

ACTION ITEMS

2. Public Hearing for Pickleball Court Subdivision (H-2022-0025) by The Land Group, Inc., Located at 4050 W. McMillan Rd. at the northeast corner of N. Joy Street and W. McMillan Rd.

A. Request: Annexation of 4.96 acres of land to be zoned from RUT in the County to the R-4 zoning district.

B. Request: A Preliminary Plat consisting of 14 single-family residential building lots and 4 common lots on 4.58 acres of land in the requested R-4 zoning district.

Seal: And with that at this time I would like to open the public hearing for Item No. H-2022-0025 for Pickleball -- Pickleball Court Subdivision. We will begin with the staff report.

Dodson: Thank you, Mr. Chair. Just getting the presentation up for you. All right. So, as noted, the first one before us tonight is for Pickleball Court. The requests before you tonight are for annexation and zoning and preliminary plat. The request for annexation is for 4.96 acres of land to be zoned from RUT in the county to the R-4 zoning district and the preliminary plat consists of 14 single family residential building lots and four common lots on approximately four and a half acres of land in the requested R-4 zoning. The subject four and a half acres currently contains a barn or other agricultural building or two. The previous home appears to have been removed according to the latest aerial imagery. Subject site is abutted by two public roads, McMillan Road to the south and Joy Street to the west. Abutting the north and east property lines are existing R-4 developments, Vicenza Subdivision to the east and Summerwood to the north. The subject property is designated as medium density residential on the future land use map, which allows residential development at three to eight dwelling units per acre. The proposal for 14 building lots on four and a half acres constitutes a gross density of 3.06 units per acre, which is nearly at the bottom of the allowed density. The medium building -- the minimum building lot size proposed is 8,000 square feet, which is the minimum lot size for the R-4 zoning district as well. The adjacent developments to the east and north are of similar density and lot size, which make this project consistent with the existing development. With the existence of Joy Street along the entire west boundary, the subject property should act -- or I should say the subject project should act as a transition towards a higher density approved at the corner of Black Cat and McMillan further to the west. Access is proposed via a new local street connection to Joy Street, which is an existing local street that directly connects to West McMillan Road, which is an arterial street. Access to all proposed homes is from within the new local street in the subdivision. No opportunity exists for a future stub street to the existing development, because there are no existing stub streets. This would also be the case for any pedestrian connectivity as well, since it is only the rear lot lines of homes abutting the property. The applicant is required to dedicate additional right of way from McMillan Road along the south, as well as widen the paved surface area adjacent to the site. The applicant is also required to reconstruct Joy

Street as half of a 33 foot wide local street section abutting the site, which includes curb, gutter and sidewalk. The applicant has proposed both of these and is showing the correct right of way, as well as the correct improvements. ACHD has approved the proposed road connections and layout. Staff also supports the proposed road layout. Because the project is less than five acres in size, UDC minimum for open space amenities does not apply. However, the applicant is proposing some open space, which staff has analyzed. The applicant is showing three main areas of open space. The required street buffer along McMillan, an open space lot along the north boundary of the project, which is Lot 12, and an additional grassy area in the southeast corner of the site, which is noted to be a future gravity irrigation pond. The applicant should add an exhibit in more detail to the landscape line that shows how this pond will be constructed and what it will look like to ensure compliance with CDC standards. Specifically, staff wants to ensure it will not be a mosquito breeding ground, which is outlined in our code. The applicant -- sorry. Within the Lot 12 open space lot, the preliminary plot has the notation that a pickleball court will be present. The applicant should revise the landscape plans to depict the proposed amenity and its location, but the applicant has requested flexibility and the type of sports court to be installed. Therefore, the applicant has requested a modification to staff's recommended DA provisions regarding the proposed amenity and staff does support that flexibility. As of -- well, as of this morning there was no public testimony on this application and pretty sure that's still the case. Staff does recommend approval of this annexation and project is generally consistent with the comprehensive plan and is a logical expansion of city zoning. The requested revisions, after speaking with the applicant that I noted are before you here with ~~strikeout~~ and underline. 1-A is a DA provision and, then, the bottom two are actually site specific conditions. The applicant has also -- and I believe they have a specific slide in their presentation regarding the placement of the sidewalk along McMillan and the applicant would like that provision or that condition modified as well. I have read that and I am fine with their proposed language or some variation of it in order to ensure that the sidewalk is either within the right of way or within the -- the common lot. Either way they have the minimum amount of landscaping, so I'm fine with their revisions. And after that I will stand for any questions.

Seal: Okay. Thank you, Joe. At this time would the applicant like to come forward? Good evening. Please state your name and address for the record.

Gardner: Sure. Matthew Gardner. Gardner Homes. Our address is 2078 West Everest Lane in Meridian, Idaho. 83646. As stated earlier, this project is located on the northeast corner of North Joy Street and West McMillan. You know, the project consists of one parcel. The property is currently zoned RUT in Ada county and is in the City of Meridian area of impact. The Comprehensive Plan map -- future land use map designation is medium density residential. The designation allows for the dwellings as discussed earlier. The development will take access from North Joy Street as explained earlier and feed itself. In total, the Pickleball Court Subdivision includes 4.58 acres with 18 total lots. Sorry. Getting behind. Eighteen total lots. Three of those are common lots and 14 are single home dwellings. The Pickle -- Pickleball Court Subdivision -- it kind of hard to read and do this at the same time. Sorry. Get back to this side. Okay. These homes are planned as one and two story single family homes of similar size and styles. We have

built these homes in the surrounding subdivision in Summerwood and in Vicenza and BridgeTower West. So, they are conducive with -- with the homes surrounding. The common areas, including the centrally located common open space lot, are designated to be easily accessible to the subdivision homeowners. Sidewalks are proposed throughout the project to promote walkability and easy access to the amenities. The public street frontage improvements will be constructed with the development. We did remove the home as stated earlier for safety reasons. We kept finding the doors broken down and -- and clothing and shoes and all sorts of things inside, so we did remove that, because it was a safety hazard and have that permit. But the barn and the outbuilding will be removed with the construction of the development. The stormwater from the project will be collected, managed, and retained on site as stated on the landscaping plan in -- I think it's a lot -- I can't remember. Sixteen is it? I believe. And we do have that being drawn up, so we can provide that when it's available. The -- the platting -- we are fine with everything, other than the -- the notes that we requested, as you have already stated. And we have read the staff report and agree with the staff's analysis and recommendations with just those few exceptions and we are grateful for you and we appreciate all you do. Thank you.

Seal: Okay. Thanks very much. Are there any questions for the applicant or staff? All right. Seeing none, we will go ahead and move on to the public testimony portion. Madam Clerk, is there anybody signed up?

Hall: Theodore A. Lye.

Seal: All right. Come on up and give us your name and address and --

Lye: It's Theodore Lye. Ted Lye. 4945 North Bolsena Avenue, Meridian, Idaho. 83646. And my home is directly to the north -- or to the east. So, it would be the -- their backyard would be right in my backyard and we have had other development just north of their development that they just finished here last year and the fugitive dust is one of the big concerns I have and I would just like to find out about their fugitive dust control, because the dust was terrible in our backyards and we weren't even close to that development there and now it's going to be right in my backyard. So, I'm curious about the fugitive dust. And, then, the -- the gentleman that spoke earlier talked about the single level and two story homes and we would like to see behind our home, you know, some single level homes, because, you know, just the big two story homes looking right down into our home and I don't know if I would address you or the City Council, Planning and Zoning, about that issue, but that's another one of my concerns and if I got that correct, the developer is Gardner Homes. Is that correct?

Seal: I believe so, yes.

Lye: And I would like to compliment Gardner Homes. You know, they have several of them in Bridgetower West and -- and they are nice homes and I know people that live in them and like them, but that's -- that's the questions I have is -- and I would also like to see the plot and they said that Lot 12 is going to have the pickleball court, so I'm kind of

curious if we are going to have people playing pickleball in our backyard. So, that's the only questions I have.

Seal: All right. Thank you very much, sir. Madam Clerk, do we have anybody else?

Hall: No, we do not.

Seal: All right. Is there anybody in Chambers that would like to come up and testify? I haven't looked on -- do we have anybody on -- we have nobody online. Okay. Would the applicant like to come back up and answer those questions and anymore that we may have, please.

Gardner: Sure. Mr. Lye, thank you. I appreciate the compliments. In our online meeting you stated those same -- same issues you -- you were suffering. For the north I apologize, I wasn't involved in that, but we have built homes in there. We can only mitigate the fugitive dust by watering it down as per the regulations that we will be held to by the city and the government and watering those down at certain intervals. The good news, I believe is this will be done in a more wetter climate in the fall and the winter, so -- at least that's what we are hoping, so dust should be kept at a minimum I would believe. As for two story and single story, not sure which ones will go where, but as the homeowners we are just following suit with what's already recommended there and -- and what's surrounding which are two story and single story. Thank you.

Seal: Okay. Thanks. And a question on the height of the homes real quick is -- is your aim to kind of match as close as you can lot for lot? You know, if there is a two story on the other side of the fence, two story and single story, kind of try and match that up?

Gardner: As we are able, yes. The lot sizes are pretty close to the same square footages, but some are -- have a smaller building envelope, so we -- it will be hard to -- to try to do that, but we will do that where we can.

Seal: Are there any other questions?

Grace: Mr. Chairman?

Seal: Go right ahead.

Grace: As it relates to the -- I guess it's the pickleball courts or other -- otherwise recreational courts, is that something that will be used? Will it be lighted? Will it be used late into the night to your knowledge?

Gardner: So, our intention, as we were talking earlier, not to put lights, just to prohibit -- and, obviously, the HOA can design the CC&Rs in a way to -- you know, obviously, quiet hours. I believe Meridian City starts at 10:00 p.m. and so we are hoping by not allowing lights -- or us not installing lights will prohibit noise past 10:00 o'clock if there is such. But we plan on landscaping to try to minimize whatever noise may be caused.

Seal: Okay. Any other questions?

Dodson: Mr. Chair?

Seal: Go right ahead.

Dodson: I just wanted to point out to the president's question that the court is proposed at this here, sir. This lot here. Yes, sir. So if you are to the east, you will have some homes in between. But I just wanted to -- even for the Commissioners I wanted to point that out, so that everybody is clear where a Lot 12 is. I realize I said it, but you probably can't read the numbers on your screen, so --

Gardner: Sorry.

Dodson: -- be the northernmost lot there.

Gardner: The one showing the three trees.

Dodson: Yep.

Seal: Okay. Awesome. Thanks, Joe.

Gardner: Thank you.

Seal: All right. Thank you very much. Okay. Can I get a motion to close the public -- public hearing?

Grace: So moved, Mr. Chairman.

Stoddard: Second.

Seal: Okay. It's been moved and seconded to close the public hearing for Item No. H-2022-0025, Pickleball Court Subdivision. All in favor say aye. Any opposed? Okay. Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Okay. Who would like to go first?

Grace: Mr. Chairman, it seems pretty straightforward from my perspective. I don't have a lot of comment.

Seal: Okay. I tend to agree with that. So, Commissioner Lorcher, if you have anything to add or if anybody would like to throw a motion out there I'm all ears.

Lorcher: Mr. Chair, I like the fact that it's R-4, so that -- that five acre parcel is not overly constricted with buildings. So, that's good, too.

Seal: Okay. The only comment that I will make that caused me a little pause on this is just where we are at with the road situation there and that the road report is fairly old. We did recommend a denial for, you know, obviously, a large -- much larger subdivision that was there in the McMillan area. So, this one being small and only being a few homes I think is just a different beast altogether. So, that's the only -- like I said, that's the only thing that kind of gave me a little -- a little bit of pause on here, but I just don't think it's the same thing. With that anybody want to take a stab at it? And, please, make sure to include -- if -- if you do make sure to include the -- what would we call in, Joe? It's your agreement with the applicant's proposed amendments?

Dodson: Mr. Chair, I did add the one -- the fourth bullet point I added from the applicant's slide, just to make it easier for you guys. But a simple motion stating per staff's presentation is --

Seal: Okay.

Dodson: -- fine with me and I will know the language to change.

Seal: Okay. Perfect.

Grace: Mr. Chairman, would you be looking for a separate motion on that, then, or to incorporate it into the --

Seal: Just integrate it into the original motion.

Grace: Okay. I will try.

Seal: Excellent.

Grace: Mr. Chairman, after considering all staff, applicant and public testimony, I move to recommend approval to the City Council of file number H-2022-0025 as presented in the staff report for hearing date of June 16th, 2022, and including the staff presentation --

Seal: Recommendation?

Grace: -- recommendations without any modifications.

Seal: Okay. Can I get a second?

Stoddard: Second.

Seal: Okay. It has been moved and seconded to recommend approval of Item No. H-2022-0025, Pickleball Court Subdivision. All in favor, please, say aye. Any opposed? Okay. Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. THREE ABSENT.