

Holland: Okay. Motion by Commissioner Seal, second by Commissioner McCarvel. All those in favor? Any opposed? Seeing none, motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Holland: We will move on now to the public hearing for Jocelyn Park Subdivision, H-2020 --

Weatherly: Madam Chair?

Holland: Yes. Go ahead, Madam Clerk.

Weatherly: I apologize for interrupting, but when they adoption of the agenda was done I believe you mentioned Item No. 9 being continued as well. The Brighton team is --

Holland: Correct.

Weatherly: -- on the phone and they wanted to make sure that that's what you were going to do. I didn't hear you open that up. I was wondering if you wanted to open that up for continuance at this time before you proceed.

Holland: Thank you, Madam Clerk. We did not -- we did not continue it at the beginning. We left it kind of where it was on the agenda, but I believe our intention is to continue the application. I don't know -- since we have already adopted the agenda, I don't know if we would need to go back and make a new motion to adopt the agenda again if we heard that first. I will look at our legal counsel for that question.

Pogue: When it comes up we can open for -- to continue. So, just take it up in its order at this point.

8. Public Hearing for Jocelyn Park Subdivision (H-2020-0067) by Bonnie Layton, Located on the South Side of W. Victory Rd., Approximately ¼ Mile West of S. Meridian Rd.

- A. Request: A Preliminary Plat consisting of 67 single-family residential lots and 7 common lots in an existing R-8 zoning district.

Holland: Yeah. I would say, Madam Clerk, I think it's every intention of ours to continue it, but we will move forward with the -- the next application first. Okay. With that we open the public hearing for Jocelyn Park Subdivision, H-2020-0067, and begin with the staff report.

Dodson: Thank you, Madam Chair. I appreciate it very much. That little tidbit gave me time to clean up the area. So, thank you. All right. As stated, the next item on the agenda is Jocelyn Park Subdivision. The project before you is located at a site that consists of

12.675 areas of land, zoned R-8, and is located at the south side of West Victory Road, approximately a quarter mile west of South Meridian Road. The subject property --

Holland: Sorry to interrupt. Do you have some slide to show, too, that can show the maps and stuff while you are talking?

Dodson: That would be very smart of me. Yes. Let me see here. Presentation. Maybe -- I will get there eventually. There we go. Thank you, Madam Chair. A brief history on the subject property. It was annexed in 2013 as part of a larger area known as Victory South. There is an existing development agreement associated with this annexation and property, but the requested application and recorded DA do not require modification, as the proposed development is consistent with those provisions contained in the existing DA. In addition, a preliminary plat was approved for this property in 2018 for the same title plat named, Jocelyn Park. The existing plat is set to expire in December of 2020. This December. The current developer is a new owner and wishes to obtain approval of a new plat with higher density, more in line with the dimensional standards of the existing R-8 zoning district. The proposed development is located in an area of the city where low and medium density residential developments are existing and anticipated, as you can see on these screens with the zoning in the center of the screen. The subject site is surrounded by existing City of Meridian zoning and development, except for a small parcel that abuts its northeastern property that is zoned RUT. Therefore, this project is an in-fill development per the definitions of city code. The proposed development has a gross density of 5.1 acres.

Holland: Hey, Joe, for some reason the sound quality is kind of going in and out a little bit. If you can be closer to the microphone that might help.

Dodson: Yeah. I will get closer to the microphone. Is that better?

Holland: Yeah. Thank you.

Dodson: Okay. Thank you. The proposed development has a gross density of 5.1 dwelling units per acre, meeting the density requirements for the future land use -- land use designation of medium density residential. In addition, the existing R-8 zoning allows for detached single family residences with average -- well, with minimum lot sizes above 4,000 square feet. The proposed development meets these requirements. This development is proposed as one phase with an average lot size of 4,455 square feet. Staff finds the proposed use and density to meet the intent of the future land use designation and the zoning district. One quick note regarding this plat. There is a very tiny sliver north of the central open space -- if you can see my pointer on here, it is right abutting that property zoned RUT. This applicant is going to deed or convey that parcel -- that piece of the parcel over to the adjacent owner, because there is a shed that crosses the property line, so it will be a cleaner transit -- you know, transmittal of this land. Access for this development is proposed to be an extension of stub streets from adjacent subdivisions. The stub street located in the southeast corner of the site, West Winnipeg Street, is an existing stub from Meridian Heights Subdivision to the east. The proposed

connection is located in the northwest corner of the site, but is not yet constructed. This connection is to be constructed with phase two of the Timberline Subdivision, which has received final plat approval, but has not yet received city engineer's signature. These two local streets will -- will supply the access points for this development. In addition, the applicant is proposing to stub a street to the property located to the northeast of this site for future connectivity. On the stub street the applicant is proposing a temporary hammerhead type turnaround to ensure safe fire turnaround. In discussion with ACHD, the hammerhead type design will not meet the requirements and, therefore, the applicant will have to construct a temporary turn that meets ACHD and Meridian Fire requirements. On-street parking is to be required and to be provided in accord with the standards listed in UDC table 11-3C-6 for single family detached dwellings based on the number of bedrooms per unit. In addition, the applicant is proposing 33 foot street sections within 47 feet of right of way, which would allow on-street parking where there are no driveways. A minimum of ten percent qualified open space meeting the standards listed in the UDC is required. Based on the proposed plat of 12.9 acres, a minimum of 1.3 acres of qualified common open space should be provided. According to the open space exhibit, the applicant is proposing a total of 3.65 acres of open space. The exhibit shows three distinct areas of open space. One area in the south that contains the existing pond that is to remain, one along the entire northern boundary of the subject site and along -- that abuts the Ridenbaugh Canal. And one centralized area. The large open space lot containing the pond abuts the open space area in the Timberline Subdivision currently under construction and abuts open space in the adjacent subdivision to the south Biltmore Estates. In addition, there is a micro pathway connection to the west shown on the open space exhibit that also connects to the Timberline Subdivision near the southwest corner. The submitted open space exhibit shows all of this area as qualifying, but, in fact, it is not. The existing pond and the open space lot that it is on -- unfortunately, the pond is more than 25 percent of the lot in which it resides and, therefore, the entire lot is not qualifying open space per the standards in our code. The other area of open space that is listed as qualified, but is not, is the end cap lot located at the south end of the property and directly north of the open space lot on the -- that contains the pond. This area meets neither the 50 by 100 dimensions, nor the minimum 5,000 square foot dimension. After removing the end cap lot and the lot containing the pond from the open space calculations, there is 2.46 acres of area that is qualifying open space. This area is still vastly more than the required amount of 1.3 acres. One area of concern for staff within the open space is that area directly north of Lots 35 to 37, Block 3, which is the lots located at the end of South Garibaldi Street as proposed on the plat, which is the cul-de-sac shown on the east side of the property. The applicant is proposing to leave an area of open space between the rear yards of these homes and the irrigation district access road. The access road must be fenced off from this development, which leaves a thin area behind homes with the only true visibility coming from the open vision fencing of these three homes rear fence. This area leads to nowhere and does not appear to offer any usable benefit for the development if left as is. Even with the required open vision fencing along the rear of these lots, staff is concerned this area, obviously, will be -- will be neglected due to the slope of the terrain and its location. Therefore, staff is recommending that this area be added to the adjacent buildable lots, Lots 35 through 37, Block 3, instead of remaining open space. There are no multi-use pathways proposed or required with this

development. There is an existing multi-use pathway on the north side of Victory Road directly north of this subject site. The applicant is proposing micro pathways in multiple locations within the development to add pedestrian and bicycle connections throughout. These pathways -- apologize. These pathways connect the central open space area with the five feet attached sidewalks located along the local streets throughout the development. The applicant is also proposing a micro pathway connection on the west side of the project to connect with a pathway and open space connection in Timberline No. 1 as noted earlier. In addition, it is proposed within the large open space lot abutting the Ridenbaugh Canal. Staff supports the addition of these micropathways throughout the development, but has some concerns regarding their placement. First, staff believes the micro path connection from the central open space lot to the street on the west half of the property should be relocated two lots further north, between Lots 10 and 11, Block 3, to help with potential visibility issues and crime prevention. Second, staff has concerns over how the pathway within the large open space lot along the Ridenbaugh Canal is depicted on the submitted plans and where it is shown to connect to the Timberline Subdivision to the west. The lot in Timberline that directly abuts the subject site in the northwest corner is a buildable lot and will have a privacy fence on the shared property boundary. Therefore, the proposed layout of the pathway shown would likely never become a reality and that is this section up in this northwest corner. The only other pedestrian access out to Victory Road from this site would be via the irrigation district access road, but this is not supported by staff, nor the irrigation district. This -- this access road should be fenced off from this open space lot to ensure a safer open space area along the canal. Because of these issues staff proposes at the -- that the proposed pathway be completely out of the irrigation district easement and looped around this northern open space lot for a walking path around the perimeter of this open space lot and connect back to the proposed sidewalks along West Cumberland Drive, which is the east-west street in the north of the property. Based on the area of the proposed plat, a minimum of one qualified site amenity is required to be provided. The applicant is proposing four qualified amenities to satisfy these requirements. One, a child's play structure. Two, a shaded picnic area. Three, walking paths. And, four, an additional 20,000 square feet of qualified open space. The Ridenbaugh Canal runs through the northern portion of the subject site and, essentially, makes up the required landscape buffer along Victory in its area and location. Per the UDC this waterway is required to be tiled. However, the applicant wishes to keep the canal open and act as a buffer between Victory Road, an arterial street, and the common open space lot proposed south of the canal. Staff supports this proposition by the applicant. The applicant is requesting a Council waiver to keep the canal open. The location of this canal on this site also brings up issues with the required frontage improvements along Victory Road. ACHD has conditioned the applicant, via their draft staff report, to construct detached sidewalk along Victory no closer than 31 feet from centerline of the road. The applicant has concerns about the viability of this requirement. Staff recommended that following at the P&Z hearing. That the applicant and ACHD continue working together to determine the most viable location of a sidewalk along the south side of Victory Road. This is not a condition within the staff report, but staff believes working this issue out before the City Council hearing is the best avenue forward. After all of this, staff does recommend approval of the subject preliminary plat application and I will stand for questions. Thank you.

Holland: Thank you, Joe. Any questions for staff?

Cassinelli: Madam Chair?

Holland: Commissioner Cassinelli.

Cassinelli: Joe, is that -- does that cul-de-sac -- it looks kind of long. Is that within code? I can't see the name of the street, but --

Dodson: Commissioner Cassinelli, yes, sir, we did check that and it -- it does meet code. It's close, as you can tell, but it does mean code.

Cassinelli: Okay.

Seal: Madam Chair?

Holland: Commissioner Seal.

Seal: Just a question on the canal there. Would there be no fence or anything right up to it? Or is there a fence already supplied by the irrigation district?

Dodson: Commissioner Seal, thank you. Great question. Their landscape plan shows this fence on the north side of the access road. In my staff report I noted that that -- that should be moved to the south side of the access road in order to keep the irrigation district access roads and -- and their easement completely separate from the open space that is proposed on the north of this property. So, they should -- and are required by code to provide a fence.

Seal: Okay. Thank you.

Dodson: You are welcome.

Holland: And, Joe, just to confirm again, it sounds like one of the biggest challenges is about the sidewalk because of the placement of the -- where the canal sits and the ability to have a buffer and the sidewalk there. If the staff feels confident that they can work out some sort of agreement ahead of Council on those items, was there anything else you want, just be specific on deliberating with that.

Dodson: Madam Chair, thank you. Yes, as you can see -- oh, well, I didn't make this. I took this from the applicant. So, sorry, Bonnie, but it -- it is a very good representation of the Ridenbaugh Canal and what ACHD is proposing. As you can see here in red, this is -- where, generally, the sidewalk would be as proposed or as conditioned by ACHD. The dashed light blue line is the current toe, so the very edge of the slope of the elevated Ridenbaugh Canal. So, if this were to be built as conditioned by ACHD they would be cutting into that slope and I -- from my understanding this has not been signed off by the irrigation district and I presume that there would be some engineering issues. So, again,

I'm not an engineer, but that type of a situation should be handled very carefully. So, between now and Council I think that this can be worked out. I have been in contact with ACHD all day and they -- they, too, agree that this could be worked out fairly easily and quickly and there would be no need to continue the project from tonight, other than with your recommendation of approval or denial.

Holland: Joe, just one more question. Is there sidewalk already if this thing were on the east and the west boundaries of this section?

Dodson: Madam Chair, there will be on the west boundary due to the Timberline No. 2, but to the east there is not. The canal continues and it curves along and there is not much room at all between the edge of right of way and the canal and a note for everybody, on the north side of West Victory is a multi-use pathway directly north of this site.

Holland: Great. Thanks, Joe. Any other questions for staff or are we ready for the applicant to come speak to us? Clerk, that's time for the applicant.

Layton: Good evening, Chairperson Holland and Members of the Commission. Can you hear me?

Holland: We can hear you. Thanks, Bonnie. And if you would just give your name and address for the record, we would appreciate it.

Layton: Yeah. For sure. I am Bonnie Layton. I'm with WH Pacific, 690 South Industry Way, Suite 10, Meridian, Idaho. 83642. And I appreciate your time this evening to consider this project and really want to thank staff for all of their hard work and really working through the issues with us. So, I think this will be a great project for the city and, you know, I don't really have too many in communication with ACHD. I think that the -- the shot that's on the screen right now is kind of the biggest thing that we just want to work through and I think we are confident that we can come up with a solution. If we want to -- Joseph, do you have that other slide that I had sent over that shows the pictures of the existing condition? So, I guess generally speaking I mean I don't want to take up a bunch of time, but, you know, as you mentioned we are proposing in our development, you know, some -- a little bit higher density, open space. We redid the calculations to make sure that we were in compliance. The neighborhood meeting that we had -- basically the questions were about the development and the fencing and how that all worked out. I thought it was a fairly standard neighborhood meeting. The -- the slide that you are seeing right now in terms of where the fencing is for the canal and how that transition -- do I have control of the screen or am I able to flip through something or can I share my screen to talk about a couple of things?

Holland: I will ask Chris or Adrienne if they can help with that.

Weatherly: Yes, Bonnie, you can share your screen. Give us just a second.

Layton: Okay. I see a green -- I see a green share screen.

Weatherly: Go ahead and click that and, then, choose your presentation and you should be good to go.

Layton: Okay. Perfect. Start with this one. So, this is my -- just kind of built this in PowerPoint, so Joseph has shown you this and really what we were looking at is just the -- the frontage improvements. I went out the other day -- are you able to see my screen, everyone?

Holland: Yeah. We can see it. Thanks, Bonnie.

Layton: Okay. Thanks. Thanks, Lisa. So, just looking at the existing conditions -- conditions -- and, like I said, I think we can work this out with ACHD the way the canal comes and -- so, I took a slide from the Timberline Subdivision, just kind of looking east and that's the center in the picture -- the picture in the center here where there is the canal and there is actually quite a bit of elevation when you -- when you drive down and around the site and so the -- the photos here on the left -- like this photo, for example, is just looking east and, then, a more zoomed in photo of that and really where that sidewalk would be is behind the power pole, just for a frame of reference. So, we get quite a bit of slope up there and I don't know if any of you folks have been out there, but this picture down here in the bottom that I have got my cursor on, I'm standing across the street and the top of the -- the canal road is above the height of the sign that's posted for -- for the project and, then, also just looking -- this is another picture in the corner. So, if I'm standing right here looking west -- and that's this picture here. So, there is actually -- there is quite a bit of topography there. It's a fairly busy -- fairly busy road as you know and --

Weatherly: Bonnie, if you are speaking we can't hear you. Bonnie, it seems like we have lost your audio.

Seal: Madam Chair, are you able to hear Bonnie at this point or have we all lost her?

Layton: -- and so our concern was -- you bring pedestrians along this sidewalk and -- and this is all what -- what I have shown is what has been -- what ACHD has conditioned. And so we -- so, we bring that sidewalk in along here and, then, you stop them here and, then, they are penned in and at the same time this area as you are -- as you are heading from the east to the west, it's dropping down and so --

Dodson: Hey, Bonnie?

Layton: -- you know -- yes.

Dodson: It's Joe. Just to let you know, we missed like the last 30 seconds of what you said. Apologize for that. It cut out and I think we lost --

Layton: Okay. So, Joe, I will just reiterate. So, there is quite a bit of fall, actually. So, the crossing that happens kind of to the west -- or the entrance into Timberline, which is

where we take access off of from Victory, you know, is a good line and, then, you drop pretty drastically through our site and you are kind of penned in on this corner and bringing a sidewalk through here, you know, we are -- we are just concerned about that from -- once people get here there is not a sidewalk, so, then, are they jumping up on this -- this bank. Like I said, there is a headgate here. Or are they crossing the street here with traffic coming. So, those are some of our concerns. Of course, also with this light bluish green line -- dashed line here that's the toe of the slope of the elevated canal and so, obviously, the structural integrity of that. I did speak briefly with Gary Curtis with the irrigation district and, of course, they -- you know, they have concerns about that, too. But I think those are things that we can work through, generally speaking. I'm going to stop sharing my screen and see -- Joseph, am I able to -- are we able to scroll back to any of your slides or how should we do that? Apologize, everyone, for --

Holland: That's all right.

Layton: I actually had another public hearing this week, but it was -- it was in person, although most people were not an attendance, but -- yeah. So, you know, generally speaking we will work with ACHD and I think we can -- we can resolve that issue. Obviously, we want to provide an improved frontage and -- and also pedestrian safety. I think that's first and foremost. In terms of some of the staff comments, you know, some of the -- some of this area is going to develop potentially in the future. How that develops and this open space back behind here, you know, that's -- that's something that I think -- oh, thank you. So -- so, we have got that path for future connection. Let's see. But if that's something that -- you know, if we can't work that out with the irrigation district or staff feels strongly about, I think we are still grossly over the amount of open space that -- that we need to have. I really think that was it. In -- in my mind we have -- I think we have got a great development with a lot more open space than that's qualified. I think the pond will be an amenity. I like, you know, the connection that we have tried to coordinate with the adjacent property on the eastern boundary, our intent is to construct a new fence along that line. That was one of the comments that was brought up by the neighbors in the neighborhood meeting and so we would go back along the eastern boundary. So, with that I don't think -- I can't think of anything I'm needing to address other than that, so I will stand for any questions at this time.

Holland: So, one question about the fencing. I know Joe had mentioned as a condition that they were trying to remove some of the fencing that was around the pond. That -- Joe, was that a different piece than the eastern boundary? Is that -- are you talking about the western boundary? Can you clarify for us?

Dodson: Madam Chair -- yeah. Madam Chair, that's a great question. I'm referring to the western boundary by the pond lot right here. I had proposed that they remove the fencing. Just to keep this area open. I can understand if the applicant does not want to have it all the way open, but some opening and availability for residents to come in is highly recommended and recommended by code to have open space contiguous and accessible between subdivisions.

Holland: Thanks for clarifying, Joe. Bonnie, are you okay with the other conditions that staff had made on the open space, moving the pedestrian pathway up on the northern open space lot and also removing the open space that was behind those three cul-de-sac lots there?

Layton: Yeah. So, let's -- let's talk about the first one up here in the -- in the northern -- so, Joseph, as you were talking about -- and we have got -- I see what you mean where there is the label -- am I able to -- can you see my cursor moving? Or is that not possible? So, I --

Holland: No, I don't think we can, because it's now being shared by city.

Layton: Okay. So, Joseph, up in that northwest corner what you are talking about is where that -- where our path is shown, you are saying that that's not going to connect now there, that's -- that's a residential lot. Is it -- did I catch you right on that?

Dodson: Yes. That is correct, Bonnie. Yeah. That's a buildable lot, so it's just going to go into a fence.

Layton: Okay. So, yeah, I -- I don't see the issue in looping that down. I guess there is no fence between us and Timberline -- or wait. Hold on. Let me see if -- that piece was mislabeled, actually. That's not supposed to be a pathway, that's -- that's actually the canal road or the ditch road. There is a road there. So, that's not actually part of our pathway, that's outside of -- let me see.

Holland: Are you talking about that whole stretch that's up in the north? None of that's supposed to be pathway?

Layton: Yeah. So, that -- if we look at -- Joseph, can you scroll to the plat? Oh, well, this shows it, too. So, there is a -- there is a fence there and, then, there is -- right. Right there. So, that's actually the area -- that's part of the irrigation access. Can you scroll to -- I don't know if it's forward or back, Joseph. So, in -- in that plat exhibit you can see where the fence line is. Oh, there you go. I think you can see that. You can also see it in that exhibit I sent you today. That one's probably more clearly marked. So, you can see where those X's are, that's where -- that's where the fence line is and that -- that exhibit was labeled wrong. That's the canal road.

Holland: Would you be willing to do a pathway that would kind of loop around that open space?

Layton: Good question. So, we have got the sidewalk along there and along this southern boundary. I guess we could look at what other amenities that we could put into that public -- or that open space and that park. I mean I think we are -- we are over on that, but we could -- I could look at that and, you know, see what we could do there. I don't want it to be too -- too redundant with some of the connectivity that we already have.

Holland: I think when staff saw that I think they were recommending putting a loop there. I'm not sure if they were referring to the -- the canal road there, too, but, yeah, this -- this clearly shows that's a canal road, not a pathway, but it was confusing on the other open space exhibit. So, I think you would definitely want to change out your open space exhibit before it goes to Council a little bit.

Layton: Yeah. Thank you, Lisa. We will definitely do that and make sure that that's updated. You know, I think with the amenities that we have on the north end and given the existing conditions with, you know, looking what the irrigation is going to want, they are not going to want people all over their -- all over their canal road and, you know, obviously, nobody wants to fish a kid out of the canal; right?

Holland: Right.

Layton: So, I -- you know, I think we have done a good job of providing some internal connectivity and, then, also, of course, getting access through Timberline. You know, we don't have any direct access out to Victory. So, you know, as a -- as a resident in the area, you know, I'm a walker myself, so just looking at how somebody could loop through their subdivision, feel safe and enjoy some of the open space in the natural amenities, but we will definitely update that open space exhibit for sure.

Holland: Thank you. Appreciate it.

Layton: Yeah.

Holland: And, then, the other question is about the -- kind of star area that's next to the cul-de-sac there. I know staff was recommending that -- some of those lots up, so that way we didn't have kind of a small strip that didn't really lead to a connecting pathway somewhere else. More for safety than anything else.

Layton: Right. I mean right now, you know, we are -- as Joseph mentioned, we are deeding some of that over, because of some existing encroachments and just trying to -- trying to clean that up, but potentially in the future as that property develops, you know, just looking at what's that opportunity. You know, to me that looks like a great space for kind of like a dog run, like a -- you know, nice narrow space where you can throw a ball and run your dog back and forth. I mean we are not -- you know, I guess having that open space back behind those lots, it's nice to have that open space, but we are not completely married -- I mean --

Holland: One thought, too, just maybe a variation and, then, I can open it up for other Commissioners to ask questions. I'm dominating the time here. Sorry about that. I'm -- I'm almost wondering -- there is so many lots on that cul-de-sac and I know it always gets tough when you have got so many lots on the turnaround, because people tend to overpark on those cul-de-sacs, there is -- trash day can become complicated. Would you be willing to consider removing one of the lots off the cul-de-sac and just kind of reconfiguring it a way that that open space is shaped, so it's less of a star, but more of a

-- kind of square usable area and, then, having those other two lots that touch that halfway as proposed, kind of go up and close off there.

Layton: Well, nobody likes to lose lots, but -- sorry. Actually, if I had my druthers what I would do is I would shift that -- that connecting path and make it run more north-south at the end of the terminus of that cul-de-sac, just as a visual compliment, you know, and that's what I would do. I think those lots are quite large, so there will be an opportunity to park more -- to park vehicles there. They are, obviously, larger than -- than the rest of the lots in that area. So, yeah, I would like to not lose that lot. I think maybe we could design it in a way where we shift that connection. So, with access from where it is now in the cul-de-sac up to the rest, I would put it more north-south and, then, you can kind of make a -- kind of a statement of it, if that makes sense. And I have seen that done in a number of communities and I think that's a great -- a great alternative, because it's -- I think it works well in -- in the examples that I have seen in other places. So, that's -- that's how I would handle that.

Holland: Okay. Other Commissioners have any questions for Bonnie? Hearing none, Bonnie --

Dodson: Madam Chair?

Holland: Oh, no, we have got one. Okay. Go ahead, Commissioner Seal.

Dodson: No. It was Joe.

Holland: Sorry, Joe. Go ahead.

Dodson: We get confused with each other quite often during these commission meetings. Just to be clear, my main concern regarding this open space behind Lots 35 to 37 is more so that area between 36 and 37, because it kind of gets pinched down there, just thinking on the fly here, but if the applicant were to be amenable to rotating those lots to the west and having the pathway loop around and the lot that is currently Lot 37, maybe losing Lot 37 and rotating the other two over, that would be, you know, possibly ideal to kind of open up that whole area and have a pathway that loops around. Just a potential option there.

Holland: Thanks, Joe. I appreciate the suggestion.

Cassinelli: Madam Chair?

Holland: Commissioner Cassinelli.

Cassinelli: Is that -- where that portion of that open space terminates there on the -- on the eastern boundary that -- thank you, Joe. Joe is concerned about. Is that -- right to the east of that is that a developed lot? What is that? Over there just to the right -- there you go. Right there.

Dodson: Commissioner Cassinelli, yes, sir, that's a developed lot. It's actually -- it's just a fence. It's a backyard. The access road kind of -- as you can see curves north a little bit and goes right around it and this area right here continues the irrigation district access road, because, then, this is a lot, a backyard.

Cassinelli So, that -- yeah. So, that little green space there would -- would just terminate at somebody's backyard?

Dodson: That is correct, sir. Yes.

Cassinelli: Okay.

Holland: Yeah. I think I would like to see at least Lots 35 and 36 rotate and have -- instead of that pathway kind of end at the canal road, having that access from the cul-de-sac go through between those lots and stubs. So, we just have a loop into that common space instead. I think that would help. Other questions? Are we ready to open up for public testimony and, then, come back?

Cassinelli: Madam Chair?

Holland: Commissioner Cassinelli.

Cassinelli: I don't know if there was anything else, but I just want to ask the applicant if there -- there is -- I know these were the pathways and stuff was a lot of the conditions, but are they -- they are good with all the other -- and off the top of my head if there is other conditions in there, but I just want to see if they are acceptable of all the other conditions.

Layton: Yes, Commissioner Cassinelli, we are acceptable with all the other conditions and to your point about kind of rotating those lots and looping that through and splitting -- splitting that access point maybe farther to the east on that cul-de-sac, I think that's a -- that would be a great suggestion. Just to kind of loop that through. I think that connects in well and, then, also doesn't limit the potential for future -- future access somehow, you know, to an adjacent parcel that might be developed or something, so -- does that answer your question?

Cassinelli: Yes. Thank you.

Layton: Fantastic. Thank you.

Holland: Madam Clerk, do we have anyone signed up to testify on this tonight?

Weatherly: Madam Chair, we had two people signed in, but neither wish to testify.

Holland: Okay. I will ask if there is anyone in the audience that would like to testify or anyone on Zoom, if you would raise your hand. We will wait just a second and see if

there is anyone that -- that indicates interest. Hearing none, Bonnie, any closing thoughts you would like to make?

Pitzer: Madam Chair?

Holland: Commissioner Pitzer.

Pitzer: Thank you. Before -- I'm sorry, Bonnie, but I just had a quick question. So, when -- when you purchased this -- this -- this development there were -- there was approved for 23 a lots and now you are going to 67. I'm looking at the lots along the eastern side where you are having 12 -- it looks like 12 lots going up against an R-4. I'm a little concerned about the heavy -- heavy density there, going up against those lots that -- I just wonder if maybe we can better transition to those who -- what's going in behind there -- 11, 12 along that border.

Holland: Commissioner Pitzer, one -- one comment to make is that the -- it's a different owner now and they have decided to come back with a new plat. So, the old plat is not -- not by the same owner and so they are -- they are trying to get a new approval and they are zoned already R-8 there. They are within code for the R-8.

Pitzer: I realize that. Thank you. Thank you, Madam Chair. I'm just -- I'm just saying that I'm looking at what's going to transition on that east side and I'm just concerned that there is -- you know, they have the bigger lots at the end of the cul-de-sac and I think just for transitioning purposes to say maybe make those just a hair bigger would transition better for the subdivision to the other side.

Holland: Yeah. I think that's a great question, Commissioner Pitzer. Bonnie, I will let you answer that if you would like.

Layton: Sure. Thank you, Commissioners. Commissioner Pitzer. So, what we really tried to do in that, as Ms. Holland mentioned, that we are -- this is zoned for an R-8, so there is that -- there is a difference from the previous application to this application. What we really tried to do is to do a one to a one and a half difference. The other thing that our client is doing here is constructing a brand new fence line -- solid fence line all of the same material, so it's not hodgepodge along our eastern boundary, which, of course, the properties to the west -- or to the east, pardon me, will have the benefit of and so, you know, as -- we have tried to be really conscious of that and do a good job of how do we make that transition and be mindful of the residents and when we had the neighborhood meeting we talked about this and came up -- and walked through that issue with the neighbors and talking about, you know, we are going to provide this continuous fence. The -- the -- the buyer of the property that's going to develop the homes, it's going to be more patio style homes, which is something that's consistent with not only zoning, but also with the comp plan for providing a variety of homes in the area and so we -- we feel like this is a good transition oftentimes as patio homes are really single -- single story, where -- where those other homes to the west -- or to the east are also six feet above our site, so there is a pretty big grade difference in there. So, it's hard to see on this image

per se, but there is going to be not only typography difference, but, then, we really tried to make sure that we -- we were mindful when we laid out the lots that they complied with the zone, but they also respected what was happening to the east.

Pitzer: Thank you. Madam Chair, follow up.

Holland: Go ahead, Commissioner Pitzer.

Pitzer: So, are these patio homes -- is the HOA going to be -- or are there going to be HOA dues that take care of their yards or -- when you -- or is each homeowner going to be taking care of their own landscaping?

Layton: Commissioner Pitzer, so I -- I have done a number of different projects. I'm -- I'm not sure on that. I -- actually, I have a degree in architecture and started out my career in residential architecture, so there is a number of different ways to make that happen. I think the concern from the neighbors was what is that going to feel and look like of this development in comparison to theirs and so looking at that patio style home and what that architect sort of looks like, we felt like the mapping and the layout of those and how those are going to live for the residents and based on -- you know, being consistent again with the comp plan and the zoning, you know, providing -- providing something that's -- that's consistent with -- with the comp plan. So, I -- to answer your question, I'm not sure how that will be. I think there is a number of different ways to make that happen.

Pitzer: Thank you.

Holland: Any final questions? Bonnie, any closing thoughts you would like to make?

Layton: Just, again, I want to thank the staff for all of their hard work on this and, you know, I think it's going to be a great project for the community, so -- and I appreciate your -- all of your time this evening for sure.

Holland: Thanks, Bonnie. With that can I get a motion to close the public hearing and move to deliberation for -- now I lost the file number. H-2020-0067 for Jocelyn Park.

Seal: So moved.

Cassinelli: So moved.

McCarvel: Second.

Holland: Motion by Commissioner Cassinelli. Second by Commissioner McCarvel. All those in favor?

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Holland: Okay. The floor is open to us, so I will start, since I have got the floor, and I think a couple of my comments -- so, I -- rather than the condition that was in the staff report, which is Section 8-A-1A, where it says revise the plat to include the area behind Lots 35 and 37, Block 3, as part of building lots, instead of common open space, I would prefer to see those three lots rotated and to have the pathways come through the cul-de-sac on the eastern boundary and loop through that common area, instead, to make a -- a more walkable amenity. That would be one thing I would like to say as a condition. I wouldn't mind seeing one of the lots disappear, but I don't know that I necessarily need to condition that on the cul-de-sac, but I would be open to other Commissioners thoughts on that and I'm trying to remember if there was something actually in the -- Joe, was there something in there about the pathway on the northern open space lot about looping that in?

Dodson: Madam Chair --

Holland: That's not a pathway, but it's actually the canal road?

Dodson: Madam Chair, yes, that is correct. I did have that in there, because it was labeled as a pathway and I thought that they were trying to build a separate pathway. Now that I know that they are not, I'm not necessarily going to fight for them to put a looped pathway through there, since there is the sidewalk along the road and the -- you know, the open space lot isn't a mile deep, so that is up to Commission if they want to strike that condition altogether and require that they provide an -- a revised open space exhibit that correctly labels that.

Holland: Do you, by chance, know what that condition number is, Joe, off the top of your head?

Dodson: Madam Chair, no, I do not. I apologize.

Holland: Okay. I will keep looking in here. Overall I think the -- the development itself, I think it fits well as an in-fill project. I appreciate that they have done as much open space as they have, because they have gone above and beyond what's required and so I do appreciate that, even though they are a little bit smaller lots and I always like seeing a little more space between them, so that they can match up fence lines. I think they have -- they have done a fairly good job with this concept plan here. I would open up for anyone else that would like to discuss, though.

Seal: Madam Chair?

Cassinelli: Madam Chair?

Holland: We will go with Commissioner Seal first.

Seal: Just a couple of observations on it. There is -- as far as the amenities piece of it, it looks like the -- the north end there is getting the -- the tot lot and things like that, but

around the pond it would be nice to see something -- you know, maybe a gazebo or some -- you know, I don't know what the elevations there are, but something where people could sit and enjoy the -- you know, the pond and that area there. It would be nice to see something along those lines. Then the -- the common area that's in the middle, to me that's -- I don't like that common area really at all, so -- mainly because the entire thing is behind houses and it's going to be fenced off from the neighbors there. So, you are kind of creating an area where it doesn't have a lot of visibility, so that one's a tough one. So, I mean if something was going on and let's say the sheriff needed to get in there, they have got to go find that area back there. So, I just -- I just don't have a good feeling about that. I know some of its going to be restructured as far as where the pathways are going to go through and -- I mean as far as a little common area for a family to enjoy, it's -- it's nice, but it just seems like it's closed off from the rest of the world to me.

Holland: But I think that's -- that might be why they made the condition to move the pathway up two blocks on that western road as well. So, that way it -- it opens up more visibility there.

Seal: Right. But it's still -- I mean it's -- it's definitely closed -- to me it seems like it's closed off, so -- but, you know, like I said, there is no -- there is just not a lot of visibility back there. So, that's a concern to me. Nothing that, you know, would make me not support the project. The rest of it's pretty nice and I mean that area is kind of -- it's a strange area out there, because there are so many elevation changes and it is kind of strange as it goes through and everything. So, I mean trying to design something that would fit into this area had to have some challenges for sure. So, to me it looks like they did a pretty good job with it. Again, the only concern I have is just that -- that open area just seems like it's really confined and not a lot of visibility.

Dodson: Madam Chair?

Holland: I would -- I would agree with you on that and I think that's part of the reason I was thinking maybe one of those cul-de-sac lots could go away, too, which will open up more visibility to it. Commissioner Cassinelli, go ahead. Oh, I'm sorry, that was Joe talking.

Cassinelli: Yeah.

Dodson: Yes, ma'am. Yeah. I just wanted to -- Madam Chair, just wanted to clarify that condition that you were requesting about the pathway is condition number four.

Holland: Thank you, Joe.

Dodson: Yeah. And, then, just to quickly speak to what Commissioner Seal said, the code dictates that abutting common open space lots, that the fencing will be open vision, so, they won't be completely closed off, but I -- I understand your sentiment there.

Holland: Thanks for that clarification. Mr. Cassinelli, I know you wanted to go next.

Cassinelli: Yeah. I -- I would like to -- I'm going to kind of echo some of the comments you made, moving of those lots. I would like to see us at least recommend a loop pathway up north. I don't think we -- I'm fine with -- with removing that condition, obviously, but if we could -- I would I'd like to recommend it, because I think it would be a nice fit. I also, then, would echo Commissioner Seal to have something on the south by the pond. I'm not -- I can -- I get the issue with the -- with that open space that's confined, but I think throughout the city there is a lot of those types of things in different subdivisions. I have got a couple in my surrounding neighborhoods. When I go on walks and whatnot there is -- there is places like that where you can only get to a big open field through a pathway through two lots kind of a thing. So, similar -- I have seen it quite a few places. Other than that I like the idea of the patio homes. I think if they -- you know, they are going to -- it sounds like they are going to work with the neighbors there -- already are to the east getting the fencing, so all in all I'm -- I'm in support of this. In-fill is always tough, but I think this angle works, just tweak a couple of those things.

McCarvel: Madam Chair?

Holland: Commissioner McCarvel.

McCarvel: Yeah. I agree. I mean those always have to make -- it would make that -- I mean that open space back there is not ideal, but I think just rotating those three lots would go a long ways to making it better and having a pathway come back out to that cul-de-sac. So, yeah, overall, I -- I would be in support of it. It's a tough -- tough space.

Holland: Okay. Commissioner Pitzer, any comments?

Pitzer: Yes. Thank you, Madam Chair. My screen is getting all messed up over here on my phone, so I apologize. I'm going to echo Commissioner Seal's concerns about it being so cut off, but rather than lose a lot in the cul-de-sac, we lose a lot just to the north of where that cut through is. I think that would open that up. I appreciate the applicant working with the neighbors to the east. I was concerned about that density, but it sounds like with the elevation change that they have done a good job of mitigating that. So, I don't -- I don't see an issue with that. I think that some seating or something around the pond -- I think would be -- I know they said they are going to beautify that pond, which is great. Nobody wants a -- everybody would like a beautiful pond, but maybe adding some seating around it. But I think that's my own -- I think my biggest concern is that star shaped open space there, may be a fatal -- like I said, may be if they turned one of those smaller lots instead of taking one of the larger lots it might accomplish the same thing and wouldn't be as painful. Those are my thoughts.

Holland: Thanks, Commissioner Pitzer. Just to recap, you have the numbers. It's condition 1-A and 3-B on that -- those lots that go back behind the cul-de-sac. So, we would need to modify that. It sounds like everybody was in agreement with at least rotating those three lots to have some sort of pathway loop that would go around there. We could make the recommendation to lose a lot somewhere to give more visibility to the complex. I don't know that I want to specify necessarily where that would be, but maybe

that's just a consideration that we would ask them to come back to Council with more visibility into that open space somehow and give them some discretion to be able to figure out how to do that and, then, item four was the other one we need to modify, which is the requirement of looping that pathway up on the northern open space, so just for whoever wants to make a motion at some point, those are the item numbers within the staff report that we want to make sure we pay attention to.

Cassinelli: Madam Chair?

Holland: Commissioner Cassinelli.

Cassinelli: Are we ready for a motion?

Holland: Always open to entertain a motion.

Cassinelli: If nobody else -- if there is no other comments, I will go ahead and throw something out here. After considering all staff -- I didn't give anybody a second to jump in. But after considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file number H-2020-0067 as presented in the staff report for the hearing date of August 6th, 2020, with the following modifications: Conditions 1-A and 3-B look to move those lots -- shift them to the west and bring that open space connection more towards the east and add a recommendation in there to perhaps look at -- at losing a lot to even further open up that open space to get a little bit more visibility in there. Striking condition number four for that looped pathway to the north, since that is actually the -- the canal roadway. But make a recommendation to add a looped pathway in there. And, then, three, recommend another amenity down by the pond, a seating area, benches, gazebo, something of that nature, just to get a little bit more gathering space down there.

Seal: Second.

Holland: Okay. We have a motion. Anyone want to second?

Pitzer: Second.

Holland: Okay. We have a motion by Commissioner Cassinelli and a second by Commissioner Pitzer. Any discussion? All in favor. Any opposed? Hearing none, motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**9. Public Hearing for TM Center (H-2020-0074) by SCS Brighton, et al.,
Located East of S. Ten Mile Rd. and South of W. Franklin Rd.**