

Meeting of the Meridian Planning and Zoning Commission of December 16, 2021, was called to order at 6:00 p.m. by Chairman Rhonda McCarvel.

Members Present: Chairman Rhonda McCarvel, Commissioner Andrew Seal, Commissioner Nick Grove, Commissioner Maria Lorcher and Commissioner Nate Wheeler.

Members Absent: Commissioner Bill Cassinelli and Commissioner Steven Yearsley.

Others Present: Adrienne Weatherly, Kurt Starman, Bill Parsons, Alan Tiefenbach and Dean Willis.

**ROLL-CALL ATTENDANCE**

<input checked="" type="checkbox"/> Nate Wheeler	<input checked="" type="checkbox"/> Maria Lorcher
<input checked="" type="checkbox"/> Andrew Seal	<input checked="" type="checkbox"/> Nick Grove
<input type="checkbox"/> Steven Yearsley	<input type="checkbox"/> Bill Cassinelli
<input checked="" type="checkbox"/> Rhonda McCarvel - Chairman	

McCarvel: Good evening and welcome to the Planning and Zoning Commission for December 16th, 2021. If you are joining us on Zoom this evening we can see that you are here. You may observe the meeting. However, your ability to be seen on screen and talk will be muted. During the public testimony portion of the meeting you will be unmuted and, then, be able to comment. Please note that we cannot take questions during the public testimony portion. If you have a process question during the meeting, please, e-mail cityclerk@meridiacity.org and they will reply as quickly as possible. Let's begin with roll call.

**ADOPTION OF AGENDA**

McCarvel: Thank you. First item on the agenda is the adoption of the agenda. We have H-2021-0067, Moshava Village and H-2021-0080, Verona Live/Work that are both requesting continuances this evening and we will open those solely for that purpose of continuing them. So, if there is anybody here tonight to testify on those particular applications, we will not be taking testimony this evening. So, can I get a motion to adopt the agenda as amended?

Seal: So moved.

Lorcher: Second.

McCarvel: It has been moved and seconded to adopt the agenda as amended. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

### **CONSENT AGENDA [Action Item]**

- 1. Approve Minutes of the November 18, 2021 Planning and Zoning Commission Regular Meeting**
- 2. Approve Minutes of the December 16, 2021 Planning and Zoning Commission**
- 3. Findings of Fact, Conclusions of Law for Inglewood Coffee Shop Drive-Through (H-2021-0073) by Gold Stream Holdings, LLC, Located at 3330 E. Victory Rd.**
- 4. Findings of Fact, Conclusions of Law for Fire Station 8 and Police Substation (H-2021-0078) by City of Meridian, Located at 4250 N. Owyhee Storm Ave**

McCarvel: Next item on the agenda is the Consent Agenda and we have four items on the Consent Agenda. Could I get a motion to accept the Consent Agenda as presented?

Seal: So moved.

Lorcher: Second.

McCarvel: It has been moved and seconded to accept the Consent Agenda. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

### **ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]**

McCarvel: So, at this time we will briefly explain the public hearing process. We will open each item individually and begin with the staff report. The staff will report their findings on how the item adheres to our Comprehensive Plan and Unified Development Code. After staff has made their presentation, the applicant will come forward to present their case and respond to staff comments. They will have 15 minutes to do so. After the applicant has finished we will open the floor up for public testimony. Each person will be called on only once during public testimony. The Clerk will call the names individually of those who have signed up on our website in advance. If you are here in person, please, come forward. If you are on Zoom you will be unmuted. Please state your name and address for the record and you will have three minutes to address the Commission. If you have previously sent pictures or a presentation for the meeting, it will be displayed

on the screen and the Clerk will run the presentation. After all those who have signed up in advance have spoken we will invite any others who may wish to testify. If you wish to speak on a topic, please, press raise hand button on the Zoom app or if you are listening on the phone, please, press star nine and wait for your name to be called. If you are listening on multiple devices, please, be sure and mute those extra devices so we do not experience feedback and can hear you clearly. When you are finished, if the Commission does not have a question for you, you will no longer have the ability to speak. Please remember that we will not call on you a second time. After all testimony has been heard and the applicant -- the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to questions and concerns, we will close the public hearing and the Commissioners will have the opportunity to discuss and hopefully be able to make final decisions or recommendations to City Council as needed.

## **ACTION ITEMS**

- 5. Public Hearing Continued from November 4, 2021 for Moshava Village Subdivision (H-2021-0067) by JUB Engineers, Inc., Located at 4540 W. Franklin Rd. and 4490 W. Franklin Rd.**
  - A. Request: Annexation of 5.14 acres of land with the R-15 zoning district.
  - B. Request: Preliminary Plat consisting of a total of 30 single-family residential building lots and 3 common lots on 6.48 acres of land.

McCarvel: So, at this time we will continue Item No. H-2021-0067, which was originally opened and continued on November 4th, 2021, for Moshava Village Subdivision and they are requesting another continuance this evening to continue their modifying of the plat. Do we have any additional comments from staff? Okay. Could I get a motion to -- and I think datewise were we looking -- I think January -- the first meeting in January is somewhat full. Are we looking at the second meeting in January for that?

Weatherly: Madam Chair, there are several items on the first January agenda. I would recommend if you want to stick in January, then, January 20th is the best bet.

McCarvel: Okay. And that was good with staff; correct? January 20th? Okay. Can I get a motion to continue H-2021-0067 to the hearing date of January 20th, 2022?

Seal: So moved.

Lorcher: Second.

McCarvel: It has been moved and seconded to continue H-2021-0067 to January 20th. All those in favor say aye. Opposed? Motion carries.

**MOTION CARRIED: FIVE AYES. TWO ABSENT.**

**6. Public Hearing for Verona Live/Work (H-2021-0080) by J-U-B Engineers, Inc., Located at 3020 & 3042 W. Milano Dr., Near the Northeast Corner of Ten Mile Rd. and McMillan Rd.**

- A. Request: A Conditional Use Permit for 16 vertically integrated residential units within four (4) buildings on 1.75 acres in the L-O zoning district.

McCarvel: Next item on the agenda is also requesting a continuance, so we will open H-2021-0080 and I believe that one is also potentially looking at January 20th. They are requesting a continuance in order to meet with staff and respond to the staff report. Does staff have any other comments on this application? Okay. And January 20th with that other one was still a viable meeting date?

Weatherly: Madam Chair, that would round it out, in my opinion.

McCarvel: Okay. Could I get a motion to continue H-2021-0080 to the hearing date of January 20th?

Seal: I moved.

Lorcher: Second.

McCarvel: It has been moved and seconded to continue H-2021-0080 to January 20th. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**7. Public Hearing for Apex East Subdivision (H-2021-0086) by Brighton Development, Inc., Located on Parcel S1405120902, South of E. Lake Hazel Rd. Between S. Locust Grove Rd. and S. Eagle Rd., in a Portion of Government Lot 2 and a Portion of the SW ¼ of the NE ¼ of Section 5, Township 2N, Range 1E.**

- A. Request: Rezone of 32.21 acres of land from the R-4 to the R-8 zoning district.
- B. Request: Development Agreement Modification to allow the proposed development plan.
- C. Request: Preliminary Plat consisting of 97 building lots and 14 common lots

McCarvel: Next item on the agenda is Apex East Subdivision, H-2021-0086, and we will begin with the staff report.

Tiefenbach: Greetings, Madam Chair, Members of the Commission. Alan Tiefenbach, associate planner, City of Meridian. This is a request for a rezoning, a preliminary plat and a development agreement modification. The property is a little more than 32 acres in size. It's currently zoned R-4 and it's located near the southwest corner of East Lake Hazel and South Eagle Road directly east of Discovery Park. This property was annexed and zoned R-4 as part of the south Meridian annexation and this annexation at the time consisted of a little more than 1,300 acres of property. There are numerous development agreements associated with this annexation. Each development agreement was specific to the property being annexed. This particular development agreement allows -- the one that's currently in place allows agricultural operations to continue on the property, but, basically, it says that any other plans for development would require a DA mod to incorporate that development plan. There is also a provision in there that talks about the applicant's allowed to do a free zone -- a free rezone. It was intended that at some point they were going to be doing this DA modification and looking to rezone. Future land use map recommends this property for eight to 12 dwelling units per acre, which is medium density residential. Again, the summary of the request is the applicant proposes to rezone 32 acres of land from R-4 to R-8. A development agreement modification to create a new DA, which, basically, would allow this and to develop a preliminary plat consisting of 97 residential building lots and 14 common lots. The R-8 zone district requires -- requires minimum lot size of 4,000 square feet, minimum square -- minimum street frontage of 40 feet. The plat data table for this proposal indicates a minimum lot size of 6,900 square feet, with an average lot size being about 8,400 square feet. These are lot sizes which are smaller than The Keep Subdivision to the east, but they are larger lots than the Impreza East Ridge and Lavender Heights Subdivision across Lake Hazel to the north. These lot sizes are well within the future land use designation of medium density residential. The plat proposes two access points from a new collector road. So, access point here and access point here. This new collector road, which is called South Recreation Avenue, parallels the west property line. The primary access will occur roughly about the middle of this. That's shown as East Wickham Street. There will be a second southern point of access, which you see down here, if you can see my pointer. That will align with the drive aisle into Discovery Park, which is what you see here directly to the west. The south Meridian station that was recently approved, the fire station, the police station, is right here, if you remember where this is. There is also two stub -- stub streets proposed, both at the southeast corner. One here, which is going through what right now is a county lot and one here to the south, which is also still unincorporated. Per an interagency cooperative development agreement, Brighton Development, who is the applicant here, they are required to construct this road south -- South Recreation Way, basically from a cul-de-sac at the property line all the way up to East Lake Hazel. They are also required by this development agreement to install pathways on both sides of this road -- this collector. The first pathway has already been approved through the Meridian Fire and Police Station. The eastern pathway is the one that you are looking at tonight. One of the things we mentioned in the staff report -- and you can see a little dotted line here. There is a southern pathway that runs along the south perimeter of the property and, then, connects into the Farr Lateral -- Lateral, which you see right here. This pathway is shown on the Meridian master pathways plan. We are okay with this. Our only comment is we thought that this pathway should align a little better with the entrance

into Discovery Park. We were afraid about people coming along this pathway and just cutting across the street. Pedestrians tend to take the -- the path of quickest route, so we were afraid of either people walking across the street without taking the crosswalk or starting to see the grass just wearing away as people were cutting this corner and walking across that grass. So, we thought it would probably be a better idea to just realign the pathway in that particular way. There is three common driveways that are proposed with this subdivision. The applicant has provided common drive exhibits, which demonstrates no more than three units are served, whereas a maximum of four are allowed. Common driveways meet the minimum width of 20 feet and do not exceed the maximum length. On the right-hand side of what you see here, the applicant submitted an open space exhibit and this reflects almost 22 percent open space -- of qualified open space. This includes two one acre -- two one acre parks at -- two one acre parks at the south perimeter of the property and one a half acre park more towards the center or towards the top north. It also credits a hundred percent of the collector buffers, one half of the arterial buffer and several trail connections. However, the open space exhibit also includes this 55 foot wide Farr Lateral easement. This is what you see here. So, this is also credited on this open space plan as being qualified open space. Per our development code it talks about that protective buffers that are at least ten feet wide, they can be counted towards open -- to meeting the open space requirements. However, they need to be dedicated for some kind of active access. The people need to be able to use them if they are going to be actually qualified as open space. Because the lateral is behind the existing homes, staff also has issues with this -- with CPTED, Crime Prevention Through Environmental Design. So, we are afraid that if this goes here and there is no connection to this back here, it is behind these houses, we do have some concerns about whether this will, first of all, be a no man's land back here and, secondly, it may not be the safest thing. Staff, in our conditions of approval, you will see that we have recommended that this should be converted into some kind of usable open space and we have also recommended that there would be a connection at the north up here and some connection down to the south. So, this is actually incorporated into the development. It is more of a walkable loop. The Farr Lateral, again, runs along this eastern side and per our codes they are supposed to pipe this lateral, but the applicant is requesting a waiver from this. It's a pretty wide lateral and their -- their request includes that this would be cost prohibitive to have to pipe this. This would be something that the Planning Commission could recommend supporting or not supporting and Council would ultimately approve this waiver. The landscape plan also includes a fencing plan and the reason why I show this just kind of to talk a little bit more about the lateral. What you see in blue here is solid fencing. So, solid -- in particular there is solid fencing here along the north side of the property, but what you see here in the red is open style fencing. This -- I'm sure the applicant will -- will comment -- is their intent to try to open up this lateral, so there is some visibility, but, again, staff still thinks that there should be some kind of usability, where you can actually get into this and that there is some eyes on the houses and we are not sure what's going to develop in here, but in the meantime we are afraid of this just kind of becoming a scary no man's land. One thing I want to mention is in the staff report we originally had some comments about the elevations and about attached single family and what I mean is that the original elevations showed duplex type lots. Our conditions of approval included that the applicant needed to show on the preliminary plat which of those lights would be attached and which

would be detached and the reason why it's an odd number of lots. The applicant responded that actually the elevations that were submitted were not the correct elevations, these are actually all going to be single family attached houses. So, here are the elevations -- these are the updated elevations of what they want to do. That would eliminate the conditions if the -- if the Planning Commission were inclined to support this, one of the conditions -- two of the conditions in the back of the staff report -- one of them talks about the applicant having to show the zero lot line lots for the attached single family on the plat. There is also a condition there -- in there that talks about that single family attached has to go through design review, so both of those would be defunct if the single family detached project -- product was approved with this and with that I would entertain any questions.

McCarvel: Thank you. At this time would the applicant like to come forward?

Wardle: Madam Chair, Commission Members, Mike Wardle, Brighton Corporation. 2929 West Navigator in Meridian. I just want to make one comment before I give you a very brief background with regard to the Farr Lateral and the piping question. You will note that the properties to the north of Lake Hazel that have been recently approved and platted did not pipe that as well, because of the size of that particular lateral. So, we -- just from a perspective of -- I guess consistency within that area, we are anticipating leaving the Farr Lateral open and Josh Beach will chat a little bit more about that lateral and the open space issue in a moment. So, can I have our PowerPoint up and I will just make a few background comments. Alan noted very adequately the background issues. The 2015 city annexation for the entire south Meridian area also included sewer extension to the northwest corner of the Apex or Pinnacle project area. He also noted correctly that the development agreements -- and there were quite a few of them -- not only for properties that Brighton owned at that point, but also with the Murgoitio family and this Apex East is actually a parcel that we have acquired from Murgoitio where we have an agreement with them for all of their land eventually. But it's anticipated in that development agreement applicable to this parcel that there would be a future potential rezoning, as well as a development agreement modification certainly, since the ownership of that property has changed. So, a year ago -- about a year and a half ago, actually, the area outlined in the golden rod, essentially, was the property that we brought forward at that point. It was rezoned. There were development agreement modifications approved as anticipated and preliminary plats. Okay. Go back here. And, then, a preliminary plat approved in accordance with the schematic that's in front of you and at that point there was the Apex Northwest at the intersection of Lake Hazel and Locust Grove and Apex Southeast and final plats for both of these areas have been approved for all of the phases anticipated in those projects. On January 6th you will be hearing an application for the area designated here as Apex West, which is to the west of the Apex Northwest plat that was approved and is under development currently. Apex East is the one on the east side of the park as noted and that's the one that is being considered this evening. It was, again, annexed in 2015. Development agreement anticipated the rezoning and the development agreement modification. So, as a combined exhibit that shows all of these, the approved and developed or developing northwest and southeast, the west preliminary plat that will be forthcoming in early January and, then, the Apex East. Even though it's

separated from the rest of the development by the city park, it will be integrated into the whole of the Pinnacle project as it will be marketed subject to the same CC&Rs and also the same HOA management system. So, I'm going to turn the time now to Josh to discuss the preliminary plat details and respond to the staff report.

Beach: Good evening, Chair, Commissioners. Josh Beach, Brighton. Address is 2929 West Navigator Drive in Meridian. Thanks, Mike, for going through the history. Mike's been around for a while, so he does a good job and understands kind of the full scope of everything that's been going on. So, to go back to just the basics and the project itself, as Alan indicated, you know, we are requesting that this be rezoned from R-4 to R-8. Our lot sizes are well within what is allowed in the R-8 and specifically it -- except for a couple of lots typically fits what is required by the -- by the R-4 zone and most of the reason is for flexibility and design, the request to go from R-4 to R-8. There is different setback requirements and things like that to help us with a variety of -- of product in a subdivision and so I won't cover this too much, but density is about three dwelling units per acre. Alan discussed a little bit about the open space and we -- we -- we looked at that. As you can see here along the Farr, we have now -- we have worked with our landscape architect. Internally we looked at that and we don't have a plan for providing a pathway along the Farr Lateral, it's -- it's controlled by the Boise Project Board of Control and they -- they don't allow pathways in their easement. All they allow is landscaping. And so understanding the code and the concern from staff that there is not a pathway connection back there, we have removed that from our qualified open space and we have adjusted the calculation. So, instead of the 21 and some change percent open space, we are about 18.3 percent open space that we are -- we are providing without that area along the Farr. It's -- it's just kind of a nonstarter to -- to put a pathway there. So, we -- we opted instead to just remove that from our -- from our calculation. So, with that the amenities -- we have some extra open space above the 15 percent that's required. We are providing a play structure here in the north on this -- see where the mouse is here on this common lot here on the north. A multi-use pathway, as Alan mentioned, along the south and, then, a gazebo and benches. And this is the landscape plan here. Alan's comments about the pathway along that south we agree with. It -- it makes sense that we align that up with the entrance to the park to get folks as direct access as we can. We will still provide the sidewalk as required along Recreation Avenue there, but we will have to work with staff a little bit on the design. Our desire, because there is the Williams Pipeline natural gas easement right there, which we will cross, is to cross that as directly as we can and, then, to stay outside that easement just to minimize the impact in that easement. So, our proposal would be to kind of parallel the easement on that west, southwest side, and continue that pathway up and to comply with that -- that condition as requested by staff. There will be two phases. I don't know how much -- how quickly those phases will follow each other, but current plan is to develop the north 39 lots that you see in green first and, then, phase two would be in yellow with the blue dots there on the south following that. So, as I said, we do agree with staff's recommendation to realign that pathway. It makes some sense and we have -- we will work with our landscape architect to -- to modify that and to work with staff to get that pathway where they would like that to be. So, we concur with condition 2-E and, as Alan mentioned, there is a couple of conditions -- 2-A -- at least two that we noted. 2-A and ten were specific to the attached

product. This -- this entire development here, these 97 lots, will be detached homes and we brought up those elevations for staff to review. Those are -- again, those are conceptual, but those are pretty typically what we -- what we construct. And, then, 2-D, as I -- as I mentioned, they have asked us to revise the landscape plan to show pathway connections there, which -- which we can't do with Boise Project Board of Control. So, we have -- we have provided those open vision fencing along the pathway there with, you know, landscaping as allowed by Boise Project Board of Control within their easement to have eyes on that area; right? There is -- there is some -- some concern that there will be things happening back there if there is a solid fence and you can't see it. Also code requires if it is open space, whether qualified or not, that there would be open vision fencing up against that. So -- so, we are -- we are providing that as required by code. So, with that we concur with staff's recommendations for approval, including the city agency comments and the conditions with the previously noted modifications and we request that you support this and transmit City Council our request for the rezone, preliminary plat, and development agreement modification. Stand for any questions that you may have on the -- on the application.

McCarvel: Thank you. Any questions for staff or the applicant?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: Real quick. It looks like the -- the first phase has 39 lots in it, but there is only one entrance. So, are we reduced to 30 lots as per fire code on that one?

Beach: I believe that -- well, obviously, we are going to -- going to comply with the fire code, but there is an emergency access on that north side down the common driveway, which we would utilize temporarily to be able to get those -- those lots and, then, that would be -- that would be closed off. We -- pretty standard with these multi-phase developments that we are required to provide another means of access --

Seal: Okay.

Beach: -- or phasing, so that -- so, we can comply with the fire code.

Seal: Right. Then a question more aimed at staff. With the Boise Project Control Board -- or Board of Control, do we maintain any kind of relationship with them where we can get an exception to allow them to put a pathway back there? It seems like a huge missed opportunity right there.

Parsons: Commission, Commissioner Seal, I haven't worked that closely with Boise Project Board of Control. Usually Nampa-Meridian and Settlers are a little more amenable. In my experience with them, yes, they typically hold a tight string. They don't want to relinquish -- or allow a lot of improvement. So, the applicant is correct, they are -- more than likely they would allow some landscaping, but typically they don't allow trees

and we had the similar situation with the development on the north side with Impreza Eastridge Subdivision, they had the same irrigation lateral along the east boundary and what we got was, basically, slope with some hydroseed and a gravel road and that's about the best we could do working with that irrigation district. Now, the code does allow -- or does anticipate situations like this, so -- and, again, I don't know how amenable the applicant is to this, but the code would allow them to add an additional -- widen that common lot outside of that easement and do some of those improvements along the easement and add the five foot walking path and some of those trees, but I don't know how deep those lots are, I don't know -- and I see that they have detached sidewalks, so there is an ability to possibly attach the sidewalk and push those lots closer to the road and, then, add some of that on the rear of the lots and enhance that area and try to incorporate that into the development. But, again, as the applicant noted, they are meeting -- they are exceeding the code requirements of 15 percent. So, that's really up to you whether or not you guys want to see that enhanced and incorporated as part of the overall design for the subdivision.

Seal: Okay. Thank you.

McCarvel: Any other questions for the applicant or staff?

Beach: Thank you.

McCarvel: I have got one, Josh.

Beach: Sure.

McCarvel: Was there ever any -- I mean up in that northwest corner there where -- and I'm sure you know where I'm going with it -- with those three houses -- I mean, technically, it's just the three houses on that common drive, but, man, that fourth is awful close and they are -- all of those houses are just pointing right at that corner. I mean, you know, we don't even have to wait for a big party to happen, that's your average Friday night where I can see that's going to be really congested up in that corner.

Beach: And you are referring to -- sorry, Madam Chair, you are referring to --

McCarvel: Yeah. Where --

Beach: -- parking issues on the -- on the three lot common driveway?

McCarvel: Yeah. Parking, livability, trash services, you know. And I know you have got that fire -- that secondary fire access during -- before you get into phase two, but, you know, that's a long term issue for a short term fix, you know, just -- because everything else, you are right, it is so close to an R-4 being just -- being able to be labeled an R-4, except for a few lots, and I got a feeling, you know, a couple of those are it. You know, some -- just your average nice pie shaped lots back up in there and make it, you know, the prime lots, instead of the ones that are stuck in there.

Beach: Sure. So, you are -- you are -- just so I understand, the concern is the size of those lots. You would potentially propose that there would only be a couple versus -- versus the three?

McCarvel: Well, just -- yeah. Something that makes it so you don't have -- I mean it's kind of one of those things that sticks with us and with the common driveway it just -- you know, it kind of reduces the quality of life living in those spaces. I mean I know they will get, you know, bought up, because everything here does get bought up, but I mean long term somebody's got to live with that then.

Beach: Sure.

McCarvel: Yeah.

Beach: These are, you know -- well, obviously, I understand what your concern is. We have got a pretty good track record of making sure that the things that need to happen in terms of trash and parking and those types of things aren't an issue. Our -- our desire would be leave them as proposed. Obviously, we will take any -- we will take that feedback and I will -- you know, we will discuss that.

McCarvel: Yeah. Because you really look at how many houses are on that little tiny corner and you could -- I mean that's about -- almost seven houses, really, that have to live on that little corner, all tucked back in there, so --

Beach: I'm not sure what -- which -- which seven are we --

McCarvel: Well, I mean you have got the ones right on the driveway and, then, you have got that corner. I mean you have got basically everything pointing right at that curve.

Beach: Sure. So, all those -- those seven kind of on that north --

McCarvel: Yeah.

Beach: -- north side are your concern?

McCarvel: And I know you would probably have to lose a lot or two to do it, but I think the long term livability for people there would be much better. And, then, the same with that little alcove there in phase one, you know, there could be some adjustment there on -- inside the circle of how those houses layout to maybe get your open space, you know, up on the corner more, instead of that pie shaped piece in the middle, if you just flipped a couple of lots there it looks like you can get some better usable open space there for the community, instead of that little tiny sliver on the side of that one house, then, the pie shaped along the backside of those --

Beach: Sure.

McCarvel: I think if those lots got flipped around there it would be a little more usable open space for everybody and more access for that corner. Is that something --

Beach: We will look at it. You know, we -- we definitely spend quite a bit of time weighing these out and making sure we -- we can provide adequate open space and -- and good amenities. So, we have -- we have definitely, like I said, spent quite a bit of time -- I'm not saying we are not going to take your feedback back to the office and, then, look at those things, but -- but we have spent some time. So, we will look at it a little bit more and see if there is anything we can -- we can do to --

McCarvel: Yeah, because I mean --

Beach: -- change those lots.

McCarvel: -- I kind of understand the other two, because I'm sure you are probably trying to get around the -- you know, that road just going all the way through there, you know, because of the length limit, but -- you know. So, those aren't near as bad as the issue -- the congestion I think that subdivision is going to end up with up in that corner there.

Beach: Thank you.

Wheeler: Madam Chair?

McCarvel: Commissioner Yearsley?

Wheeler: This is Wheeler.

McCarvel: This is Wheeler. Okay. I thought Commissioner Yearsley had joined us. Yes, Commissioner Wheeler.

Wheeler: No worries at all, Madam Chair. Yes. So, I just had a question for the applicant. Are you saying that you are -- you are willing to go ahead and comply and -- with the staff's recommendation concerning covering the canal?

McCarvel: No, I don't think --

Beach: We have requested to keep the -- the canal open. So, that -- we haven't been conditioned to tile the canal. We have -- code allows us to request a waiver to keep it open and we are requesting that due to the -- due to the size of that facility and to the -- the cost that it would be to -- to tile it.

McCarvel: Right. And that's --

Wheeler: Okay.

McCarvel: And that -- staff, correct me if I'm wrong, but that's Council's --

Beach: Correct.

McCarvel: -- purview, not ours.

Tiefenbach: That's correct. Council will grant the waiver. Our -- staff didn't have an opinion on this. We were just commenting that the applicant is requesting a waiver.

Wheeler: Okay. Okay. I did -- that was a clarification on my side. And, then, the -- the other question that I have is -- when it comes down to some of the -- the open space there, have you -- do you guys consider with some ultimate plans or some ways to maybe bring that more centric into your -- to your subdivision in here?

Beach: So, this is what we have -- I guess, no, this is -- this is -- this is the plan that we came up with and we feel like we are providing an amenity along the pathway on the south, which is going to catch folks from -- as they are walking on the pathway. Typically we like to split the open space up, so that there is some relatively close to all of the residents. So, in this case we did not put it in the center, we have -- we have split it up so that there is pieces on the north and on the south and there will be amenities on both sides as well.

Wheeler: Okay.

McCarvel: And you have got the park across the street.

Wardle: Madam -- Madam Chair, Commission Members, Mike Wardle again. I would like to just -- before we open it up to public input, I want to go to the -- this particular exhibit, because of the comment about a pathway along the Farr. There is no pathway along the Farr in any of the area out here that has already been approved and developed. It does not -- your city pathway plan is depicted in the upper left of this exhibit and we are complying with and providing that pathway. So, a pathway along the Farr up to Lake Hazel Road would be a pathway to nowhere, because it does not tie into anything to the north. So, I just wanted to clarify that particular item. And with regard to the Farr, again, it's -- it has not been piped anywhere in that particular vicinity in any of the projects that have been approved and developed and it's not a question of whether it's just feasible or not, it's just a very large canal and it -- it does not warrant that particular thing. So, again, we would suggest that the changes that we have made to the open space calc in taking that area out, with the open fencing at the back against the Farr for visibility aspect, but no pathway and that being left open. I do concur, Madam Chair, with your comment about the open space pattern there. We will take a look at reconfiguring those lots and kind of making that a little bit more of a -- an area. But as Josh pointed out, we have smaller areas with some passive facilities available close by, as well as an 80 acre city park. I would be happy to answer questions as well.

McCarvel: Yeah. Is there any way to do without that common drive? I mean it -- I know you need it in the short term, but maybe not --

Wardle: Actually, with all due respect, it's not just a short term, that will stay there, because if you note that the -- the way that the loop is on that north pod, that -- that will stay there forever as a fire access. Now, we will take a look and see if there is a way that we can modify and mitigate some of your concerns, but we have done this before and, frankly, we have not had -- and we have not had experience with any challenges in our project. This was actually done in our Hill Century Farm project in the first phase and -- anyway, we will take a look. Certainly before we get to City Council and see if we can modify some things to address those expressed concerns.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: So, real quick on the common driveway. Your Spurwing product that's there off Chinden, Spurwing -- what is it? West I think? I -- I visit there frequently and there is a common drive that serves three households on there and I can tell you on trash day that corner is a nightmare and a mess. So, there is somebody that lives right on the corner of it and there is just -- it's -- it's hard to get through and navigate it in a car, much less a service vehicle, to -- to service that part of it. The other part of that subdivision is -- I mean as a Commission we kind of have a record of any time we see these common driveways and the use of them where, you know, it seems like they are going to be congested -- so, that's -- we are not just beating up on you guys. You know, we kind of are pretty deliberate about, you know, letting folks know that that's something that we don't like to see. In that same Spurwing Subdivision there is -- there are some common driveways in there. It used to be less that you could have and, then, they saw what you guys could do with it in there as far as those horseshoe shaped ones that are in and that is a beautiful way to pull this off. The recommendation came down to increase that. I don't think anybody on Planning and Zoning wanted to see it go through with more than two on a common driveway when that came back through, because we didn't want to see things like this develop out of it. I mean the -- where we are seeing that horseshoe shaped and things like that, that really lends itself to kind of beautification and livability, that's an amazing way to do that. This right here is what we were afraid of seeing. So, to see it in another product like this that you are delivering is -- you know, it makes me have mixed feelings about it. So, you know, in here it looks like we have got the ability to do an R-4 and keep it an R-4, but we are just trying to put too many houses in here and it squeezes the whole thing.

Wardle: Madam Chair, Commissioner Seal, when we had the pre-application meeting staff noted that, yes, we, essentially, meet the R-4 lot standards, except there are some frontage questions, as well as a few setback issues and so staff recommended that we look at the R-8 and that does comply with the Comprehensive Plan. It complies with the developments that have been approved in that particular area. So, we understand the concern. I think -- we will certainly look at the one at the northwest corner, but the other two, serving two lots each, we have found that -- and I think the chair made the comment about pie-shaped lots. Well, in the olden days we did a lot of pie-shaped lots and it ends up some really weird yards and challenges and so I almost am the one that pioneered

-- because as Josh noted, I have been here for a long time. I kind of pioneered this concept of getting the access into these corners with a better shaped lot and more consistency in the way they lay out, than just the wedges that we always saw in the past.

McCarvel: I had one of those wedges for a long time and I really enjoyed it.

Wardle: I'm sure it was the biggest lot in the neighborhood, too.

McCarvel: It was.

Seal: I had the same thing. I hated the fact that, you know, the front of the lot was this big and the back of the lot was huge, so --

Wardle: And you could probably get caught in the corner of the fence where it -- it pinched down to that really tight. But, anyway, we appreciate the feedback and we will look at it.

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

Beach: Thank you.

McCarvel: Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we do have a couple people signed up. First is Wendy Webb.

Webb: Good evening, Commissioners. My name is Wendy Webb. My address is 2299 East Lodge Trail Drive in Meridian, Idaho. I am speaking on behalf of the Southern Rim Coalition. At this time the Southern Rim Coalition is in opposition to the request to rezone the property from R-4 to R-8. I was not aware before tonight of the 2005 -- 2015 development agreement. So, just so you know that from the beginning. I was not aware of that. I'm a little disappointed. It's a little deceptive when it looks like, you know, when you look at it everything looks like it's supposed to be an R-4, you don't know that there is a development agreement behind -- behind that that allows for -- for the rezoning. I feel like it's very deceptive to the residents in the area that may not be aware of that. As you know, many people are really disappointed with the step-ups that happened in -- in -- in the planning and zoning in our city. Even just this last week City Council Tuesday night looked at rezoning something from an R-4 to an R-8 and our citizens are not happy with that. They feel like they can't trust the city or the land designations that are assigned in the city. Too often this is happening, applications are being stepped up. We understand that this development is on the low side. We appreciate that. It's so close I am like you, can't we just make it an R-4 by making a few adjustments, so that it will fit the designation? I'm not sure why you would put R-4 on it when you could change it to an R-8 or something else later on. I think that's -- that's wrong. And the other point that I have is proper transition. I don't feel like it's being held accountable as the Comprehensive Plan encourages. The property to the east has a very large estate home. The home is less than ten years old. Recently the owners invested hundreds of thousands of dollars in landscaping, adding trees, a brick paved drive with a beautiful

water fountain. There is a barn. They have put in an orchard. A gazebo. Clearly this property value is very high and I think proper transition should be encouraged. At the southeast corner of the proposed development the property borders a subdivision called The Keep. The average lot size in The Keep is 33,000 square feet. Very different from the average proposed in the Apex East Subdivision. Their original designation of R-4 zoning is more appropriate for this land and I understand a lot of it does fit the R-4 zoning. The variety of housing as encouraged in the comp plan is not occurring. Almost everything being passed in the last year is R-8 and above. There is the desire for larger lots. All 58 lots in The Keep to the east were presold. Ninety percent of the buyers and new homeowners are from the local area, who just wanted a little more elbow room. Large lots are desired. Community surveys have showed the desire and importance for open space in the community. I'm trying to stay in touch with the community and especially with the affordable housing crisis that we are having. I wondered if any sentiment had changed towards larger lots. You know, comparing that to affordability. So, I just put a question on Facebook really quick and within two hours I had 20 comments that absolutely confirmed and left no doubt that people still want those larger lots. I just thought that was interesting that I would -- I would let you know that. Open space is desired not only in parks and in neighborhood open spaces, but also in larger lots. Large lots are almost nonexistent in south Meridian. So, don't get me wrong, I like Brighton. The Southern Rim Coalition feels like Brighton is one of the most responsible developers that we have in the city. If all those homes backing the adjoining property were R-4 zoning standards and it was only the homes backing Lake Hazel that were R-8 standards, we would still be in opposition. The reason is the principle and the precedent. We would like to stick to the plan and setting a precedent that others can follow. Not trying to be catty, I'm not trying to be contentious, I feel like we have enough of that in our society right now. I'm only here to -- to honestly represent the city and citizens of south Meridian. You know how -- you need to know how we think and how we feel about these -- these important matters that affect our community. Thank you for your consideration. I understand that you don't really -- you are not really looking at schools here tonight. That's a whole other ballpark to open up and that that is a concern we have, but we will probably take that to City Council. Thank you.

McCarvel: Madam Clerk, who is next?

Weatherly: Madam Chair, Mary Affleck.

Affleck: My name is Mary Affleck. I live at 6519 South Raap Ranch Lane. I live in the little pie shaped acreage next to the subdivision that's going in. So, you are going to get all the personal stuff from me. I'm so sorry. But I'm going to start out by telling you that we are happy with Brighton. If there is any developer that we would sooner have on the south side of Meridian it's Brighton, because they have been very honest with us. There is a few things that have changed that we would have appreciated knowing about, but they -- I think that they do a pretty good job. The one thing that I wanted to say, though, is I had somebody tell me don't burn your bridges, you will -- you will lose more, and I'm like we have lost everything. Let me tell you what we have lost, just so you can keep in touch with the people in Meridian. We lost our privacy. We lost our view. The subdivision

to the east of us that went in, this was all farmland, what, two years ago when we -- our house was built before then. But they built it up about 12 feet, so that everybody now looks down on us and can see into our area. So, that's our privacy. We lost our view on the north side. They built it up 60 feet on the far end, so that they could have view lots all the way around and people could see over the city. Yeah. That's ours. We lost our view of the city. We lost our peace and quiet. We have no wildlife now. We had deer, coyotes -- we didn't care so much about the coyotes. And our resident owl left. We have -- still have birds there. Grateful for that. We lost a house. We are losing a house that's right down there on the road and the offer that we are getting from it by the highway department, which is highway robbery. Now I know what that word means. They are offering us 150,000 considering we put 100,000 into their house and we have our children down there. It's a family of five. So, we lose our family, too. We lost a half acre of land and as you can see, you know, how much land is worth where we are, we were offered 50,000 for a half acre. In The Keep it's around 400,000 per acre. We lost an irrigation system down there on the front. We will lose a well. People travel through our property and walk through it all the time now. We did gain a few things, so I don't want you to feel too bad for us. We got all the gophers that were in the field to the east of us and we will get all the gophers on the west and it's cost us over a thousand dollars so far to try to get him out of our field. It's ruined our alfalfa and it will cost us more, because, obviously, we are building again. We lost -- my son said to tell you we gained our night vision, because now we have lights all over the road and lights on the park, where it was all dark and we could see everything at nighttime before and now we can't. Now we can see everything; right? We have park and highway lights. The one thing that I wanted to talk about was the fencing and you were talking about the walkway on the canal bank there. That canal is very dangerous. It is our moat. We would sooner keep it than have it covered, even though it's dangerous for our grandkids. But it keeps the people from coming into our property, which we have all the time. The irrigation district put up a sign for us to -- that it was private property, because people don't know that. They think the canals are public and so they are walking there all the time. All the time. And on the far side also. So, the fencing we were told was going to be privacy fencing and that they weren't going to build up the land, so that they would overlook us again. I do not like the open fencing. That's what we have on the east side of us and everybody looks into our area. All day we have got eyes on us. It's not a great thing. And, you know, it's one more thing. I guess it was the fencing and the pathway. It would be nice to have a beautiful pathway, but it is a very dangerous canal and if it's not covered it would not be a good place for a pathway. If it is covered, then, we lose our moat and -- I don't know. We have lost our privacy. If my husband was a little older we would retire and just move out of the area, because we really like rural and that's why we were there in the first place. So, anyway, just wanted you to know that it does affect real people. And I'm with Wendy Webb. I think the step-up is huge going to R-8 from rural. It was all rural and everybody seems to come in and there is a pattern, they get it changed, and, then, they come back and they get it changed higher until we are just packed in there with not enough schools, not enough open space. It's just a sad thing and I know people are coming in and want a place to live, but they don't have to live in Meridian, there are other places. Meridian is beautiful and we love it. That's all I have to say. Thank you for listening.

McCarvel: Okay. Madam Clerk, anyone else?

Weatherly: Not that I show signed up, Madam Chair.

McCarvel: Okay. And I can see there is nobody else here in the room. Is there anybody on Zoom who wishes to testify on this application? Okay. With that would the applicant like to come back?

Wardle: Madam Chair, Commission, Mike Wardle. We appreciate -- and we have had, actually, over time really good communications with the Southern Rim Coalition and I'm aware that they have an interpretation of the way the Comprehensive Plan and the -- what the future was going to be out here, but I want to go to a couple of -- first I want to talk about the Comprehensive Plan itself. The area in the comp plan -- and it did not change in 2019. The land uses anticipated prior to 2019 remained the same and you will see that along that corridor, the lake Hazel corridor was anticipated and still will be a mobility corridor over time. It's going to be a lot of traffic. It's going to be a major connection. Eventually clear out to the interstate at Eisenman. But, regardless, the Comprehensive Plan anticipated in the -- the FLUM that was retained in 2019 -- in fact, two years ago December -- that there would be higher density uses along Lake Hazel and, of course, the community core there on the intersection of Lake Hazel and Locust Grove. We are creating -- and if you recall the concept that we have approved, there is a -- a village center at the northwest corner of that intersection. The area in the yellow is the medium density residential and anticipates a rezone potential up to R-8, which is not a step up, that complies with the Comprehensive Plan, and so this was the actual zoning as of yesterday when I took it off the city's website. Yes, currently it is zoned R-4 and for the most part our uses conform to the R-4, but because of some of the lot frontages and a few of the setback areas, we are asking for R-8 for those purposes, but not in terms of the size of the lots typically. The smallest lot is 7,000 square feet, but the average is 8,485. So, we actually conform and certainly the density anticipated of three to eight units per acre and we are at three, that really conforms to the low end of the anticipated, even within an R-4 zone. The comment was made of precedent. It's a little hard to see, but you can -- you can tell by the approvals that have already been granted in that area that the precedent was established first when the city annexed and set up development agreements in anticipation of what would happen when development actually occurred. So, you look at the approvals with some R-40, R-15. There is some R-2 as was noted over in The Keep. But one interesting thing about this property -- and I appreciate the -- the comment about the moat. In reality the Farr Lateral provides that, because it's above -- it's four to six feet above our property and we are not filling our property to gain any elevation or visibility. So, part of the challenge that we have with that -- that lateral and the right of way there is the slope that we have to take care of regardless. The actual access road for the Boise Project Board of Control is on the east -- the northeast side of that particular lateral. So, there won't be people walking on our side and certainly if we keep the -- a pathway conforms to the city's pathway plan along the lateral to the south as we propose and not put one up on the banks of the -- the Farr, then, at least we are protecting some of the concerns that have been expressed. So, in reality, the fact that, yes, we are requesting the R-8, we are keeping the basic elements of an R-4 density. We

are doing the R-8 simply to take care of some of the frontage issues as suggested by staff when they looked at the original concepts. I will affirm to you as we discussed a few minutes ago that we will look at the open space in that northerly area and we will look at that -- the lots along that fire access out to the northwest corner and we will work with staff prior to City Council and make any adjustments necessary and present them at that point well in advance of it, so that the Council would certainly have a look at them. I don't know that there is a lot more to say, other than the area out here has been anticipated by the city to be different over the long haul and everything that's been proposed and approved conforms to that plan and it does include a diversity, because you have got the larger lots to the east. You have got smaller lots to the north that, again, conformed to the Comprehensive Plan density anticipated and even though we are requesting that R-8 zone, we are providing consistency between the products that we are offering on both sides, east and west of the park. We appreciate your consideration. We ask that you recommend approval of the rezone to the City Council with whatever modifications you would like to recommend that we will work with staff to achieve. Answer anymore questions that you might have.

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

Wardle: Thank you, Madam Chair.

McCarvel: With that can I get a motion to close the public hearing on H-2021-0086?

Seal: So moved.

Grove: Second.

McCarvel: It has been moved and seconded to close public hearing on H-2021-0086. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: Any other thoughts? Comments? We had several questions of the applicant, so --

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I will start off with this. The -- I'm still kind of at the point where I would rather see this stay an R-4, because I think this -- on that side of the property anyway -- that side of the park it will set a precedent. I kind of firmly believe that. So, understand where they are at in making it feel like an R-4, but they need the R-8 designation. I won't pretend to completely understand that. I just understand that if this happens it sets that precedence to where everything around it, you know, basically that's going to be their excuse to keep increasing it. So, I would almost rather see them come back and try and make this fit

completely into that R-4 designation, so that doesn't need to be -- we don't need to have it rezoned into R-8 and take that opportunity to take a look at that common drive servicing as many houses as it does in that northern section. Outside of that I like -- you know, actually like the way that the -- that it's put together. I mean it is next to a park. It does fit into everything else. I mean, I remember when Apex East came in and everything went through on that, that one knocked my socks off, to say the least. So, I understand that Brighton has been -- they have tried to be very responsible in their development of that area. This one here is really really close. I just think that R-4 designation needs to stick at this point.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I think I understand the R-4, R-8 and why we would want to keep it, but from my understanding of how it was presented at least, the -- when it was brought into the city as R-4 that was more of a placeholder similar to what we had a month or two ago with the Urban Renewal District on the Northern Gateway at Cherry and Meridian and it was more of a placeholder designation than a -- a true like platted designation that we would normally work with and so to me it doesn't feel like it's setting any precedent, because the precedent was set when it came in that there would be changes based on the future land use designation, which is not a zoning designation. And so to me it still feels like it's exactly what was presented, then, because the change was anticipated. So, I understand it -- the optics of it, but I feel like I -- I'm okay with the R-8. I think the area as it expands for the Lake Hazel Road itself being more of a fully built arterial, it has the capacity to handle that as it grows. Maybe not right now, but as it grows it does. I think putting more density close to a regional park versus a standard park is also a good use of city space. It allows a much larger facility to handle the recreational needs. I think the -- the biggest concerns that I have were brought up by Madam Chair with the northwest corner and I would prefer to see a lot reduced in that common drive area and it -- I think it feels even more crowded, as Madam Chair put it, because of the type of corner that it is, it's a very sharp corner to begin with and having a common drive with three lots directly on the common drive, plus whatever else is in that area, makes it even more crowded than a traditional three home common drive. I think that there are opportunities to reconfigure that to make it less problematic. Overall I think it's a good development. If it was not right next to a regional park I might have some thoughts about, you know, spacing out the -- the open areas, but because of its location next to a regional park and the fact that it is a little bit landlocked in the shape of the overall development I don't have concerns with that. I think that the -- the changes that were made by staff and agreed to by the applicant makes sense to me. Overall I'm okay with this project.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: No. This is Commissioner Yearsley.

McCarvel: Oh, sweet.

Wheeler: I'm just kidding. I'm just kidding. This is Commissioner Wheeler. I'm just playing with you, Madam Chair.

McCarvel: Well, it was -- okay. We had thought -- I'm sorry, we had thought Commissioner Yearsley was just going to be late, but he's, obviously, gotten really late, so we will just -- like these voices that just come at me from the speakers, you know.

Wheeler: Right. Exactly.

McCarvel: They are competing with the ones in my head.

Wheeler: Well, then -- yeah. Then a head cold and, you know, now my voice lowers an octave and now I can start doing voiceovers for radios and stuff, so --

McCarvel: All right.

Wheeler: But, Madam Chair, I have -- my thoughts on it is similar to yours and what Commissioner Seal has also said. I just have some concerns up in that northwest corner with the congestion that that would -- that would create. I also have some other thoughts, too. I'm -- I would like to see some of the open space -- and where it's at, I understand that there is a buffer that goes along that -- that eastern side, but unless there is some way that we can connect that or be able to make that more usable than what it is, it's not -- I'm trying to figure out how that's going to benefit the -- the residents there. So, it would be nice to see a little bit of that and I understand that they are -- you know, if they want to have some fun they can just go across the street and go into a park, too. Big regional park. So, you know, you don't want to duplicate those amenities here to when they can just go across the street to some greater amenities. But some -- some of the issues I have, too, is on that -- that entry that's right there at the bottom of that green zone. As it comes in right there, I just -- I just -- to me I just see a lot of congestion issues and some traffic issues. I think that the way to solve that is on that R-4 zoning or lightening up the density more so and I think that that's a -- I think if there could be a plan that could come back that could share that, that would be something that I could support.

McCarvel: Okay. Commissioner Lorcher.

Lorcher: Brighton has done such a good job of being able to create subdivisions that, you know, accommodate the space. Looking at this to me it seems way too crowded. If you look at the middle section as -- as a letter A, I don't even understand what's happening here in the middle with these little spurs that come out and how these houses even work together. With all the land that they have and your comments about the northwest corner being congested, where the southwest corner is not, there should be a different way to be able to configure this in a way that creates that open space, keeps it the R-4 and being able to maximize their -- their product. I do take exception -- I live in a rural part of Meridian as well and as current homeowners you are almost forced out, because

everything comes around you and doesn't really take into account of what's already there. So, I appreciate your comments and I understand, because I'm feeling it in my neck of the woods as well. But the middle part of the A there is -- there is no road, it just it's like backyard after backyard after backyard and there is plenty of space here to create a good product. I think it just needs to be reconfigured a little bit more. I would be inclined to only keep it R-4.

McCarvel: Okay. Yeah. I would agree. I mean there is such a -- it seems like there is so few lots that are -- that they are wanting the R-8 dimensions for and I think a lot of our concerns would be solved with a little configuration of -- in keeping with the R-4 standards. I think a lot of those little niches that we are concerned about would go away.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I mean I can't speak for everybody, but it seems like we are all on the R-4 bandwagon for the most part. But I would almost think that we should maybe open it up -- the public hearing open up again and see if they were -- the applicant would be more inclined to want a continuance or we can act on a denial and they can take their chance with City Council.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Question for staff, because this was recommended by staff to go from R-4 to R-8, essentially; is that correct?

Tiefenbach: Staff supports the application that's proposed to us. This density that they are proposing is actually less than the range of density that the comp plan recommends. The comp plan recommends eight to 12. This is about four.

McCarvel: Yeah. I don't think it was the density that -- yeah. It's the setbacks and it's the lots that we are having issue with. I mean just -- I don't know. Maybe it's a -- recommend moving it forward and recommendation to Council that, you know, those -- see what we can do with the common lots going away. But I think that's a big enough redesign that maybe we want to see it and not just kick the can down to Council.

Seal: I would agree with that. And part of this is -- I mean it's, you know, the lens that you view it through, so I -- you know. And I understand that it's probably not going to reduce lot count drastically, if at all, as far as the density and the count goes. So, it will reduce something, obviously, but there is a large push -- I mean everybody that I talk to they do not want more, they want less. So, this is an example of where, you know, perception and reality -- the perception is it's going to be more homes if it's R-8. The reality is even with R-4 it probably isn't going to be more homes, it will still be the same

amount of homes, it will just have to be reconfigured. You know, that said I'm -- you know, in order to help the perception piece of it I think R-4 is where it needs to land.

McCarvel: Yeah. And I -- I think we are just trying to hold on to a piece that is so close and we finally have, you know, a density count that is matching more of the R-4, because there is so much that's being thrown our way that's tight. Sometimes it's -- it's not really in-fill, but the odd shape lots just lend themselves better to just, you know, open it up a little bit, instead of trying to cram stuff in. So, with that, do we have a motion or do you want to --

Seal: Madam Chair, I would prefer to talk to the applicant again and see what their wishes are, so --

McCarvel: Do we need a motion to open up the public hearing?

Seal: Yeah. Madam Chair, I move to open the public hearing for H-2021-0086.

Grove: Second.

McCarvel: It has been moved and seconded to open the public hearing for H-2021-0086. All those in favor say aye. Opposed? Motion carries.

**MOTION CARRIED: FIVE AYES. TWO ABSENT.**

Wardle: Madam Chair, Commission Members, that's a good question and I don't know -- you may be correct, Commissioner Seal, that the density may not change, the number of lots may not change, but I suspect that it will. I think our druthers at this point -- we are comfortable with the design with the suggestions that have been made relative to the northwest corner and a little bit of finessing on the open space to the interior. We would appreciate a recommendation to the Council, so that we can move it forward, because I think that we are compliant with virtually everything in the comp plan and the expectations of what happened when the city annexed this with -- as a holding zone until development applications came forward. So, we would ask that you move it forward, provide your recommendations, and let us take the Council's determination.

Seal: Okay. Appreciate that.

McCarvel: And I guess this is a question for legal and/or staff or maybe fellow commissioners. I don't know. Is it possible for us to -- in our recommendation that it would be -- that we recommend the R-4 or is that -- once it's been posted and like as an application for the R-8.

Tiefenbach: You are going from less -- from more to less. I would probably defer to legal. This -- it's been noticed as R-8, but they want to go to R-4. It's less lots than they are proposing. Generally less is better.

McCarvel: Yeah.

Starman: Madam Chair, if I understood your question correctly -- your question is can this body recommend R-4 to -- yes, it is your purview to do so. You can make a recommendation to City Council. From a noticing perspective, which would -- which is what Alan was referring to -- we are fine from a noticing perspective, because the notice is R-8 and --

Wheeler: Can you, please, speak into the microphone?

Starman: It's this portable microphone, so I will hold it close to my mouth.

McCarvel: That's much better.

Starman: How about that?

McCarvel: Yeah.

Wheeler: Thank you.

Starman: If I need to repeat something just let me know. My -- so, I think, just to sum up, it's certainly within this body's prerogative -- prerogative to recommend to the Council R-4 and from a noticing perspective, because it's noticed as a higher density, we are fine from that perspective as well.

Wheeler: Thank you.

Parsons: Madam Chair, Commissioners, the property is already R-4. There is no recommendation to make it R-4. That's what it is.

McCarvel: But with what Alan said it's -- you know, it's the application before us. So, in --

Parsons: Yeah. You would recommend denial of the rezone.

McCarvel: -- making that motion to City Council. We know what we can and can't.

Tiefenbach: That's what I was going to say. You wouldn't -- you would be supporting the development agreement modification, but not supporting the rezoning and you could pass your concerns on with what you think should be done, that it be kept R-4 with the open space reconfigured and the common lots -- the northwest corner and supporting that there will be a development agreement modification.

McCarvel: Okay. Commissioner Seal?

Seal: I guess my question was more based on do we -- would the applicant like a continuance in order to come back and present something that was R-4 or would they like us to go ahead and move it along, which he said -- the applicant said they would like to move it along. My opinion is we do that with a denial, because they are presenting R-8. We would like it to be R-4. We can -- I think we can present it that way. That way it does move to City Council and which they can plead their case at.

McCarvel: Right. And that was my question to staff and legal is can we -- in our motion recommend that it stay R-4 and with -- and with, you know, the other modifications we asked. But it can move forward without having to be a denial per se, because we are not recommending a higher use, we are recommending it stay the lower use classification. So, we can --

Wardle: Yes, Madam Chair, just -- we do want it to move forward. Thank you.

Tiefenbach: That would be a denial, Madam Chair, if you wanted to -- you would be denying -- you would be proposing denial of the R-8 zoning for it to be kept R-4 and you could express what your issues were. I would put that into the staff report, that these are the things that the Planning Commission discussed.

McCarvel: Okay. So, we are recommending denial of the proposal, but with -- with the modifications that, yeah, we would like to see.

Weatherly: Madam Chair, just for the record I wanted to note, while the public hearing is open, there is a J.E. Edwards that came late into the Zoom platform and has had their hand raised a couple of times throughout the meeting. Just for the record.

McCarvel: Okay.

Seal: Madam Chair, we -- we created this mess, so I think we should hear them.

McCarvel: I agree. All right. Go ahead, Madam Clerk.

Weatherly: J.E. Edwards -- or J. Edwards, you should have the ability to speak.

Edwards: Hi. Can you hear me? Hello? Hello?

Weatherly: Yes, ma'am.

McCarvel: Yes, we can hear you.

Edwards: Okay.

McCarvel: You have three minutes.

Edward: My name is Julie Edwards and my address is 1310 East Mary Lane and I just wanted to say -- I had a couple comments. My first one is I appreciate that you recognized the congestion up in the northwest corner there. I think a lot of people -- or a lot of the developers assume that people moving in they don't mind, you know, having -- they just want everybody to have the rectangular lot and so something up at that corner, you know, I think that the diamond shaped lot, whatever lot can fit in there, where you have those three homes on that common driveway, you know, make it into one. It's okay to -- to have a subdivision that has regular size lots and slightly larger lots, you know, there -- just to have a variety for people to choose. Also within -- how you said -- up on the screen -- my screen, anyway, there is Apex East. So, like the A on the right side of there there are the two common driveways that lead to those four lots. So, one concern as a parent, when they are talking about usable space -- in this it's kind of spread out, a triangle here up at the north and at the south and, you know, as a parent I want my kids kind of to be tucked in and what about remove the -- down on the southwest corner, you know, you could add two more lots right there, but, then, up on the right side of the A where those four lots are by the common driveway, turn that into a park, connect those two common driveways, make it a walking path, you know, so -- yes, you are eliminating four houses in that slot, but you are also -- I don't know how the resident that spoke that's just to the east of there, how she feels, but, you know, at least when she looks out her maybe kitchen window she sees a park, she doesn't see the back of four houses and the same thing on the southeast side, you know, there is those two houses in the corner there, you know, maybe turn that into two lots and they might be odd shapes, but in all honesty people like -- they don't mind odd shapes. You know, they can put a garden in the back, they can grow some fruit trees, they can do things like that. So, really, I think those are my main concerns with this. I think sometimes less is more and the residents that move in I believe would actually appreciate that, rather than, you know, just being elbow to elbow with their neighbor. Thank you.

McCarvel: Okay. Anyone else on Zoom, Madam Clerk?

Weatherly: Madam Chair, that's it. Thank you.

McCarvel: Thank you.

Seal: Madam Chair?

McCarvel: Yes.

Seal: I move that we --

Starman: Madam Chair, I was going to recommend for -- in matter of fairness for due process we should allow the applicant to respond.

McCarvel: Yeah.

Wardle: Madam Chair, the only thing that I wanted to comment relative to Julie Edwards' comments, the southwest corner that -- that green open space cannot is not buildable. It's a pipeline. Two 24 inch pipelines run through there. So, that's open space. But -- thank you.

McCarvel: Okay. Thank you.

Seal: Madam Chair, I move we close the public hearing for H-2021-0086.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0086. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: Who would like the honors?

Seal: I can try it here. Madam Chair?

McCarvel: Commissioner Seal.

Seal: After considering all staff, applicant, and public testimony, I move to deny H-2021-0086 as presented in the staff report for the hearing date of December 16th, 2021, for the following reasons: That we would like to see the R-4 designation followed for this, instead of bumping it to the R-8. That the configuration in the northwest corner with the common driveway be altered or changed or completely eliminated, if possible, to get rid of the common drive and the congestion that's going to be caused on that -- that area and that the common area be reconfigured in that same area as well to alleviate more congestion on that corner and that items 2-A and 10 are excluded from the staff report as they are not applicable.

Grove: I believe 2-D as well.

McCarvel: 2-A and 2-D.

Seal: And 2-D.

Wheeler: I second.

McCarvel: It has been moved and seconded to recommend denial of H-2021-0086. All those in favor say aye. Opposed?

Grove: Nay.

McCarvel: Madam Clerk, do you need a count?

Weatherly: Madam Chair, just to clarify for the record. Commissioner Grove, you voted nay; is that correct?

Grove: Correct.

Weatherly: That's the only nay I heard, Madam Chair.

McCarvel: That's the only one I heard as well. Motion to deny H-2021-0086 passes.

MOTION CARRIED: FOUR AYES. ONE NAY. TWO ABSENT.

McCarvel: Next motion?

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I move we adjourn.

Grove: Second.

Lorcher: I second.

McCarvel: It has been moved, seconded twice that we adjourn. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 7:31 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

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RHONDA MCCARVEL - CHAIRMAN

\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_  
DATE APPROVED

ATTEST:

\_\_\_\_\_  
CHRIS JOHNSON - CITY CLERK