

Public Hearing for Torino Locust Grove Subdivision (H-2022-0038) by Jeremy Rausch, Located at 870 S. Locust Grove Rd.

A. Request: Annexation and Zoning of 1.03 acres of land from R-1 in Ada County to the R-8 zoning district.

Seal: Okay. And with that I would like to open public hearing for Item No. H-2022-0038, Torino Locust Grove Subdivision -- Subdivision and we will begin with the staff report.

Parsons: Yeah. Thank you, Mr. Chair. Before I start my presentation tonight I would just like to inform the Commission that Alan Tiefenbach has tendered his resignation with the city and as -- as of tomorrow he will no longer be employed by us. So, he's -- he's accepted a new position in Whitefish, Montana. So, we wish him the very best. But I thought you would like to know. He's very excited for his new opportunity. So, if you see him out and about here in the next week or so tell him hi and -- and wish him the best.

Seal: Absolutely. Thank you.

Wheeler: Lucky guy.

Parsons: Yeah. He feels pretty lucky. He's beaming from ear to ear. All he -- all he wants is to get his house sold. Okay. Back to city business here.

Seal: Thanks, Bill.

Parsons: So, I'm -- I'm filling in tonight, obviously, for him. I told him, yeah, since it is your last week with the city I will go ahead and take one for the team tonight and go ahead and present this project for you. So, tonight I'm here to present to you the Torino Locust Grove Subdivision. It is an annexation and a short plat request for you this evening. The property consists of approximately 1.03 acres of land, currently zoned R-1 in Ada county and the applicant is here to request annexation to the R-8 zone and develop it with four residential single family lots. I wanted to go on the record early. Looking at the record there is five or six letters of testimony in opposition of this project and there seems to be some misinformation that the residents think that this is possibly a potential for multi-family and it's not. Basically, the developer is here to talk about constructing four single family detached homes on the subject property. So, I just wanted to clear that up before I get into too much details of the project. So, this is a lot and block in the county subdivision. The physical address of this property is actually 870 South Locust Grove Road. Here in the aerial you can see that it's actually vacant. There are some mature trees that need to be addressed as part of the supplemental application -- the revised landscape plan moving forward. But, again, on the upper right-hand -- or left-hand corner here you can see the proposed short plat. This property does not have access to a local road like we typically see in a -- in a subdivision. It is an in-fill. So, the only access point with this particular project is from Locust Grove and so the applicant this evening is proposing a common driveway, your favorite, to serve as access for the -- the proposed four lot subdivision. Typically we would like to see a public street extended or even a

potential private street, but under the city's ordinance private streets are not allowed to connect to arterial roadways. So, in this particular case the code does not prohibit common driveways from connecting to arterial roadways. So, in this particular case that's what the applicant's doing. The -- the common driveway itself is actually 20 feet wide, but the easement to serve the common driveway is actually 30, because they are extending sewer and water mains into it, so that they could provide services to the back lot. You can see that staff is recommending a change to the conditions of approval. In the staff report I have -- I have placed that condition in the hearing outline that I prepared for you. I have -- I have wordsmithed that. There was an error -- I hope the applicant is here tonight or at least online. I wanted to inform him that the code requires that a common driveway be in a common lot, not an easement as it's currently depicted. So, I have had to correct the -- I know the applicant was working with Alan to correct the -- the condition of approval to try to satisfy our requirement, but it's not going to work and so, essentially, what I'm proposing tonight is this common driveway needs to be in a common lot and we are also recommending that it be extended to the east boundary and that does a couple things -- is, obviously, we have one acre county subs to the east and eventually we anticipate that redeveloping at some point in the future and so the hope is by extending that common driveway to the eastern boundary at some point when those properties to the east redevelop we will be able to get access to that local street like the code wants and, then, have the access to Locust Grove closed or at least minimized to emergency access only. So, that's why we are -- we are pushing for that common driveway to be extended. I have -- I was able to look at the -- the plat and they won't -- it will affect the buildable lots, but they still meet the R-8 standard. So, by creating a common lot and having that extended does not impact the buildability -- impact the building area on these lots. So, they will still meet the minimum R-8 standards. Now, the one hiccup to that is the code does not allow common driveways to exceed 150 feet, unless otherwise approved by the fire marshal. So, I have added that as a provision as well in Alan's condition that the applicant obtain fire marshal approval to exceed the 150 foot requirement. I'm -- I'm hoping that the fire marshal will see staff's point and lean -- and allow the applicant to go deeper into the site without a hammerhead or a turnaround. That way it makes the -- the project more viable, but also allows us to get future connectivity. So, I'm hoping between tonight's hearing and transitioning to City Council with this project that we will be able to get the fire marshal on board to do that. If not, then, more than likely staff will just probably recommend that the common drive not exceed 150 feet and not get that connection. But I at least wanted to keep you looped in that there is a little bit of work to be had and the applicant should be aware of that as well moving forward. The only required landscaping for this property is the buffer along Locust Grove. You can see that here. Because it is under five acres the code does not require any amenities or any common open space either as far as passive or active open space for this project. So, it's a pretty straightforward application. As I noted in the hearing outline there is quite a bit of testimony having to do with density, traffic, and, then, of course, compatibility with the adjacent land uses. County residents are concerned that this is quite a bit more dense than what's currently in the area, which I wouldn't disagree. It is. There is four lots versus one -- on unit per unit -- or one lot -- one building per unit. So, staff is recommending approval and with that I will stand for any questions you may have.

Seal: Okay. Thank you, Bill. Appreciate it. Would the applicant like to come forward? Are they online? Oh. It looks like Jeremy -- Jeremy Rausch is online.

Hall: What was the last name?

Seal: Rausch.

Rausch: Hello. Can everyone hear me?

Seal: Yes, we can, Jeremy. Go ahead and give us your name and address for the record and the floor is yours.

Rausch: My name is Jeremy Rausch. I live at 1684 East Borzoi Court, Meridian, Idaho. 83642. And it's asking me if I should join as a panelist or stay as an attendee.

Hall: Panelist is --

Rausch: There we go. Okay. Thank you. Yes. So, this is -- my proposal is to have four single family homes constructed on four individual lots, with a private driveway. Now, I am -- Alan tried to explain this to me with the common lot. This is a new -- can you explain this to me in a way that -- that I can understand what -- what is the staff recommend -- recommending for this?

Seal: Bill, if you want to jump in.

Parsons: Absolutely. Jeremy, nice -- nice to meet you.

Rausch: Nice to meet you.

Parsons: Sorry you are getting this information --

Rausch: No. I understand. Yes.

Parsons: So, essentially, Alan had conditioned your project to provide the common driveway in an easement and our code requires that it be in a common lot. So, essentially, you will just -- when you -- when you are coming in and ready to record the subdivision your common driveway will just -- you will just add a common lot to the face of the plat, rather than --

Rausch: Okay.

Parsons: -- an easement. That's -- that's really the difference here.

Rausch: Will the driveway need to be extended all the way to the far east or that will just -- it will end at 150 feet?

Parsons: The -- the expectation currently is that you extend it to the east boundary as originally conditioned to facilitate --

Rausch: Okay.

Parsons: -- future access to that local street. So, I know you and Alan agreed to just extend an easement, but we can't just extend the easement. The issue with that -- and just for the Commission, too, not to have a sidebar conversation with the -- the concern with just building a portion of the driveway and not having it extended is who pays for that and how do we get that in the future without having the developer put up the money in perpetuity and we don't want to manage that and the goal is -- really is if we want connectivity, we want that to be something in the future, it needs to be constructed now with development and that's -- and that's why we talked about that with the chair this afternoon and we felt that was the most prudent thing to do, is not just require it a common lot, but to also require the -- the driveway to be built.

Rausch: Okay. I can understand -- I can understand that recommendation for sure and I can comply to that also. I have -- my plan is to construct three to four bedroom homes, one to two stories on -- on these lots accessed by the -- the common driveway. I -- I really don't have anything else to bring forth.

Seal: All right. Thank you very much. Does anybody have any questions or concerns for the applicant or staff? Real quick, Bill, I know that the continuation of the private driveway and common lot to the end is -- one of the requirements on that is to get approval from the fire department. What if Chief Bongiorno comes back and says, no, not -- not going to happen. Need something else. Is that --

Parsons: Yeah. Mr. Chair, Members of the Commission, that -- that's what I was saying. The potential could be either -- he may come back and say build it and put bollards at 150 feet, so it does kind of meet the intent of the code, or we may just have to go forward to City Council and just say they won't approve anything more than 150 feet and it doesn't get extended or one of the lots is restricted until such time as it's extended and you put a hammerhead on one of the lots and restrict it. But I know -- I don't think the developer wants that -- that particular option.

Seal: Okay. Just wanted to make sure we have the options laid out there. Any questions? Any concerns? All right. We will go ahead and open this up for public testimony. Do we have anybody that would like to speak?

Hall: Mr. Chair, there is no one online, nor in person signed up.

Seal: Okay. If anybody in Chambers would like to speak, please, raise your hand. Anybody online if you would like to speak, please, hit the raise your hand button. Going once. Going twice. Seeing nobody that would like to testify, Jeremy, do you have anything further to add?

Rausch: No. No, I don't. I just -- just -- if this continues to go further, how -- how do I know what the fire marshal is going to say?

Seal: I'm sure Bill will probably communicate that. So, with Alan leaving somebody from the city planning staff -- and, Bill, jump in if I'm completely off base here -- but somebody from the city planning staff will definitely be in touch on that.

Rausch: Okay.

Parsons: Yeah. Jeremy, I'm going to take you to the finish line on this one, so you are in good hands.

Rausch: Okay. Okay. Great. Yeah. Sorry, this is just kind of new to me just in the last -- well, right now.

Seal: Okay. Thank you very much. Appreciate that. And at this time can I get a motion to close the public hearing on H-2022-0038, Torino Locust Grove Subdivision?

Lorcher: So moved.

Stoddard: Second.

Seal: It's been moved and seconded to close the public hearing for application number H-2022-0038. All those in favor, please, say aye. Any opposed? Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: All right. If anybody would like to comment or make a motion, I am all ears.

Wheeler: This seems pretty straight up and down; right? Okay.

Seal: Well, Commissioner Wheeler, go ahead.

Wheeler: All right. I was going to say -- see if Commissioner Stoddard wanted to make a stab at it here.

Stoddard: Okay.

Wheeler: Now, you got this section over here, too, that you have to read, too, this 20 foot -- with the condition of -- and, then, we had this part there, it says, yeah, the 20 foot wide common drive that -- he wordsmithed it all for you. So, you got -- you got one page turned, but you can. Under staff recommendation on the back page.

Stoddard: Mr. Chair?

Seal: Commissioner Stoddard, go ahead.

Stoddard: I make a motion to approve -- after considering all staff, application, public testimony -- oh, I already -- I move to recommend approval of City Council -- to the City Council of file number -- number H-2022-0038 as presented in the staff report for the hearing date of August 4th, 2022, with the revision to Condition 1-B, that only the common driveway be extended to the eastern property line and with the staff recommendation of the 20 foot wide common driveway shown on the short plat shall be extended to the eastern property line in a common lot and receive fire marshal approval to exceed 150 feet in accordance with UDC 11-6C-3D when the property to the east annexes into the city and develops. Access to the subject property shall occur from South Torino Avenue and the existing South Locust Grove access shall be closed or used for emergency access purposes only.

Seal: Do I have a second?

Lorcher: Second.

Seal: Okay. It has been moved and seconded to approve Item No. H-2022-0038 with the aforementioned modifications. All in favor say aye. Any opposed? Okay. Motion carries.