

Public Hearing for Durango Subdivision (H-2025-0017) by KM Engineering, LLP, generally located off the northeast corner of the N. McDermott Rd. Bypass and W. Ustick Rd.

- A. Request: Annexation of 37.08 acres of land with R-8 (29.53 acres) and L-O (7.55 acres) zoning.
- B. Request: Preliminary Plat consisting of 127 residential lots and 6 commercial building lots and 14 common lots on 35.88 acres of land in the proposed R-8 and L-O zoning districts.

Smith: With that we will get started on Item No. 2, File H-2025-0001, Durango Subdivision, for annexation and preliminary plat.

Allen: Thank you, Mr. Chair, Members of the Commission. The first application before you tonight is a request for annexation and zoning and a preliminary plat. Excuse me. I need to share my presentation. Just a moment. All right. Let's try that again. This site consists of 35.88 acres of land. It's zoned RUT in Ada county and is located at 5630 West Ustick Road, which is off the northeast corner of Ustick Road and McDermott Road bypass. There has been no other previous development applications on this site. The Comprehensive Plan Future Land Use Map designation is medium density residential, which calls for three to eight residential units per acre and office. You can see that on the map here on the -- on the left-hand side here. The applicant is requesting annexation of 37.08 acres of land with R-8 zoning, which is 29.53 acres of the site and L-O zoning, which is 7.55 acres of the site for the development of 127 single family residential detached homes at a gross density of 4.48 units per acre, six office buildings and associated common open space areas. A conceptual development plan was submitted as shown that depicts the residential development and anticipated site layout for the office portion of the development along the frontage adjacent to Ustick Road, consisting of approximately 51,255 square feet of office uses. Excuse me. I'm on the wrong one there. This is the concept plan. The Comprehensive Plan states future land use map designations are not parcel specific and that an adjacent abutting designation when appropriate and approved as part of a public hearing with a land development application may be used, but may not be applicable to more than 50 percent of the land being developed. The applicant is proposing to extend the office designation at the southeast corner of the site further to the west along the frontage of Ustick for an additional approximate 3.24 acres or 16 percent of the development area. Staff is supportive of this request as approximately half an acre of the site designated office is encompassed by the Sky Pilot Drain easement. That is this area right here. And cannot be developed and an additional 1.7 acres of office designated land to the east will not develop as such with Spring Day Subdivision, due to the location of the collector street and the remaining area not being large enough to develop with office uses and that is this area right here that I was referencing. The proposed density, housing types and office use is consistent with the medium density residential and the office future land use map designations for this property. A preliminary plat is proposed as shown consisting of 127 residential building lots, six commercial building lots and 14 common lots on 35.87 acres of land. A minimum

lot size of 5,547 square feet is proposed with a maximum lot size of 8,008 -- excuse me - - 687 square feet and an average lot size of 5,864 square feet. The plat is proposed to develop in three final plat phases as shown on the -- the phasing lines are right here. This is the first phase and encompasses the residential and the office portion of the development. This is the second phase here and the third phase along the northern boundary. There is an existing home and accessory structures on this site that will be removed prior to development of the property. Access is proposed via West Ustick Road and North McDermott Road bypass. Cross-access is proposed to the adjacent properties to the west and east. Cross-access easements are required to be granted to these properties and internally within the L-O zoned lots. Direct lot access via Ustick Road is prohibited. Landscape street buffers are required along internal and adjacent streets in accord with UDC standards. A minimum of 15 percent or 4.4 acres of the residential area is required to consist of qualified open space. A total of 7.63 acres is provided, which is 25.41 percent of the site, exceeding the minimum standard by 3.23 acres. Site amenities are required totaling a minimum of six points, consisting of -- what's proposed consists of a dog waste station, open space commons and pathways for a total of 11 points. Although amenities exceed the minimum standard, staff is recommending an additional amenity. A covered shelter is provided in Lot 9, Block 3, for the open play areas as a provision of the development agreement associated with the annexation. The Eight Mile Lateral runs along the northern boundary of this site in a 50 foot wide easement and is proposed to remain open. The Sky Pilot Drain also runs through the site and is proposed to be rerouted and piped. The one hundred foot wide easement for the drain will provide a separation between residential and commercial land uses. Sewer service is not yet available to this property. A cooperative agreement exists between the city and the developer of Spring Day and Dayspring Subdivisions to the west -- to the east and south to extend the McDermott Trunk Line south down McDermott Road to Ustick Road and east to serve those subdivisions, which will also provide service to this site. Development is not allowed to commence until sewer service is readily available at the site. The development is subject to the Oaks Lift Station and West Ada School District reimbursement agreements. Water service exists in Ustick Road, which can provide service for up to 50 lots and beyond that a second water connection is required. Conceptual building elevations were submitted as shown that demonstrate the quality of development proposed in the residential and office portions of the development. Final design of the office buildings are required to comply with the design standards in the Architectural Standards Manual. Written testimony has been received from Corey Thacker, the abutting property owner to the west and this -- he did submit comments on the original application that was submitted last year. So, just keep that in mind if you read that. Some things have changed since that time with the site layout. He had concerns pertaining to the proximity of his driveway access via Ustick Road to the McDermott Road bypass intersection. It's at 242 feet versus the 300 feet requirement. Water rights, eminent domain and desire for cross-access through the proposed subdivision to his property and just to reiterate cross-access is being provided to his property. Connor Lindstrom, KM Engineering, the applicant, submitted written testimony in agreement with the staff report, but requests a clarification to condition number 1-A to include the cross-access ingress-egress easements are required between all commercial lots in the subdivision. Right now it does not differentiate between residential and commercial. So,

we definitely want to do that. Staff is in agreement with this clarification. Staff is recommending approval of the project with the requirement of a development agreement. Staff does have one additional recommendation that wasn't included in the staff report and that's for the requirement of North Del Norte Avenue to be extended as a stub street to the outparcel at the southwest corner of the site for interconnectivity and that is this street right here. So, as I mentioned, Corey Thacker is the owner of the outparcel here and that is also the subject of the next application before you tonight, Ustick Commercial. Staff is all -- staff is finished with the presentation. If you have any questions I will be happy to respond.

Smith: Are there any questions for staff? Would the applicant like to come forward and can I have your name and address for the record.

Lindstrom: Thank you, Commission. Connor Lindstrom with KM Engineering. Address is 5725 North Discovery Way, Boise. 83713. Here representing the property owner J&J Hess. Mark Hess is here on behalf of the LLC as well. Pull up the presentation. Awesome. And, then, do I just control it by clicking or --

Allen: Yes. Hit the arrows.

Lindstrom: Okay. Thank you, Sonya. I think Sonya covered everything very well. This is Durango Subdivision. Our request is for annexation and zoning into the City of Meridian with a preliminary plat. As stated the portion that we are annexing is 37.8 acres, located here on Ustick and McDermott bypass. The actual subdivision itself will be 35.87 acres following right of way dedication and other adjustments. I will note the Sky Pilot Drain, as staff noted as well, does bisect the property in the southwest corner. If you can see my cursor here. Well, it's a little slow. Yep. Here is where the Sky Pilot Drain comes through and, then, goes west it provides a buffer currently between that hard corner parcel that Hawkins application is about and the subject property. We are proposing to pipe and reroute that drain, which I will go into a little more detail here in a second. We are proposing to have two zonings, one being R-8 for the single family residential portion of the development and, then, we have the L-O or limited office zoning. As you can see here the property is currently in the county, RUT zoning, but we are adjacent to Day Spring and Spring Day. I believe it's Spring Day to the east with the R-8 zoning, so we will be seamlessly integrating with that zoning as it moves west and, then, the L-O along the Ustick frontage, which will be a great transition into the commercial that's proposed by Hawkins to the southwest of the subject property. Here is the future land use map. Just kind of clarifying things. Again, the R-8 zoning is looking for a three to eight dwelling units per acre. We are proposing 4.48 dwelling units per acre for the residential R-8 zoning, so that will fall right within that -- that designation. We have 127 residential lots that will be within the development. Here is that preliminary plat layout and, then, I will go into the conceptual L-O building layout. We have those six office lots. Those would be limited office. So, any future uses on those specific lots would have to comply with the zoning designation and dimensional standards. We are providing here -- if I can see my cursor. There it is. Here on the east side we are providing a stub to the east, that outparcel there, just for future cross- access. We think that would be a great idea to have.

We don't know the plans for that property, but it is within this L-O designation, so you could probably expect similar type uses there. So, it would make sense to have some additional cross-access. We also have Day Spring Way there. You can see is the main entry into the site from Ustick. That aligns with Day Spring development to the south and their collector roadway. You will notice that we have Lot 1 there, it's the 32,000 square foot lot. That is for the hundred foot wide easement for the Sky Pilot Drain. It's Nampa-Meridian Irrigation District. We work closely with them and ACHD to come to a solution as to how we are going to pipe this drain and the direction it's going to take through the development. It was clear that that still needed to be within a hundred foot wide easement, even though it will be piped, but we are able to provide grassy open space there and still have a pathway through it. They also allow for -- as it goes north and, then, heads west towards McDermott bypass we are allowed to have that service drive there to provide cross-access to the southwest corner parcel. They will also allow for shrubs, grass plantings, but just no trees within that -- that easement. We will also have access not just from the service drive to McDermott bypass, but also on Telluride Street there. We are providing an additional access, all of which have been accepted by the highway district. This is just a integration conceptual site plan that shows the McUstick commercial proposed by Hawkins and how it will integrate with Durango as we go from residential to commercial and into McUstick. In speaking with the property owner they are supportive of McUstick commercial subdivision plans and will, you know, be great neighbors as Hawkins looks to develop there. We have also been in coordination quite a bit with Toll Brothers. They are the ones that are developing Day Spring and Spring Day and have brought the sewer down and along Ustick Road there. We actually plan to -- well, we did submit this application for Durango last year. A long time ago. It's gone by fast, though, but we were told, you know, put things on pause until Toll got their approval and was able to sign that service -- or sewer agreement with the City of Meridian. So, we made sure to put things on hold, wait for that agreement to take place and, then, come back before you. So, that's why it's taken this long, but we have come to an agreement with Toll. The property owner has. They have actually signed off on a contract to stub into that sewer line for Durango Subdivision. Lots of coordination that's taken place. This slide just shows some of the landscape sections along both Ustick entryway corridor -- it is an entryway corridor, so there has to be some additional landscaping provided and we have the detached ten foot wide sidewalk with the park strip, as well as the Dry Creek -- creek bed, some trees, additional shrubs and, then, along McDermott another detached sidewalk with some plantings and, then, the cross- section here on the bottom is between McUstick Subdivision and the residential lots. If I go back here with my cursor. So, this is along the Sky Pilot Drain here. I'm sorry. That's what that cross-section shows. So, we are going to have quite a bit of open space here. As I said we can only do so much within Nampa-Meridian Irrigation District's easement, so we are providing some open space and, then, we have the pathway. There is going to be a privacy fence on the back of those residential lots, as well as some smaller shrubs. They can only be about six feet tall I think is what we came to an agreement with with Nampa-Meridian Irrigation District. Sonya already kind of went over this, but this is our -- really only our requested modification to the conditions that were provided in the staff report we received late last week. We just would like to make sure that commercial is outlined here is the -- the cross-access that we are trying to obtain between the commercial lots when it makes sense to

have cross- access from one residential lot to another. So, just a clarification. Going into the other condition that Sonya brought up tonight was talking about having a stub here or some sort of street coming south. We don't believe that that is necessary, just because we already have the Dayspring Way connection here going north from the commercial into the residential and, then, also along McDermott there is going to be an additional access here. So, we don't believe that that vehicular access there between the development is necessary. I think it would -- it would cause some more issues perhaps with neighbors driving right up against their property line. We do have that pedestrian connection and I believe that should be sufficient. And, then, the last slide just show what Sonya had already provided, some conceptual building elevations. So, overall I think that covers it. If you have any specific questions you would like to ask of me or of the property owner who is here, we are happy to answer. Thank you.

Smith: Are there any questions for the applicant?

Perreault: Mr. Chair?

Smith: Commissioner Perreault.

Perreault: Good evening.

Lindstrom: Good evening.

Perreault: Can you go over the -- the section that says future drive, whatever that little road is there on the south side of the drain. What's the plan for that?

Lindstrom: Yeah. And, here, maybe if I go -- sorry. So, from Dayspring Way as you travel west you will see this is that service drive. This will be a drive that will provide access to not only these office lots, but will also provide access to the proposed commercial to the west that Hawkins is proposing. So, it will just act as an additional service access for those properties and that will be within phase one. We will have that stub to the commercial lots.

Perreault: Mr. Chair?

Smith: Commissioner Perreault.

Perreault: And that is intended to be used by the public or just by the commercial property owners or, you know, whoever is owning or renting those spaces?

Lindstrom: It would be by the public. Yeah.

Perreault: Is it going to be a full street or what's the street width?

Lindstrom: Yeah. So, I'm sorry, I'm not -- remind me of your name, Commissioner --

Perreault: Jessica Perreault.

Lindstrom: Perreault. Thank you. So, this would be a -- it would be built more of a private road standard, you know, where we would ensure that we are meeting any requirements of the City of Meridian, but it's not going to be a normal local road, it would be more of a service drive that you would see within a commercial development. I'm trying to think of some off the top of my head, but --

Perreault: I understand.

Lindstrom: Okay.

Perreault: Thank you.

Smith: Commissioners, any other questions? All right. Thank you.

Lindstrom: Thank you.

Smith: Madam Clerk, is there anyone signed up to testify?

Lomeli: Thank you, Vice-Chair Smith. We have Greg Larson.

Smith: And if I could just get your name and address for the record.

Larson: Thank you. Yes. Greg Larson and my address is 95592 Willow Bridge Lane and that's Lakeview, Oregon. I am the property owner where you come out here onto the bypass straight out of Durango. I own the 13.5 acres across the street there and I'm working with KM Engineering right now and our goal will be to align with the City of Meridian on the future use of this as mixed use interchange, so it will be light commercial, flex space type, support for all these roofs you see going in here. We think it's important to -- to have this as -- as available service light commercial. So, I'm here on record I just want to make sure -- or state my concern for this access road coming out of Durango that we also have access onto the bypass road here and my concern being this 90 degree corner to the north and the proximity to that. We will be coming off of my property on the inside of that 90 degree corner and so I think there is some restrictions as to how close you can be to that and -- and, therefore, I'm here on record stating my concern for that and just noting the proximity to that 90 degree corner, making sure that we can have access straight across from that Durango access into this commercial. We think it's important, because there is no other access to our property, other than a private driveway to the west. So, as we develop this and get it submitted for annexation here in the near future, we are going to want that access onto the bypass directly across from Durango and -- and probably one to the north as well onto the bypass, so that we can have efficient access to that -- those commercial services in there. Thank you.

Smith: Thank you. Commissioners, any questions?

Larson: No questions? And as it's -- as it's presented here that -- that access into Durango could be moved south a little bit if needed and you would still maintain your distances to the -- the roads to the south there. So there is -- there is an option there if that corner was ever to be a problem. But I'm just hoping that that corner is not a problem.

Smith: I guess one question for you is how far south does your property -- that is kind of -- you are working on at the moment extend?

Larson: Sure. Get this mouse here. All right. I'm struggling with -- right -- I go to right there. It's a -- it's a -- I believe it's a nine -- is it the Nine Mile Lateral that goes through there? Okay. I go to the Nine Mile.

Smith: Okay.

Larson: Okay. Cool.

Smith: Thank you. Any other questions, Commissioner? Okay. Thank you very much.

Larson: Appreciate your time. Thank you very much.

Smith: Madam Clerk?

Lomeli: Thank you, Vice-Chair Smith. Shaun -- Shaun Wardle.

Wardle: Commissioners, Shaun Wardle. 2239 East Greiner Street, Meridian, Idaho. Representing John and Cheryl Wardle, who own the parcel directly east here adjacent to the -- to the office commercial piece. So, applicant has already clarified for me my question, which was cross-access to that parcel through that and it sounds like they are going to perfect the cross-access -- access across the commercial with an easement and so we -- we agree to that and appreciate the access to that and I would stand for any questions.

Smith: Commissioners have any questions?

Wardle: Thank you.

Smith: Question for staff? Is that -- does that need to be anything to ensure that in the staff report or is that adequate as -- okay. We are good? Okay.

Parsons: It's in the staff report already, so --

Smith: Okay.

Parsons: -- just with the clarifying remark that it's commercial lots, not all the lots, as applicant's requested.

Smith: Okay. Thank you. Madam Clerk, is there anyone else?

Lomeli: Thank you, Vice-Chair Smith. No one else has signed up and no one online is raising their hand.

Smith: Anyone else who would like to testify? If you would, please come forward and have your name and address for the record.

Thacker: Corey Thacker. 5900 West Ustick. The other question that -- I just want to make sure that it's understood that like a year and some ago it may have come across who knows how it came across, but, basically, thanks to Sonya and staff I mean we got that cross-access. I have no objections to this particular issue other than if mine doesn't get done, so --

Smith: Thank you. Any questions, Commissioners? All right. Thank you very much. Is there anyone else who would like to testify? All right. Would the applicant like to come back forward?

Lindstrom: Thank you. I don't have much else to add, other than I think Mr. Larson's point about access to the McDermott bypass. We understand where he is coming from. I will just say that we worked with ACHD. They were -- they approved our access to the McDermott bypass. The 90 degree turn there that's the curve for McDermott bypass, was not a concern of theirs for our access, so that's all I will say. We haven't delved into much deeper other than that. But if there are concerns I'm sure we would be willing to work with ACHD and the neighbor as they come forward.

Smith: Question for staff. I guess regarding this, I -- we don't have a crystal ball, but are there any concerns that immediately stand out regarding that ability for the neighbor to take access, whether at that location -- like at that spot directly across or further south?

Parsons: Mr. Chairman, Members of the Commission, not necessarily. I mean that can change from pre-plat to final plat, but the applicant is correct. If you recall McDermott bypass is still under the jurisdiction of ITD. They provide it -- they said they had no comments regarding this application, so they seem to be good with that. ACHD in their staff report has -- has indicated that as long as that intersection is 830 feet from -- from Ustick Road that they would approve it. So, the applicant is correct, there doesn't appear to be any issues with that. But, again, if the adjacent landowner and this owner want to work on a minor adjustment that's something they will work with either ITD, ACHD, and provide that with their final plat with a minor change. I don't -- don't want them to shift it too much, but somewhere -- because I -- I do agree with the gentleman saying that there is always -- there are site distance concerns when you get around those curves on roadways, so that -- that has been an issue in other applications that we have -- you have acted on in the past. While I have your attention, too, I just wanted to also ask the applicant -- and maybe pose a question to the Commission. You know, I don't want to -- to commingle the applications too much with the Ustick commercial in this one, but you can see that they have been working pretty closely together to make sure that these -- these projects do integrate. In my discussions you can see here on the graphic that the

Ustick commercial piece has a little more landscaping on the south side of the driveway than this office portion of the development. So, I wasn't sure if that's something that you guys -- I know that was something we discussed at the previous hearing for that project, but I know the applicant is working with this particular -- this same consultant, so I didn't know if that -- their plan was to do the same thing on the office portion. So, just would like to get some clarification maybe from -- from the applicant on that and decide -- like to get feedback from the Commission as to whether or not you want to make that a condition, too, to -- to provide some of that landscape treatment on the south side of the driveway. Thank you.

Smith: I guess I will extend that question to you, if you could clarify that.

Lindstrom: Yeah. Thank you. Thanks, Bill. Commission. Yeah. So, at -- at this time we -- we do not have a specific landscape plan here. If I go back -- this is a conceptual building layout and without really knowing what will develop on those lots it's hard for us to say, yes, we will put a specific landscape buffer that looks this way versus Hawkins, who has more of a detailed plan as to what those uses might be. So, that's why we are not showing anything at this point. It's going to take some time before those lots are sold off to end buyers who will, then, have to go through their own design review applications and make sure that they follow the landscape code at that time. So, generally we don't get into the details of showing landscaping internal to the -- the office lots at this time, but -- I hope that answers your question.

Gelsomino: Mr. Chair?

Smith: Commissioner Gelsomino.

Gelsomino: Just -- just a quick question of -- part of it's going to be directed to staff, part of it to the applicant's. Staff, do we have a picture that displays Lot 9, Block 3, where the proposed condition for the covered -- the common shelter will be? Okay. Perfect. Thank you. And for Connor, have we -- because I didn't see it. I don't believe I saw it in the report. So, just to confirm. Do we have any agreement on whether the condition for that common shelter is approved or -- or accepted as part of this discussion?

Lindstrom: Yeah. Thank you, Commissioner. We did -- we saw that condition of approval and in speaking with the property owner we agree that that would be a great amenity to add to the development and we are in agreement with that condition. We do not have a specific detail or elevation as to what that shelter would look like, but we will make sure we work with staff to provide maybe some sort of rendering as to what that could look like moving forward.

Gelsomino: Excellent. Thank you.

Smith: Commissioner Perreault, you had a --

Perreault: Yes, Mr. Vice-Chair. Thank you. So, the drain easement there directly east of the entrance, that hundred -- that's a hundred feet; correct? Is there any permitted use

-- I understand that there can't be anything permanent, but is there any kind of recreational use or permitted use rather than just being a grassy area that would benefit the commercial section at all?

Lindstrom: Yeah. That's a great question. We worked with Nampa-Meridian Irrigation District and kind of -- we asked the same question, what can we do with this land. It's -- it's difficult, because they say, you know, they need access to their easement to make any maintenance -- or to, you know, maintain the drain itself and they specifically said no structures. We are not really looking for people to be spending long amounts of time in that area. They were fine, though, with it being a grassy area and people are welcome to walk through it. We can even have a pathway across it and folks can recreate within it, but they didn't want to see any kind of -- like basketball hoops or, you know, courts of any kind, things like that. So, we did explore that option and they pretty much said grass, small shrubs, pathways, service drive, those were the options.

Perreault: Are you planning on implementing anything? A pathway?

Lindstrom: Yes. We do have -- as you can see there along Dayspring Way, that's a sidewalk, that's -- or a pathway along Dayspring Way and we will have a pathway that cuts across to the east going into the commercial. Those office lots there. So, you could walk west and get across to the other commercial and further down to McUstick Subdivision. So, there is some pedestrian connectivity through that -- that area, but that's -- that's all that we are showing at this time.

Perreault: Okay. I just have kind of seen these sort of empty spaces not be taken great care of when it -- when no one really knows what they are for, you know.

Lindstrom: Correct. Correct.

Perreault: But visually the public is not going to understand that that's a drain easement. So, just curious kind of how that maintenance is going to look. Hopefully as an entrance to a commercial area I assume that there is some sort of association that will be managing that. Hopefully they will take that pretty seriously, but you never know.

Lindstrom: Totally understand. Yes. And there will be an HOA with this development and they will have a maintenance agreement that they will have to maintain, you know, these open space areas, so -- and also to the irrigation district they require it to be maintained, because they need to have adequate access to that easement. So, hopefully, together that will keep it looking nice, because this is an entryway corridor as we understand along Ustick Road, so it is important that we have enhanced landscaping and it looks nice. So, I understand where you are coming from. Thank you.

Smith: Commissioners?

Stoll: Mr. Vice-Chair?

Smith: Commissioner Stoll.

Stoll: Connor, on the extension of Del Norte south as a stub street, can you just reiterate your concerns and -- regarding that?

Lindstrom: Yeah. Here, let me go -- thank you, Commissioner. Yes. So, if you can see here -- let me get the mouse again. It's kind of hard. There we go. So, we already have Dayspring Way as it goes north from Ustick through the commercial office lots. Sorry. This is not cooperating with me. But I will just speak. The Dayspring Way goes north from the commercial lots into the residential subdivision. We also have access into the residential subdivision from McDermott bypass. So, two entryways into that development. This being about a hundred -- and its 127 residential lots, which will also be stubbed to the east and to Spring Day. So, I always mix them up. Will provide a third access point. So, with that we think there is plenty of vehicular connectivity through this acreage and we will also have that service drive through the commercial lots into the proposed commercial at the hard corner. So, that's a significant amount of vehicular access options throughout the site. So, we think adding another point of access directly south there from Monte Vista where Del Norte goes south, would be cumbersome mostly for those neighbors. You can see they have a common drive -- driveway that's -- that's what that little flag is going south to get access to those lots. We think if we had that, as well as another access drive it creates more -- we are just going to have to mitigate more traffic coming through there and it could create some more -- I don't know, concerns with pedestrian crossing there as you see with the Sky Pilot Drain we have a pathway proposed across there. So, there is just more interaction with those houses that we don't think is really necessary. There is other ways to get throughout the development. Hopefully that answers your question.

Stoll: Mr. Vice-Chair, ask staff a question.

Smith: Yeah.

Stoll: So, Sonya, can you walk me through why you all are recommending that we extend the stub?

Allen: Yeah. Chairman, Commissioners, the UDC, you know, encourages interconnectivity, you know, between uses. Bill and I were just discussing and we are okay with retracting that recommendation for a stub street.

Stoll: Okay.

Allen: We agree with the applicant that that should be sufficient.

Stoll: Okay.

Allen: Thank you.

Smith: Question. Again not to commingle this and the following application. Does that imply also being okay with retracting that connectivity? Because I imagine you can't have that connectivity in the next application if you don't have the stub street to connect to?

Allen: I'm not sure I understand your question. The -- the Ustick commercial property would have access via Dayspring through a cross-access easement --

Smith: Yeah.

Allen: -- through the subject property.

Smith: So, I think the -- again, not trying to mix this up too much, but I think it's item -- maybe one of the other considerations, that northern vehicular connection that the draft conditions of approval are asking for. That wouldn't be feasible without the stub street to connect to on this development agreement. So, is that -- am I reading that to say you -
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Parsons: Mr. Chair, Members of the Commission, that is correct.

Smith: Okay.

Parsons: Both projects have been asked for you to consider whether or not additional connectivity is -- is going to be required. So, that's your purview. If you don't require them to stub the road to the -- the service drive, then, that condition, when we get to the next project, will be something we need to address with that application.

Smith: Okay. Thank you. Any other questions from the Commission? All right. Thank you very much.

Lindstrom: Thank you.

Smith: Can I get a motion to close the public hearing?

Stoll: Move to close the public hearing.

Gelsomino: Seconded.

Smith: It's been moved and seconded. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Smith: I will go first on this. I think, yeah, there is just a couple questions here that I think we should probably discuss. Obviously there is that stub street. Seems like staff is okay with retracting that. That does carry that implication over to the McUstick application, but for this application on -- on its own I think that -- that staff's kind of retraction makes sense.

I think there is -- it looks like there is adequate pedestrian -- and I actually think this -- not having that vehicular connection could kind of -- to the applicant's point, you know, cushion or ease the transition. It could keep that commercial and residential connectivity still active through Day Spring, but not so direct that it becomes kind of, you know, you are living right next to -- on top of the commercial kind of feeling. I think the only other question that I have is if the Commission wants to kind of require some additional landscaping on the south side of the trackway. I know the applicant -- doesn't seem like it's the intention to leave that fully bare, but it's more just a lack of clear visibility, but part -- part of me is wondering if there is interest in kind of having some requirement to have it continuous with the sort of landscaping that it is on the McUstick side or matching appropriately to just have -- you know, again, ease that transition to the residential. But beyond that I'm generally supportive of this. I don't see any major issues.

Stoll: So, with --

Smith: Commissioner Stoll.

Stoll: Sorry, Mr. Chair.

Smith: Yes.

Stoll: With the removal of the stub street I'm very comfortable with what staff has recommended. I think the question about the landscaping is really is it going to be coming back to us anyway to have that discussion when the commercial properties are coming forward or we can put the condition in there and just say future commercial development will have some sort of landscape -- -- appropriate landscaping to buffer the residential and commercial. I'm okay with either way. But I'm supportive of the project.

Smith: Other Commissioners? Commissioner Perreault.

Perreault: Mr. Chair -- Mr. Vice-Chair. I'm in agreement regarding the stub street and not having that as a condition. As for the -- excuse me -- landscaping, I'm fine with -- with -- with what the applicant decides, as long as it's according to code. I mean I think it makes sense that on the corner that you have a different kind of buffering and feel there than in that section, you know, and farther east section of Ustick. My -- let me say this. My one thought about the stub street -- and let me go back to that -- is if there is any benefit to the Ustick commercial -- the future owners of those properties, is there any benefit to having that access where folks are coming off McDermott and just heading straight south into their four lots versus coming up Day Spring or winding around? I think it -- it -- I understand the -- the applicant's thoughts on that. I think, you know, they are ideally probably not wanting to run that over -- over the -- the drain area, even though it's going to be buried, but I kind of see it as having less -- you know, less traffic through the middle of the subdivision if they are able to just come in on McDermott and head straight south and, you know, that's not ideal for those three additional lot owners, but that's essentially -- it affects those three additional lots versus a driver coming off McDermott and, then, heading all the way down Telluride all the way down Day Spring and, then,

heading back west again to get to those commercial lots. So, that's just my thought on that. It's not something that I, you know, would -- I'm going to encourage to have put back in as a condition, but something to -- for my fellow Commissioners to consider. Also not a condition per se, but I -- I would like to encourage the applicant to do something more interesting than just a covered area in the park space, even if it isn't a requirement. I know these are larger lots. I know a lot of -- a lot of people are just going to use their backyards, but it's been a good long time since we have been okay with there being just green space when we are out in an area of the city that doesn't have a lot of park access. So, just a recommendation there.

Smith: Thank you. I think one thing that I do want to clarify, it's kind of obscured in this image by the landscaping and the lines, but their -- staff can clarify -- clarify. There is access in that future drive to McDermott; right? Again not to get -- that -- that will be an access point without having to go through --

Allen: Are you asking about right here?

Smith: Yeah.

Allen: Yes.

Smith: Okay.

Allen: That's what is proposed I should say.

Smith: That should still be maintained I think, so they don't have to -- they don't have to go through the residential at all. If they come in off McDermott they can just come directly into that McUstick commercial without having to go around.

Allen: Yeah. Mr. Chair. I might add that that applicant is not in favor of -- of having a street connection from the north.

Smith: Okay.

Allen: Thank you.

Perreault: Mr. Vice-Chair. Am I permitted to ask questions to staff without an open application -- or without an open --

Smith: Yeah. I believe so.

Starman: Yeah. You may.

Smith: Yeah.

Perreault: Okay. Is -- would that entrance be permitted that close to the intersection? I don't know if -- if ACHD is involved in that -- or I guess maybe ITD is involved in that. I just assumed that that would not be permitted.

Allen: I don't know how many feet it is. Again, that -- the bypass is owned by ITD currently. Bill, did ACHD comment on the proximity of the access here of the drive on the Ustick commercial property to the intersection; do you know? Again, that's not part of this application, so I'm not sure we should be discussing it right now, but we can certainly check on that and -- they did approve it?

Parsons: Yes.

Allen: Yes. ACHD did approve that access location.

Smith: Any other commissioners? Commissioner Sandoval? Cool. All right. Would anyone like to make a motion?

Gelsomino: Mr. Chair?

Smith: Commissioner Gelsomino.

Gelsomino: After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2025-0017 as presented in the staff report for the hearing date of May 28th, 2026, with the following modifications -- or -- yeah. With the following modifications, basically the approval of the conditions. Am I correct?

Smith: So, you would add any modifications to the staff report that you would want to --

Gelsomino: Oh. I apologize. So, as -- as presented.

Smith: Okay.

Starman: Mr. Vice-Chair, so just for clarification on the motion, does your motion include the insertion of that word commercial with that one -- that cross-access condition?

Gelsomino: Yes. Thank you.

Starman: Thank you.

Smith: And, then, Kurt, since it's not in the staff report if we are not -- if the intention is -- I don't know Commissioner Gelsomino's -- his intention. So, that would be worth clarifying. But if his intention is not to include the requirement of a stub street it would still be just as presented with that commercial.

Starman: Correct. Yeah. Mr. Vice-Chairman, referred to the planning staff. I can't recall if that was condition or just a topic for discussion. Maybe you can clarify, Sonya.

Allen: Yes. Mr. Chair, if I could clarify. Staff's recommended and the applicant's requested change to condition number one to include the cross-access ingress-egress easements are required between all commercial lots to specify commercial on that. Are you in agreement with that --

Gelsomino: Yes.

Allen: -- if you could include that in your motion?

Gelsomino: Yes. So, with the -- to include that the cross-access ingress-egress easements are required between all commercial lots in the subdivision.

Allen: Thank you.

Starman: And, Mr. Vice-Chair, just -- I'm not sure if -- I think I tracked your question. The other issue, Sonya, is -- do the conditions right now talk about that -- that stub road that we are not recommending any longer or was that just a topic for discussion?

Allen: No. That was an added recommendation by staff that was not in the staff report, so there is nothing to correct on that. The record will reflect that you weren't in favor of that, so --

Starman: Mr. Vice-Chair, I think the motion has not been seconded yet, but the motion on the floor probably is sufficient as is.

Stoll: Second.

Smith: It's been moved and seconded. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.