landscaping for the development. A fencing plan was also submitted as shown on the right. Multi-use pathways are proposed within the Williams Pipeline easement and along Locust Grove Road. A minimum of 15 percent or 18.93 acres of land is required for qualified open space to be provided in the R-8 and R-15 zoning districts. A total of 36.1 acres, which is 29 percent, is proposed at almost double the required amount. Site amenities totaling a minimum of 26 points from each category are required to be provided. Amenities totaling 30 points are proposed consisting of two fitness courses, a dog park and two education gardens from the quality of life category. A swimming pool with changing facilities and restrooms and two tot lots and natural play areas from the recreation activity category. .37 mile of pathway aligned with linear open space and 1.61 miles of multi-use pathways from the pedestrian or bicycle circulation system category and, finally, a bicycle repair station from the multi-modal category. This does, again, exceed UDC standards. Several conceptual building elevations were submitted for the proposed residential development as shown. A mix of single story and two-story homes are proposed that include a variety of siding styles with masonry accents in a variety of colors and design elements and features with varying roof profiles and wall modulation that demonstrates the high quality of development proposed. No elevations were submitted for the commercial portion of the development, but they will be subject to design review standards. Written testimony has been received from Amanda McNutt, Brighton. That's from the applicant, the response to the staff report. The applicant requests deletion of the following conditions: There -- there is several, so I won't -- I won't go through each of the conditions. They are in your hearing outline. But I will go through the items that they are requesting for deletion. They are asking for the ten foot wide detached sidewalks to be provided along all collector streets for public safety in lieu of the on-street bicycle lanes. They want deletion of that, because they are -- only five foot wide sidewalks are proposed in the remainder of the development that's already gone through and has been approved for consistency and staff is okay with that request and just requiring the typical five foot detached sidewalks required by code. They are also asking deletion of the north-south public street to be provided between the residential and the commercial lots in Block 23. They are requesting deletion of the requirement for the revision to the lot layout in Block 2 to comply with ACHD's requirements for public alleys, so that the lots only have frontage on one named street. They are requesting deletion of the requirement for a sidewalk on the north side of West Precipice Drive. That is a UDC standard that staff can't waive. They are requesting modification to Condition No. 3 to clarify the landscape plan, which will be revised at the time of final plat and staff is in agreement with this clarification and they are asking a modification to include language on Condition No. 9 requiring the alternative compliance to the common driveway in Block 12 if requested to be submitted concurrently with the final plat application and staff is in agreement with that request as well. Staff is recommending approval of the proposed applications with the conditions in the staff report. Staff will stand for any questions.

Lorcher: Would the applicant like to come forward?

McNutt: Thank you. Mike Wardle is handing out just the little blurb of changes that we requested, just so it's a little easier for you guys to find. I'm Amanda McNutt. 2929 West Navigator Drive, Meridian. 83642. I apologize I don't know if there is a way to make this a little bit smaller in here. Oh. Never mind. I got it. All right. So, thank you again for having us. This is Apex Farr, which is the next portion of the Pinnacle community out at Locust Grove and Lake Hazel Roads. As Sonya mentioned, it's 131.8 acres, 381 new residential units, six commercial lots and there are 60 common lots. As mentioned it's about .8 acres from the R-2 zone to the R-8 zone, 29 and .9 acres from the -- R-4 holding zone to an R-8 zone and 5.3 acres from the R-15 to C-C zone. Again, this is consistent with the future land use map. I would like to take a moment to discuss the site specific constraints. We do have significant grade along the Farr Lateral and the Williams Pipeline is a constrictive vertical grade as well. So, we really can't change any grade between those two points. So, the Farr Lateral and the Williams Pipeline are -- are very constricting in our site. That -- that is driving a lot of the design in this particular development. As you can kind of see from this graphic here a lot of linear things are following those two points and, again, that's -- that's driven by the site itself. So, to the first variance request that we are asking for with that Precipice Street along the Farr Lateral, again, it -- it mostly is due to the fact that we have significant grade there that makes it extremely difficult to add any additional road connections. It would be to the point where we actually couldn't meet ADA requirements if we were to add additional roadway sections through there. As it is we are going to have to do probably some major grading efforts to make lots work through that area and to get those pathway connections. Also I wanted to note that both ACHD and city staff were supportive of this design with both Precipice and Vertex Drive. Vertex Drive is a little bit less of a concern I think due to the length. There are several intersections, as well as two pathway connections that intersect that street. Several choke points as well to try to calm traffic through there, as well as some variation in the straightness. I guess it's not completely straight through there. The next variance request that we are asking for is to allow more than three lots on a common driveway on a single side. So, I believe code allows for four lots total on a common drive, just not on a single side. This particular layout is a little bit unique. You can kind of see that we have some additional parking next to or between Lot 76 and Lot 77. Lot 76 is that driveway. The way that it lays out, obviously, four lots are taking access from that driveway, but we believe that this is a little bit better design, rather than having two abutting driveways with no through access, when we spoke to the fire department they agreed that this was a better design as far as access to and through those homes. The next variance request that we are asking for is the 25 foot buffer between the residential and commercial zones be removed. The intent here is that we want to integrate those uses as much as possible, both for pedestrian and the other homes within this area to be able to access the commercial uses. These are going to be neighborhood type commercial uses, not heavy commercial uses and we believe that this is going to allow just a better flow in the area. We do have the 15 foot MEW as described by Sonya and, then, we also have a ten foot lawn area between the MEW and the front of the homes, which, essentially, will equal a 25 foot separation between the front of the home and the parking lot and we just feel that this is going to be a much more seamless transition between uses and to serve the neighborhood. We have a variety of amenities within the community already. Pinnacle residents will have access to all new amenities in this pre-plat, as well as all the previous

and any future development. Pinnacle is developing as a single community. As Sonya mentioned we have several areas where we are proposing amenities. They are a little subject to change, although the area with the pool is likely to stay. And, then, we have some concrete pathways, a natural pathway along the Williams Pipeline, as well as a ten foot wide concrete pathway along the Williams Pipeline and a 14 foot concrete pathway that bisects the development as well. We wanted to show kind of a graphic of the intertwining pathways, which you can see there on the bottom left. It just gives some variation in the pathway system there, so it's not all straight concrete without anything there. We plan to have some natural elements in that pathway system. Obviously, we are a little bit limited, because it is in the pipeline, but we want to provide as much of a natural feel as possible through there, so it's not just grass and concrete and -- and kind of boring. Along the pathway area we are also going to have some natural play areas and education gardens with, you know, more details to come at a later date. Additionally, we will have another community pool and clubhouse, outdoor gym, a dog park, bike repair station, as Sonya mentioned. We propose to develop in about seven phases. This is also subject to change, but generally we are considering starting at the southeast corner and developing toward the northwest. You did see some of these living choices already. We will have some single family conventional style homes, some paired homes as well. And, then, we will have our Carriage Lane homes on those Carriage Lane areas. So, we would request a recommendation of approval to City Council for the pre-plat, the rezone, the length of West Precipice Drive, the length of West Vertex Drive, four lots on a single side of a common drive. We will submit an alternative compliance to be submitted with the final plat. Removal of the buffer between the C-C and R-15 zone and update conditions to include the deletions and modifications in the memo dated -- and I apologize, that's actually dated September 6th, 2024.

Lorcher: Are there any questions for the applicant at this time?

Grace: Madam Chair?

Lorcher: Commissioner Grace.

Grace: Hi, Amanda. So, can you just give me a little more information about -- you -- you -- you indicated with respect to Block 23 and the 25 foot buffer, that eliminating it and doing the things you are doing it better integrates the commercial and residential spaces? I -- just tell me where I'm wrong, but I would think that I would want as much buffer as possible if I were living there between me and the commercial space. How am I looking at that wrong?

McNutt: The type of use that's going to be proposed there as far as the residential units they will be paired small lot units. We don't expect that people are going to be spending a lot of time in their yards. It's kind of that type of development where you would be wanting to go into those commercial uses, the coffee shop or go to the fitness center or something like that, rather than spending time in your home or really trying to develop a community where people want to get out and spend time together with their neighbors, instead of just in their homes.

Grace: And thank you for that, because maybe I missed what the types of commercial activities were going to be there and they are sort of what you described there, more retail, more friendly to people wanting to be over there and walk over there, that kind of thing.

McNutt: Uh-huh.

Grace: Yeah. Follow-up, Madam Chair? I -- I have to confess I'm not sure I'm following -- not that I disagree necessarily. I'm just -- I want to make sure I understand it. The maximum block face length, can you just explain that piece to me again?

McNutt: Yeah. So, Sonya, you can remind me what those lengths are that -- the maximums are?

Allen: Yes. Would you like me to respond?

Grace: Sure. Yeah. If that's --

Allen: So, that the UDC allows a maximum block face length of 750 feet, unless -- well, that's for an intersecting street or alley. They will allow up to one thousand feet if a pedestrian pathway is provided that provides a connection between the two streets on either side of the block. A block face is broken by a street or a 90 degree angle. So, while these have a little bit of a -- a little curvature in the align, in -- in the alignment, it does not constitute a break in a block face per city code.

Grace: So, a waiver would be needed?

Allen: Council waiver of the block length -- length standard would be needed, yes. Or a redesign of those blocks.

Grace: And is that due to the realities of the site and the restrictions by the laterals and the pipeline and everything that was mentioned?

Allen: Yeah. And that's the applicant's reason for the request. Our code allows for requests for waivers to these standards in certain instances and one of those is slopes in excess of ten percent and I believe they are seven to 12 percent in that area.

McNutt: Yeah. Madam Chair, Commissioner Grace, we also have the -- the Farr Lateral there, which is also another provision that if you have a waterway abutting a roadway it can also exceed. So, we -- we kind of are duplicating that reasoning there is the slopes and also a -- a waterway.

Allen: Yes. That is correct.

Grace: And I apologize, this might be a question for staff. I -- there were some instances where you indicated what staff feels about it. Did you -- did you put in the report and I missed it what your feelings were on that request?

Allen: I did not. It's a -- it's a Council waiver. So, staff did not provide a recommendation on that. We -- we did speak to the applicant in our pre-app meetings about redesigning those blocks, so that they weren't so long. They are -- they are quite long. They are more than double our standards. The applicant can explain to you their reasoning why they chose not to do that, but, yes, we did ask them to do that and we would prefer that, if it's workable.

McNutt: Madam Chair, Commissioner, unfortunately, the grades and -- and other restrictions there it -- it is nearly impossible to add roadway connections. Literally we -- we just wouldn't be able to meet minimum standards to get additional roadway connections in there. It's very steep and it would be extremely difficult. Basically we would -- I mean you can create a road, but you would have a fall on each side of the road.

Grace: Thank you.

Lorcher: Commissioner Smith or Sandoval, do you have any questions for the applicant or take public testimony?

Sandoval: Madam Chair?

Lorcher: Commissioner Sandoval.

Sandoval: Quick question for the applicant. So, were you requesting the reduction from 25 to 15 feet. Is there any screening that's going to be going on there to shield some of the headlights pulling in and out in that parking lot?

McNutt: Madam Chair, Commissioner, no, we don't propose any screening through there.

Sandoval: Thank you.

Lorcher: Okay. Thank you.

McNutt: Thank you.

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

Lomeli: Thank you, Madam Chair. We have Julie Edwards online. Can you hear us, Julie?

Edwards: Yes, I can. Can you hear me?

Lomeli: Yes.

Lorcher: Can you state your name and address for the record, please?

Edwards: Sure. My name is Julie Edwards and address is 1310 East Mary Lane, which is just north of the Farr Lateral. And, Madam Chair and Commissioners, I had a few questions. It might be more of a -- a P&Z thing, rather than a developer thing, but firstly -- or first off, I had questions about the area requested to be rezoned from R-4 to R-8. In an earlier Brighton postcard for a hearing that I received there was a section up there noted -- it was zoned NAP, which I didn't see anything on the city's website, but other websites said it was natural area protected. So, you can kind of see behind that R-4 there is a darker mass in the center and I was just wondering when that changed, if that changed when it was annexed and why the city would have removed that designation, because it's currently a predatory bird nesting area and at one point before all the construction came along there were coyotes, fox, deer down there and so it's just kind of, you know, disappointing that something like that would be removed. So, just wondering why that wasn't protected. Second, about the block face maximum, so I hear this a lot in a lot of meetings, a lot of waivers and, you know, variances and things like that and I just feel like if there is a standard set, the developers know that there is -- there are rules to follow and why do we keep bending and twisting and letting them do what they want, you know, even though that's not what it says, you know, you have to hold everybody to the same standard I guess is what I'm saying. So, you know, I live here. I'm on the canal a lot. The slope to the south -- just to the south of me doesn't seem as steep. It is further down to the west, but where I am, you know, it doesn't really feel like you would fall off the road if they put a road in there that -- and connected it to Vertex. So, just something, I don't know, maybe somebody can drive by and have a look and see about that and after speaking with my neighbors on Mary Lane we were wanting to request from the developer that along the south side of the Farr Lateral from approximately Locust Grove area up to where it would connect with Margaret, if there could be -- I guess to my understanding that from the canal to Precipice it's a 25 foot grass buffer and we are wondering if trees can go up there, because some of us up here have been living here for over 40 years and so we are used to looking at farmland and so this is quite a change with all the houses going in. So, we are just looking to kind of have some tree buffer, so we don't have to look at the massive roofs and, lastly, just in listening to this now I just want personal input. The homes that were over by the commercial down on the southeast area, there is no way that people would want to look out their front window into a parking lot. That's just my personal opinion. But there has to be some sort of shrubbery, you know, I don't -- I like the idea of putting the road in there, how you have on the right side, but there should be a fence or something. I mean there is one thing about community living, but nobody wants to look at a parking lot, you know. So, thank you.

Lorcher: Thank you. Madam Clerk, do we have anybody else for public testimony?

Lomeli: Thank you, Madam Chair. I have Melissa Fulkerson.

Fulkerson: First time doing this, so --

Lorcher: Okay. State your name and address for the record and you will have three minutes.

Fulkerson: Melissa Fulkerson at 298 East Caldera Street, Meridian, Idaho. 83642. Okay. So, I am in the Prevail neighborhood just west to this property. So, my couple questions are related to the phase six, specifically ensuring that that grass property of what the proposal is stays. Right now that -- the way that our neighborhood is designed there is -- the street above me is a cul-de-sac with an extension. So, up in the -- the grass area where you can kind of see like a little half circle, in the -- the gray area, that is a steeper grade and ensuring that there is -- that retains as a great grassy area and that that does not become a through street, that would be extremely -- I would be extremely concerned with the amount of traffic coming through there and with the way people drive through neighborhoods and with the steep grade there. The other thing that I had a question about -- or would like to understand more is actually the extension of the main street to connect to -- from Meridian to Locust Grove. So, the Quartz Creek that kind of dog legs down and, then, connects over to Locust Grove, I would like to understand more about what that timeline looks like and how that would play into the overall phasing of the project. With that, yes, it's nice and it's nice that it -- it is not just a straight through so people can just speed on through. Again, there is a lot of kids in these neighborhoods. We have a massive amount of kids in our neighborhood and I am nervous about people just speeding through. So, I would like to see some alternative ways to slow down traffic through that area, not just a curve in the street. Thank you.

Lorcher: Thank you.

Lomeli: Madam Chair, no one else has signed up to testify.

Lorcher: Is there anybody in Chambers that would like to testify on this application? Would the applicant come forward and address some of the concerns.

McNutt: Thank you, Madam Chair. I'm going to start and, then, Jon Wardle with Brightness is also going to come up and kind of close this out. So, that phase six grassy area that was discussed that, again, is such a steep slope right there I don't think there is any way that we could even put a -- a street through there if we wanted to. So, I would say don't worry about that. That's probably not going to be able to change. Plus that is where we propose our -- our pool and clubhouse. Up against that slope we are going to try to do some cool stuff, maybe a -- a sledding hill or something up there. We haven't fully vetted that, but since it is a slope we are going to try to work with it and -- and make it pretty neat. As far as along Precipice on whether or not we could do some trees, it is something that we can look into. The Farr Lateral does have an easement that, obviously, we would either need some kind of a -- an agreement with them or something to be able to get some trees in there, but if it's -- if it's possible to do that we can definitely look at doing that. As far as on the other side against where the -- the homes will be, there -- there are going to be some trees and other landscape there. I'm going to let Jon speak about the Quartz Creek phasing. I -- I believe there -- there is some other stuff going on with that one, so I will let him speak to that and, then, I think I was missing one of Julie's

questions. Oh, about neighbors not wanting to look directly at a -- at a parking lot. You know, I think one thing that a lot of people get hung up on is how they would like to live. To be totally honest, I don't know that I would live there either. I live on a half acre, but there are a lot of people, especially young families with no kids, who do want to be in a more urbanized area, but still live in Meridian. So, I -- I think it just depends on who you are if you want to live there or not and, you know, everybody's different and entitled to their own opinions of where they live. Frankly, I don't think we would build it if people weren't going to buy those. So, that is something kind of to consider with that, you know, and also to the Precipice length, we certainly would like more roadway connections in there if they were doable. Unfortunately, I think in this case it's just -- it's just not doable with the Williams Pipeline not being able to be raised up and the Farr Lateral not being able to be brought down. So, we are doing what we can in there and with that I'm going to turn it over to Jon Wardle.

Wardle: Commissioners, good evening. My name is Jon Wardle. 2929 West Navigator, Meridian, Idaho. 83642. Amanda did a really good job explaining the project. I just want to stand up, because I do have context on the whole project, because I have been here from the very beginning. There was a question raised by Julie about this NAP. When we first started Pinnacle we did not own that part and we titled it NAP, which was not a part. It wasn't a natural preserved area. If you go back and you look at it it was an old farmhouse, farmstead. The area around it was farmed. Yes, there were trees there I'm sure. There has been all sorts of wildlife in and around, but, to be clear, that is not a natural preserve. It was just simply at the time that when we started Pinnacle it was not a part of our ownership, but it is now and so we have brought that into the project and have requested a rezone to match the -- the area that was rezoned around it. Contextually that property was actually brought in by the city when the city extended sewer to the south. There were a number of properties or owners that participated in that and they all came in as an R-4 and, then, when we acquired it we thought we would just wait until this time to bring it in and develop it together. Regarding the -- the question on the open space and Prevail, we were surprised when Prevail phase three was developed and they put a cul-de-sac at the end of that with a stub street coming to us. If you walked out there there is a significant grade between that cul-de-sac on the north, which you can kind of see up here in the upper left corner, there is a little cul-de-sac that was there and, then, the open space down below. We have a number of things going on there, but I can unequivocally commit that we are not developing that other than open space as you see it right now. There is a sewer main line -- the city sewer main line comes through there and makes a hard left over to Prevail. We have the Watkins drain which goes through there. We also have the pipeline that -- which is on the right-hand side of that area and we are trying to make that an amenity with also some slope. We are much lower than the Prevail neighborhood up above and we do not intend to put a road through that area. We did look at a number of different ways to design Precipice along the Farr. It actually does sit -- the roadway does sit below the Farr Lateral some distance already, but -- and there are parts of it which are flat. If you get over to Locust Grove it is pretty flat. But as you move your way west along the lateral and towards the Prevail neighborhood the slope is dramatic and there really is not a way to build a road -- well, anything's possible. You can build a road, but the walls would be significantly tall or you would be tapering at a very

long distance. So, the alternatives we came up with were choke points, pedestrian access through. There was another street that was proposed originally that's a public street called Margaret. That's not the connection we are going to make. It's a little bit farther to the west. And so Precipice is designed that way. That will be an item that we will discuss with Council. It's more of an informational piece for the Commission tonight to make you aware. It wasn't our first design, but it is the best design and there is also opportunities for traffic calming there and pedestrian access back and forth and just, finally, on the part that's down by the commercial, that was not designed in a vacuum either. We looked at two things as one where what are the type of commercial uses that we see happening in that location. The things that we have -- that we have proposed that we are working on right now would include a public fitness facility that we -- that people throughout the community could use. A daycare and a community church. Those would be the elements that would fit we believe on the commercial piece with the residential across the parking lot. Typically the city code states that a 25 foot buffer is to be on the commercial side. Most of the time that you have these residential projects and you have commercial projects that are done by different owners. This case we own both. We are still providing a 25 foot buffer, but it happens to be on the residential side. Fifteen feet of it is in a common lot, which will also include a north-south pedestrian connection, which gets you up into the Williams Pipeline and it will also allow us to plant trees and other things like that. We do not intend to build a fence, but we do intend to make it a very nice livable corridor. We also designed it after a similar project we did in Barber Valley, which is on the east side of Boise. We have townhomes which are right up against an office project separated by a pathway and a parking lot. The dimensions are almost identical. So, yes, maybe not everybody would want to live in this situation, but we feel like it does present an opportunity for a different type of living opportunity at Pinnacle, which we are offering many different types from attached to detached, large lots, small lot, but I think the key to this community Apex Farr is the amount of open space, connectivity. We have been very thoughtful about the pathway system, how this all works together and within the constraints of a lot of topography, pipelines and three or four waterways as well. So, we appreciate your consideration and request your approval and recommendation to the City Council.

Lorcher: Commissioners, do we have any questions for Mr. Wardle?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. Just regarding that commercial facing aspect, how do you address parking for the residents? Are there -- do you anticipate there being dedicated parking stalls for each of those residencies in lieu of on-street parking? You know, help me understand that.

Wardle: Sorry. Commissioner Smith, hold on one second. Each of the -- we are very aware of the city's requirements for residential parking, so each of the units there will have available parking for themselves, required parking. So, each unit will meet that. We will

also have -- and while it doesn't count towards it, but on-street parking. The nice thing is these homes are serviced by a carriage lane or an alley and so you don't -- you are not contending with driveways on the adjoining road, which is Apex, but, yes, each of the homes will have to provide for its own required parking per the city code.

Smith: Thank you.

Lorcher: Mr. Wardle, just a follow up. So, the homes that are on -- that lay along the commercial, you said they are alley loaded. So, do they have parking in the alley, so each one has like covered parking or a garage on the backside that you can't see?

Wardle: Correct. Each of these homes would have a garage -- two car garage with them. We also are providing a parking space up to the north of that site and we would provide some guest parking as well.

Lorcher: So, to understand the concept of this home they will have parking in the back of the alley, so they have no backyard and their front yard really is just kind of a visual. It's not some place that they would probably spend time, because they are looking out at a community church or a daycare or a fitness center; correct?

Wardle: Madam Chair, this is actually -- yeah, that is correct. But you want to expand a little bit. They also will all have side yards and private patio areas. We just completed the same type of -- well, these will be a little bit different. These are still paired homes and we just built 56 paired homes in Apex Northwest No. 1. Sorry. Where they were paired homes and they each had their own patio and their own side -- private side yard as well. So, they will have the side yard, that they will be able to use as their private space.

Lorcher: Okay. Thank you. Commissioners, any other questions for Mr. Wardle? Thank you.

Wardle: Thank you.

Lorcher: All right. May I get a motion -- oh, no. No, we are good. No, you are good. Just thinking. I will take a motion to close the public hearing.

Grace: So moved.

Lorcher: Do I have a second?

Smith: Second.

Lorcher: It's been moved and seconded to close the public hearing. All those in favor, please, say aye. Okay. Motion -- motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Lorcher: Anybody like to start on this?

Sandoval: Madam Chair.

Lorcher: Commissioner Sandoval.

Sandoval: I will keep this pretty short. You are asking for quite a few exemptions. I'm not crazy that there is no screening in between that parking lot. I think -- but I do think likely the windows are going to be placed in the location hopefully that those lights aren't just going to shine right into people's living areas. Working with the constraints you guys are working and the fact that you doubled the open space I think is a huge positive and I think overall it's a pretty good project.

Lorcher: Thank you. Commissioner Smith?

Smith: Yeah. Madam Chair, thank you. I -- I think to the significant majority of this project I -- I understand some of the -- the requests for -- for the variations and things like that. I'm having a real hard time with -- with this Lot 23 approach. I -- I -- I understand it's -- it looks like it's about ten lots -- or ten -- ten homes. It's not going to make or break, you know, the -- the -- the city as a whole, but I think you owe it to these people to make sure that they are -- you know, the -- the -- the -- the homes that they purchase or rent are -- are livable within a reasonable extent and I -- I -- I don't know that I have ever seen a layout like the existing layout. It -- it doesn't make sense to me for the addressing reasons that the staff mentioned for -- for some of the -- the parking reasons and some of the kind of reasons that Commissioner Grace laid out of, you know, if I want to go to the commercial -- to the commercial section I can still take the crosswalk at the north and south end, but I -- I would prefer to have some of my own space. If that extends my walk to the coffee shop by 30 seconds I'm okay with it. Then, again, that's a personal preference and I understand there might be people with different preferences, but I think there are too many things about this that are just kind of -- no, not that a single one are a red flag, but there are a lot of yellow flags here and I'm not fully comfortable with the existing layout.

Lorcher: Thank you. Commissioner Grace.

Grace: Thanks, Madam Chair. So, yeah, I think that -- I mean it's a pretty sizable project. There is a lot going on. I like it generally. I don't -- I don't -- I don't love everything in it and, you know, the amenities are great. The open space is great. I appreciate that the applicant, you know, was willing to work with some of the -- the neighbors on the tree buffers. I don't personally have an issue with the modification to that 25 foot buffer. I think that folks who are going to live there are going to have to make an informed decision whether they want to live there and -- and -- and -- and sort of have that commercial space across from them. Everybody's different; right? And, hopefully, those will be, you know, informed decisions when they make them. I have some issue with the requested block lengths I guess. I -- they -- they seem very long. They seem -- it doesn't seem right. I get the constraints of the site. As it relates to those sort of specific variances, if that's

what you want to call them, I would support the ones that staff supported. I thought their rationale was good for those. The ones that maybe -- because of the UDC, at least on one of them, I wouldn't -- I would -- I wouldn't. My question is it looks like we have three things in front of us. We got the plat, we got the rezone and we got the development agreement. You know, can we -- I -- I -- I -- I'm not against those three things, I just is it - do we just -- what do we do, make our thoughts on some of these specific items known to the -- to the Council, so that they can have a sense of where we were on them? Okay. So -- so, I'm not sure what you take from all that, but --

Lorcher: Okay. Well, I have -- I have a few comments as well. Can -- can we pull up the last slide from the presentation? I think it had a list of the things that were going to be part of the motion. I think they were bullet points at the last slide, please.

Allen: Madam Chair, are you asking about the applicant's presentation?

Lorcher: What -- is this your last slide here?

Allen: This is staff's presentation.

Lorcher: Then the applicant's. Is that available to us?

Allen: Yes.

Lorcher: My two comments would be -- I'm struggling with the crossover from the commercial to the -- to the residential as well. It would have been nice to see your Barber Park displays, because maybe that would help us conceptually with it. My first thought when I think about cars in front of a house -- it almost feels like it's a motel, you know, where you got your front door and you have got cars pulling into a stall, whether they are backing in or fronting in and the headlights are going to come through your front window, you know, if it -- if it's a fitness center that's available 24/7, you know, may or may not be parked over there, but who is -- who is to say? So -- but like Commissioner Grace said, we are not the ones buying them. So, you know, everybody has their own choices as far as that's concerned, but as -- I agree with the city that there should be more of a buffer between the commercial and the residential just to create that kind of space and not having those parking stalls right in front of their houses. Fencing is not necessary, but just having that and walking another ten or 15 feet across that open alley would just give everybody a little bit more wiggle room and, then, secondly, I do have concerns with the streets that are private in which law enforcement or emergency services might get confused on how to get to those people based on addressing. So, you have got your collector street, but, then, you have got a private street that may or may not be the same name and, then, how do you find that place. I live in a -- in a subdivision or a circle and half of the streets have a name going left and the next street is going right, but it's actually the same street and it's -- it's good, because we are a circle, so you -- you eventually get there, but it -- it is relatively confusing. So, I live that every day. So, I -- I am a little bit knowledgeable on that part. So, those would probably be the two things that I would have

a problem with, but not to stop it from going forward to City Council. Sonya, is this the last page of their presentation?

Allen: No, but is that the last page you were --

Lorcher: No. I was looking at the bullet points.

Allen: Okay.

Lorcher: Up a little bit. Right here. So, as a Commission we are looking at a pre-plat. This was a very good slide by the way. Thank you very much. A pre-plat, a rezone -- a rezone and the third thing we are -- and the development agreement modification. So, when we make our motion tonight those would be the three things that we will have to address in our motion.

Allen: Madam Chair, may I?

Lorcher: Yes.

Allen: It is a Council decision. It does not require a recommendation from the Commission on the block face waiver or the waiver to the buffer between the -- on the commercial property to the residential use. You are welcome to say your opinion on those two matters, but it does not require recommendation if you don't wish to make one.

Lorcher: Okay. Thank you.

Sandoval: Madam Chair?

Lorcher: Yes.

Sandoval: Yeah. So, I'm looking at this topo map right now of that north section and that's a very challenging grade to work with, so looking at the exemptions and everything that's requested, I think we, hopefully, are all understand -- understanding that, yeah, maybe the commercial to residential isn't great and that can be improved, but I think we should -- my opinion move this forward with a recommendation of approval and, then, let Council decide on all the exemptions.

Lorcher: Do we have anybody who wants to put a motion together or --

Grace: Madam Chair, if we are going to put on the record our feelings about some of the requested modifications I guess maybe I thought I was in the minority, so -- on some of those and I don't want to make a motion that doesn't reflect what the Commission would like, so -- I mean I can make a motion, but others felt like, for instance, a 25 foot buffer was okay, so -- and it seemed like that was the majority opinion.

Lorcher: Right. But Sonya also mentioned that that would be a City Council decision. That doesn't have to be in our motion.

Grace: Okay.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: I -- to that I would also be fine, you know, with punting on that, essentially, and not addressing that in the motion, if -- if -- if -- Commissioner Grace, if that makes you feel more comfortable. I don't have that necessarily the -- the paper that got handed out, so I was a little hesitant to make a motion on my end.

Lorcher: Again, we are -- we are making a recommendation for a pre-plat, rezone and development modification.

Grace: Madam Chair, I can take a stab at a motion then.

Lorcher: Commissioner Grace.

Grace: Make sure I got the right -- see that, I did not have the right one. After considering all staff, applicant and public testimony I move to recommend approval to the City Council of File No. H-2024-0014 as presented in the staff report for the hearing date of September 5th, 2024, with I guess specific recommendations of approval related to the -- the pre-plat proposal, the rezoning request and the -- the DA modification request.

Sandoval: Second.

Lorcher: It's been moved and seconded to make -- make a recommendation to City Council on Apex Farr Subdivision with the -- with no modifications.

Allen: Madam Chair, may I clarify the motion, please?

Lorcher: Yes.

Allen: Is -- is that motion based on staff's recommended conditions of approval?

Grace: Yes.

Allen: Thank you.

Lorcher: So, let's repeat it just to be safe.

Grace: Okay. So, you want me to read the whole motion again?

Lorcher: Yes, please.

Grace: Wow, I barely got through it the first time. After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2024-0014 as presented in the staff report for the hearing date of September 5th, 2024, with no modifications and I guess in accordance with staff recommendations and to the extent I need to specifically call out those three -- those three issues that were -- the applicant is requesting those are specifically recommended for approval.

Lorcher: Does that work, Kurt?

Starman: Madam Chair, Members of the Commission, I think that works. I think just to - to clarify with the maker of the motion, I think that -- that last comment about the three requests you are referring to, the preliminary plat, the modified development agreement -- which, actually, is a Council decision as well, but you are -- you are welcome to make a recommendation, but that's the Council's prerogative and the director is the recommending body. So, I think if you are referring to -- and, then, the rezoning request. So, those are the three items we are referring to, I -- I think that motion works just fine.

Lorcher: Okay. All right. I won't make you repeat it again. May I have a second?

Sandoval: Second.

Lorcher: It's been moved and seconded to approve File H-2024-0014 with a recommendation to City Council with the aforementioned items. All those in favor say aye. Any opposed? Motion carries. Thank you very much.