

Public Hearing for Kingstown Subdivision (H-2022-0045) by Kimley Horn, located at 2620 E. Jasmine St.

A. Request: Annexation of 8.20 acres of land with an R-8 zoning district.

B. Request: Preliminary Plat consisting of 28 building lots and 6 common lots on 8.20 acres of land in the R-8 zoning district.

Seal: That's enough. Thank you very much. Please do not do that. It's not a pep rally. All right. Thank you, Commissioners. Okay. I would like to open up File No. H-2022-0045, Kingston Subdivision, and with that we will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. The next application before you is a request for annexation and zoning and a preliminary plat. This site consists of 8.2 acres of land. It's zoned RUT in Ada county and is generally located west of North Eagle Road and State Highway 55 and north of East Ustick Road at 2610 East Jasmine Street. This is an in-fill or enclave property surrounded by city annexed and developed land. The Comprehensive Plan future land use map designation is medium density residential, which calls for residential units at a gross density of three to eight dwelling units per acre. An application for annexation of 8.2 acres of land with an R-8 zoning district and preliminary plat consisting of 28 building lots and six common lots on 8.2 acres of land in the R-8 district was submitted for this development. This project is proposed to develop in two phases, with the western portion of the property developing first. There is an existing home and several outbuildings on the eastern portion of the property that are proposed to remain until the second phase of development, at which time the outbuildings will be removed and the home will remain on a lot in the proposed subdivision. In accord with staff's recommendation the applicant has submitted a revised concept plat as shown in an effort to provide a better transition to existing residential properties to the north and future residential properties to the east, which reduced the number of building lots from 28 to 26 and increase the number of common lots from six to seven, for a gross density of 3.17 units per acre. The gross density without the large parcel where the existing home is proposed to remain is 3.78 units per acre and that is this big lot right here where my arrow is. Changes to the plan include removal of three building lots along the north boundary and the addition of one building lot along the east boundary. The size of common lots were increased to meet the qualified open space standards and a 20 foot wide common lot was added for a multi-use pathway connection from Conley Avenue through the large common area to the pathway along the east side of Rogue River Avenue in accord with the pathways master plan and I will just flip to that real quick and show you -- this is the area that was added and the pathway will go through here and up along here to the north boundary. Access is proposed from the extension of existing local stub streets, North Conley Avenue, North Rogue River Avenue and East Jasmine from the south, north and east to point -- Alpine Point, Delano, and Champion Park Subdivisions. A minimum of 1.23 acres of common open space is required to be provided within the development. The initial open space exhibit submitted with the application included some areas that did not meet the minimum qualifications. The applicant submitted an updated common open space exhibit that addresses staff's

concerns in the staff report -- and that is shown there on the right -- that depicts exactly 1.23 acres of common open space that appears to comply with UDC standards. Amenities consisting of a dog waste station and a picnic area with a shelter table and bench seating is proposed in accord with UDC standards. There are many existing trees on this site that are proposed -- proposed to be removed with development. Mitigation is required for these trees as noted in the staff report. Conceptual building elevations were submitted as shown that demonstrate what future homes in this development will look like. A mix of single story, single story with bonus room, and two-story homes are proposed. Development of this site is difficult because of the three stub streets to this property that are required to be extended and their locations. Although the use and density of the project is in line with the comp plan, the comp plan also states that new development should create a site design compatible with surrounding uses through transitional densities, buffering, screening and other best site design practices. If the Commission does not feel the proposed development is compatible with surrounding use in terms of transition, the Commission could require additional landscaping for screening and/or reconfiguration of lots, so that more compatible lot sizes are proposed adjacent to existing development. The number of lots could also be reduced by up to five down to 21 and still comply with the density desired and the medium density designation. Written testimony has been received from Nicolette Womack, the applicant's representative, in response to the staff report. She detailed the changes made to the plans. Several letters of testimony have been submitted by adjacent neighbors in opposition to the proposed development and those are all contained in the public record. Concerns noted include, but are not limited to the following: Increased traffic in existing residential neighborhoods due to the proposed street connectivity and associated safety concerns due to speeding traffic. Request for the city to require traffic calming measures within Alpine Point Subdivision and possibly other adjacent subdivisions as a condition of approval prior to commencement of construction. Opinion that R-2 or R-4 zoning would be more appropriate than R-8 due to the differences in dimensional standards and better compatibility with adjacent lots and preference for larger lots, i.e., lower density along northern and southern boundaries to be more consistent with existing development. Request for minimum lot sizes of 10,800 square feet along the southern boundary and 12,960 square feet along the northern boundary consistent with neighboring lot sizes. Proposed two story homes are invasive to existing residences' privacy in Alpine Point Subdivision and not complementary to existing one story and one story with front facing bonus room homes. Most of the proposed lots are dimensionally too small for the proposed homes with the required setbacks. There was a request from Mr. McDowell, the property owner at 2431 East Wainwright, that is the largest lot adjacent to this site at the northern boundary. That is this lot right here. He is requesting single story homes next to his property or if two homes -- two story homes are approved he requests the developer plant 20 foot tall blue spruce trees in his backyard to provide screening. And, lastly, a request from Mr. Johnson, the property owner directly to the east of Mr. McDowell's property for two story homes next to his property to have no windows overlooking his backyard. Staff is recommending approval with the requirement of a development agreement that contains the provisions in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. At this time would the applicant like to come forward? Good evening. I need your name and address for the record and the floor is yours.

Womack: My name is Nicolette Womack. I'm a planner with Kimley Horn, and the address is 1100 West Idaho Street, Suite 210, Boise, Idaho. 83702. So, again, we are here before you tonight with Kingstown Subdivision. The applicant team includes Teller Bard, a civil engineer with Kimley Horn. Ian Connair, a civil engineer as well. Myself, who is a planner, and, then, Kyle Enzler is with Maddyn Homes. It's important to note that Maddyn Homes is a second generation builder and fourth generation Idahoan family. So, they have a vast experience across the area and they have a strong commitment to building safe -- safer and more energy efficient homes for families. Before you tonight is that annexation, rezone, that annex -- annexes the parcel into the city and assigns a zoning designation. It plats the parcels of the preliminary plat for individual sale and, then, the development agreement will bind us to specific conditions. It's important also that we cover the timeline, so we began in October of 2020 when Kyle -- the -- the builder actually purchased the site as his personal residence. In May of that year he began with his first pre-application appointment and, then, continued on until November of that year. The neighborhood meeting was held in April and the application was submitted in June. We received staff's comments in September and we revised the plans to bring the plans into greater conformance with the items they brought up. And, then, tonight is our public hearing. Shown here is the site at 2610 East Jasmine Lane. The area is directly to the northwest of the Hobby Lobby retail center and it is adjacent to several adjacent services and in -- in an area that is, obviously, rapidly developing. The crux of why this site is so unique has a lot to do with the existing home that's on the site and so this is the home that Kyle and his family live in. They have made -- they have a lot of focus on the -- keeping the character of the property intact. This 7,337 square foot home is something that they are desiring to retain and so are several of the neighbors. So, that has been a focus of the design. This is the future land use map for the property. It is designated as medium density residential, which encourages three to eight dwelling units per acre. This is the zoning map for the property. So, as you can see this is one of the last remaining county enclaves with the subdivision to the northwest, but this project clearly was not developed with the adjacent lots and that has made further complicating issues trying to figure out a site plan that works for every code requirement and for everyone. So, they are requesting R-8 zoning, which is consistent with Champion Park and Delano Subdivision to the south and east. The existing condition of the site -- you can see the single family home, several of the out buildings will be removed and the existing landscaping. It's important to note that this is a triangular shaped lot with three stub roads and I think we all know triangles are hard in development and stub roads are generally straight with 90 degree corners. So, to the north there is roughly 13,000 square foot lots. To the south is roughly 11,000 square foot lots. And to the east is five to six thousand square foot lots, with multi-family to the southeast. Again these are the three stubs we are working to connect. Those are requirements of ACHD and the city and so, again, these are the opportunities and constraints we are working to resolve. We are finishing completing the road network and the pedestrian network with those pathways, preserving the existing home, retaining a majority of the existing landscaping, designing a project within a triangular shaped lot and creating consistency with four adjacent very varied

subdivisions. The original submittal was 28 single family homes. That is a density of 3.42 dwelling units per acre and, again, it's important to note that 20 percent of our site is required roadways. After working with staff and -- and taking their feedback into consideration, the builder was able to settle on 26 single family homes. That was accomplished by removing three single family homes from the northwest side of the site and replacing one on the southeast corner of the site as recommended by staff. There has been a lot of discussion. The builder has attended several HOA neighborhood meetings to talk about this in more detail and has struggled to decide who should be more burdened by density, one subdivision or another, and so a lot of it had to come down to where the appropriate space for open space and pathway should be and how to work within the odd angles of the required roadway system. Again, in phase one there will be 18 single family homes and in phase two the existing home will be a part of that with seven new single family homes. This is the required open space and amenities, so we meet the required open space. We are providing 2.5 amenities, which include that picnic area and dog waste station and, then, we greatly exceed the required landscaping. Again this is a photo of the site. Depending on the mathematical matrix you use we are retaining somewhere between 68 percent to 73 percent of the existing tree canopy. These are concepts for the first phase in the western side of the site and, then, these -- the applicant is the builder and is confident that these can fit on the lots and, then, in phase two these are more of the estate style homes. So, again, through the neighborhood meeting process we have taken into account the neighborhood feedback. We set up three workstations in our neighborhood meeting. We heard about height, phasing, circulation and right of way connectivity, traffic calming and a concern that we might come back in the future and request additional density increases and I think it's commonly known that that would require additional permits with another hearing. So, that would be up to you all if you would even consider it. So, we don't have any plans for that at this time. And, again, in working with Sonya we agree with all the conditions noted in the staff report and we request your recommendation approval on the annexation, rezone, and preliminary plat. Thank you.

Seal: Thank you, Nicolette. Okay. Questions for the applicant or staff?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go right ahead.

Lorcher: I saw that on the map that Block 1 was part of the open space and how do you access Block 2? Is that a -- so, the -- the primary residence is Block 3; correct?

Womack: Yes.

Lorcher: That's where the owner lives?

Womack: Mr. Chair, that's correct.

Lorcher: So, out of curiosity -- so, I see Block 1 has turned into open space. Is there a driveway off of the -- I need my glasses. I can't read what that's called. Rogue River Avenue.

Seal: Could you go to the bigger map? There we go.

Bard: Good evening. My name is Teller Bard also with Kimley Horn, 1100 West Idaho Street, Suite 210, Boise, Idaho. 83702. So, that Block 2, Lot 2, is part of phase two. The required frontage per the zoning district -- proposed zoning district is off of that north-south street, which I believe is North Conley. So, on the north side of the open space, which is Block 2, Lot 1 -- I believe we are talking about the same area; correct?

Lorcher: Well -- so, I'm looking at Lot 1 with the dotted line around it. That's the pathway; correct?

Bard: That's correct.

Lorcher: And on the -- and on the other map it showed it was green, so that would be open space; correct?

Bard: That's correct.

Lorcher: So, how -- if I live on Lot 2 am I going off that street right there? I have a driveway right there going across the pathways?

Bard: That's correct. The pathway will be on the west side of the road there.

Lorcher: Okay. So, Jasmine Lane is the -- is the squiggle line from the bottom on the east going up?

Bard: Correct.

Lorcher: So, you don't get off -- but whatever that street -- I don't know the name of it. So, there is a driveway there. So, you would access it that way; correct?

Bard: Correct. Yes.

Lorcher: Okay.

Bard: So, from the western part of the lot.

Lorcher: Got you. All right. Thank you.

Seal: Other questions? No? All right. Thanks very much. Okay. At this time we will open the public hearing. Madam Clerk, do we have anybody signed up?

Hall: There is no one signed up online, but we do have a C. Leon Johnson signed up to speak.

Seal: Good evening, sir. We will need your --

Johnson: C. Leon Johnson. 2453 East Wainwright Drive, Meridian.

Seal: Thank you.

Johnson: My property adjoins and abuts some of those smaller lots along the north side of the project and the viewing here did not give me opportunity to see what kind of -- the back part of these proposed buildings look like. I'm opposed to windows on the north side of any project. They appear -- excuse me -- appear to be double story, two story homes on those smaller lots and my opposition would be that there be no windows on the north side of those abutting lots. That's my main concern. I sent in a letter indicating that, but I would like to reinforce that in order to allow privacy for all of those lots that adjoin on the north side.

Seal: Question for you, sir. Is -- is your house two stories?

Johnson: No. Single story.

Seal: Okay. But you do have windows on the south side of your property; correct?

Johnson: Windows on the south side. Living room, bedrooms, and dining room on the -- my south side.

Seal: Thank you.

Johnson: Thank you.

Seal: Madam Clerk, anybody else signed up?

Hall: George Follmer.

Seal: Good evening, sir. Just need your name and address.

Follmer: George Follmer. 4137 North Rogue River Way. Meridian of course. Our concern and my concern is the traffic. If you open up those two access roads or -- I think proposed, the traffic will go into the Alpine Point development, which has been, as you know, one of the best in Meridian. We feel that it -- the extra traffic will create a hazard to our children and congestion to the -- to the neighborhood. It's -- and it's basically roads that go to nowhere. They would empty into a residential district, not a commercial district. Total residential. And, then, the last thing on residential means more traffic. We got a lot of kids that are in that neighborhood and for their safety and for the -- the value of our development Alpine Point it would be a -- a deterrent for ourselves and possibly reduce

the property values. We strongly recommend not having those roads opened up. Thank you.

Seal: Thanks, sir. Madam Clerk?

Hall: Mike Bernard.

Seal: Good evening, again, sir. Just need your name and address, sir.

Bernard: Name is Mike Bernard. Live at 4025 North Ashwood Place, Meridian, Idaho. In addition to represent myself and my home in the neighborhood to the north of this, I'm also representing the homeowners association. I'm the president of the homeowners association board. So, I would like to request consideration for more than three minutes.

Seal: Is there anybody here that would like to yield their time? Okay. You may have ten minutes.

Bernard: Thank you. So, as others have stated, we have already submitted written testimony. In fact, staff -- staff reviewed some of the points that we have made in our written testimony, but I would like to amplify a few points. First off, we still believe the density, even after the changes in this current application, is inappropriate from the neighborhood to the south and ours. So, Alpine Point is R-4. All those lots we have -- we have heard the size, but they are all greater than the quarter acre lot along our southern border. In fact, the entire neighborhood is. Champion Park to the south, although -- although an R-8 subdivision, all those properties built along the border of this applicant are quarter acre and larger, too; right? They are built -- they are built to R-4 standards. So, it's not -- it's not fair to say that it's R-8 -- abutting R-8, because it's really R-8 abutting R-4 on both north and south and how the homes are built and the lots are sized and even if -- if we look at the -- I don't -- I don't have a -- the screen in front of me that shows the overview, but the lots along the eastern side are actually larger than the lots along the north in Delano; right. So, Delano they are five to six thousand feet. That's -- that's the R-8 subdivision to the east of this that phase two would eventually connect to. So, it's -- it's unusual to me how in phase two we get larger when we are moving closer to smaller lot sizes. Does that -- that point makes sense? So, the phase two lot sizes of this applicant -- of this application are larger in size than the phase one lot sizes for the homes and we are getting larger in size as we move east towards the higher density parts of the city; right? So, Delano is R-8 -- around 5,500 square feet on that border. So, my recommendations there is we add some conditions to this that would require either R-4 zoning or we -- we make a minimum lot size of 10,000 square feet along northern border of this that would be more consistent with the homes that are along the northern border to Alpine Point and if we made it R-4, then, those along the southern border could go down to eight; right? I think that's the minimum lot size for an R-4 and that would also help be consistent with what is in Champion Park, so that transition is more fluid, instead of so abrupt. Also alluded to earlier by testimonies ahead of time, we recognize that based on some of those lots it would be appropriate for the builder to put in two stories, but if they were two stories -- having to be two stories or one story with

bonus that only had front facing windows or front and side facing windows on the second story, I don't think anyone's opposed to having rear facing windows on the first story. The opposition would be second story windows that would look into each other's backyards. Those homes along there are all single story and don't have any rear facing windows from Alpine Point that would look into those neighbors' property. So, we are looking for a similar consideration from that perspective. Now, some of these points that I'm making were also relatively consistent with what staff had reported in the initial staff report before these modifications -- these minor modifications were made to reduce the lot sizes or to reduce the total home count by a couple. Now, I want to -- I want to step back for a moment and talk about the bonus room as the second or, excuse me, two story with only front facing bonus concept. Delano, which is the property to just the east of this, those -- those homes that will -- those lots that will adjoin to this applicant's phase two have that same condition on them. So, all those western lots in Delano are limited to single story or if two story, bonus with only front facing windows; right? So, that's -- that's been done in this area. In fact, it was done back when Delano happened to try to protect Kyle and his existing home, so anything that built there wouldn't be peering into his home or whatever he wanted to do with his property in the future. So, we are asking for similar consideration along the northern border for us to what was done for Delano to help protect Kyle or the applicant years ago there. Okay? Secondly, we have heard a little bit about roads, but in a way I want to defend Kyle, the applicant. I think it's unfair for the city and the county to force him to absorb connections from the north, south and east into this funny shaped little lot. I don't believe we need it. There is plenty of examples across the city where parts of neighborhoods are connected by footpaths, not necessarily by roadways. Or by bike paths. In fact, part of this plan includes a bike path that will connect Champion Park to Alpine Point as part of the city's pathway system; right? So, we don't always have to have roads everywhere when there is other means of connectivity and I don't think Kyle needs to absorb 20 -- or have 20 percent of his -- this piece of property be existing roadway. I think he should be able to use it for some other uses, whether that be common space or maybe decreasing the density a little bit and still being able to have a fair number of homes, so it will pencil out for him. Some possible solutions could be only have an east-west connection. So, whether that be east-west from Alpine Point through the east, Jasmine to Delano, or maybe it comes from the south to the east, because we are going to have north-south on a bike path. We are also going to have north-south on a -- on a future collector street to the east; right? Just -- it's going to come up along Delano to the east up into Alpine Point. The name of that road is eluding me now and I should have had it in my notes, so I apologize, but there is a future collector that is going to be built, which will collect Delano, some commercial property, and stuff to the south. So, we don't have to do it all inside a project. So, again, I would recommend we reduce one of those cardinal direction connections, so Kyle doesn't have to absorb all of that. Use the existing planned pathways north, the connector, and, then, we will add some traffic calming effects. So, when phase two and future traffic comes through it will help slow that down. Because another thing to consider, Champion Park also connects to Locust Grove; right? And there is going to be a future traffic circle at mid mile collector on Locust Grove, which will feed traffic off of Locust Grove into the school system there and, then, from the school system there into Champion Park. When you -- when you put a traffic circle there that's an indicator that this is a good place to turn; right. Here is a

mid mile collector. Well, mid mile collector is going to feed into roads in Champion Park that were never designed to carry that load of traffic. They are front facing homes. They are going to go from there up through Kyle's application into Alpine Point. Those roads are not designed to be collector roads either. It's all front facing roads -- or front facing homes with driveways and homes and kids and -- and playgrounds and -- and that's going to flow directly from McMillan through my neighborhood through this application and out onto either -- out onto Locust Grove or onto Ustick, because that's -- we are making -- we are making these neighborhoods be a mid mile collector and that's not fair to any of those residents either. So, if we connect it they will come and ACHD is going to -- is going to funnel traffic there through future traffic signals. So, that's a concern. That concludes all my prepared testimony. Thank you for your time.

Seal: Thanks, sir. Any questions? All right. Thank you very much. I appreciate it. Madam Clerk, do we have anybody else signed up?

Hall: Alan Dixon.

Seal: Good evening, sir. Need your name and address for the record, please.

Dixon: Alan Dixon. 2499 East Wainwright Drive, Meridian, Idaho. I'm one of the last people to move in. I just moved into this house -- I'm right on the corner of Rogue River and Wainwright that the streets were there. The reason I moved there is because where I used to live downtown Boise it developed around me and they put a four story building next to my house. I totally get it. I had no idea there would be two story buildings even considered on this property to -- to do this to this neighborhood where we -- I would never expect it. I would not have -- probably not have moved there if I thought that was going to happen. The traffic that's going to go through there, I agree with Mike on -- we can limit the amount of -- maybe put a -- a fire department only thing on one of those driveways, so people can ride their bikes and walk, but to get traffic through there -- what's going to happen is they are going to find out that Eagle and Ustick, there is a shortcut through Alpine Point, whichever way you are going, to miss that big intersection and you are going to see people speeding through there and with that street never been opened before, a lot of us elderly people that live in that neighborhood, they don't even look at -- that direction and now you are going to have cars zooming out of there. Since I live there I can tell you people do zoom by my house. You are going to see people not even look at Rogue River to even see if there is cars coming out, because they have never had to do it. These people -- most of these people have lived there ten years and they are not -- it -- it could just be real scary for accidents. So, that's a couple concerns. The other one is I think the lot should match the lots that we have currently. We have like six or seven houses there and you want to put like ten. I think the lots should be the same width on the north side as the ones that are there now that the houses are already built. Just to get house to house. You want to put it -- you want to make it up somewhere else, there is those other big lots, you could move more houses into some of those, but keep the same -- same house size on the one that we are in and the one that they are going to develop. Hopefully no two story. That would really -- hopefully that isn't considered or if it is they are -- they are the windowless ones. Yeah. I guess that's it.

Seal: All right. Thank you, sir. I appreciate your testimony. Madam Clerk.

Hall: That is it. That's all that signed up.

Seal: All right. Sir, if you would like to come up and testify. Good evening. We just need your name and address for the record, please.

Britton: Good evening and thank you for your time tonight. My name is Roger Britton. B-r-i-t-t-o-n. I live at 2457 East Garber Drive, directly across from Conley, which is the entrance into this proposed project here, phase one and phase two. I had some concerns about the actual project itself and one of them is who does the community, the citizens of Champion Park, and, I'm sorry, I -- Alpine Point -- contact if there are issues during the development of this property, so that we can have a direct contact, not a city person that we can't get ahold of, not a voicemail, but somebody that we can actually speak to. That would be something that I think would be beneficial to the -- both communities that are going to be impacted by this project. Secondly, I would be concerned about the traffic also. I currently -- we bought our home and, then, like two days later the -- the fence that was across the street was gone and they started plowing stuff up. So, people have already started using the -- what used to be Jasmine Lane is now Jasmine Street -- have already started using it as a cut through from -- from my guess Eagle and I'm concerned that with that much roadway coming through the neighborhoods it's going to impact our -- our -- the traffic that comes through there. We already have a major impact at Leighfield and Locust Grove with the school there and I'm sure with the development on the north end, which is Delano, and there is quite a bit of high density housing over there that uses Ustick currently, will be coming through Jasmine Lane shortcut to the school and increased traffic flow as the same property for Alpine Point. Speed bumps, if we are going to have those kind of accesses into our communities, something to slow the traffic down a little bit and also was there a traffic impact report? I did read the project where there were some considerations, but I also noted that the traffic -- am I over my time already? Sorry.

Seal: Go ahead, sir. Just wrap up.

Britton: I noted also that the -- the study that existed that the stats were taken, you know, how it was going to impact the community were done back in 2019 for the most part. So, they were behind the curve, because I understand Idaho's increased by like 20 percent. So, I'm sure it's overall. And, then, finally, I guess that the phase two was a concern that there would be high density housing, but I think I understand that that is not going to be the case, because it was zoned R-8 and R-15. R-15 being medium to high density, if I understood that correctly.

Seal: Right. I was going to say the -- the -- the plan that we have before us right now has no high density in it, so --

Britton: Okay. It was just that phase two was zoned that according to your paperwork, so -- okay?

Seal: Okay.

Britton: I guess that's it for me.

Seal: All right. Thank you, sir. Appreciate it. Would anybody else in Chambers like to testify? Ma'am, come on up. Oh, wait until you get in front of the microphone and, then, we will need your name and address for the record, please.

C.Britton: Good evening, Commission. My name is Charlene Britton and my address is 2457 East Garber Drive and I live in Champion Park. I second most of what Mike Bernard said, except to put the whole burden of egress on Champion Park. That I don't agree with. I think that they should come from both sides. Both communities should bear that -- the traffic flow and so on. We do live in the Champion Park area where the school is there and that is a mess every day. I mean the parents are backed up, which -- nowhere to go waiting to get in and that happens multiple times a day and, then, with functions. So, there -- there are just a few other little small things that I would want to bring to your attention for the residents when this project does start and I'm sure it will at some point. On-site parking for workers and all delivery, including trailers not to be dropped off in adjoining neighborhoods. I have seen where deliveries come in three trailers long, drop two in the neighborhood, go back, pick them up. So, I would ask that that is a condition for the developer to keep that on site. Water trucks to be used doing grading and leveling of the project to mitigate the dust, which will be extensive to the homes along the line there. The other thing that on Conley we had a closed fence. Someone has opened up that fence over this last year and so there is access onto that property, which I don't know who would have given them that permission to do that, since it's been excitingly closed for -- you know, forever. So -- well, initially. Fifteen years. Especially important to the homes on the project would be the water. I mentioned that. And marked access roads to the project to be open and accessible before or on project day. It's already open. If this project is not going to start for another six months to a year, I would ask that it be closed, because there is cars going in and out of it now. Teenagers are kind of milling around in there and I don't feel it's safe. Until this project is improved and starting the access should be reclosed on -- on Conley, since it is still closed on Rogue River and has never been tampered with. That's all I have to say. Thank you very much.

Seal: Real quick. Sonya, I will ask this question and -- you or Bill -- you might be able to ask -- answer the question, but can -- I mean, essentially, ACHD owns that access; is that correct?

Allen: That is correct. It is public right of way.

Seal: Okay. So, if -- you would probably need to get ahold of ACHD in order for them to close that access again or they could give you the reasoning behind why it's open. So,

unfortunately, we don't own the roads. Okay. Anybody else that would like to testify? Oh, we got hands -- it was a tie. Ma'am, I will -- ladies first. I will go with you.

Windle: I -- I didn't sign up.

Seal: Go ahead and give your name and address.

Wendle: Carol Wendle. Address is 4199 North Rogue River Way, Meridian, and I entered a -- my -- my husband's and my letter into your staff and I just wanted to -- I didn't sign up, because I wasn't sure if you have read our letters and our concerns, but I'm -- there is a few things that haven't been mentioned yet that I -- I wanted to bring to your attention. Just like Mr. Bernard said, the proposed lot sizes of Kingstown, they should be in alignment with the adjacent development and we are requesting a right turn only sign at Wainwright and Rogue River. The reason being we actually have four bus stops. There is four schools that have children in our -- in Alpine Point and when you -- if you open up Rogue River that is just going to give a straight shot to go down Rogue River and you would be going north and -- until you get to McMillan and we have school bus stops from that area of Wainwright to McMillan and I think that should be brought up. Also on Rogue River about halfway down Rogue River there is a really large path that goes through Alpine Point and connects to the basketball, the pickleball courts, and the swimming pool. The children on their bicycles and the adults even, they are on scooters, they are on electric scooters, there is little tiny ones, they buzz down that path and have no way of knowing -- and especially with cars that are electric cars, would not even be aware of any traffic coming at them. So, I really want you to be aware of this large path going east-west directly to the courts for the children's activity, our activities, the swimming pools and so many of us are -- we are retired, but we also -- we have six grandchildren and many of us do. So, I think this is something that you should be aware of as well and even if you do have to open up Rogue River, if you could have some sort of blinking crosswalk signed to that area to -- just at the pathway. In your -- in your -- in the staff -- the staff information showed that Lot 1, Block 1, doesn't qualify with the minimum standards noted in Section 8-E. So, there is many things found in your staff report that are not in compliance. So, if you could refer to my letter I would really appreciate it, because I pointed these things out. Thank you very much.

Seal: Thank you, ma'am.

Wendell: And I didn't know about the protocol and didn't sign up, but I appreciate your time.

Seal: That's okay. Thank you very much, ma'am. Sir, if you would like to come up. Need your name and address, please.

McGough: My name is Mike McGough. I live at 2431 East Wainwright Drive. I'm on the north side. So, phase one you have -- I'm on the very northwest corner in the pie shape half acre. Four houses are looking in my backyard. My bedrooms, kitchen, living room, swimming pool. You know, no -- no two story. There is -- there is ten houses going to be

there. There is four of us. Make it match. Just make them smaller -- or bigger. Excuse me. Thank you.

Seal: Thank you, sir. Do we have anybody else that wants to testify? I haven't checked online. I don't think anybody is raising their hand online either, so -- oh, got another one in -- go right ahead, sir. Step up to the microphone, please.

G.Wendle: Carol Wendle is my lovely wife.

Seal: All right. We will need your name and address for the record.

Wendle: George Wendle: I live at 4199 North Rogue River Way in Meridian. At least I think we are still in Meridian. And we are glad we moved from Boise to Meridian. Trust me, you guys do such a better job of controlling our founding fathers desires for expansion. One of the things that we put in our letter together jointly, Carol and I, was about Zion Heights south and west Champion Park and those in the development process to the east of Delano. As noted in Section 5, development of the in-fill properties as supported -- provided it doesn't negatively impact the abutting existing development. Because of the lack of adequate transition into lot sizes to the north, the proposed development will likely negatively impact abutting property owners. Additionally, the lack of transition and lot sizes along the east boundary will likely negate impact on -- or negative impact on future owners of those four lots, Block 3. Therefore, to the development plan are necessary. I would like to qualify. I heard testimony that they did reduce the number of lots, which we really appreciate. Thank you, Sonya and your planning and zoning team. We greatly appreciate that. But we still want it to be well developed and, then, also on the stop signs and turn right that we gave in our testimony, can we also get caution signs on the entry from -- I think it's -- whatever road it is that goes into McMillan off of Rogue River Way, that we get those bus stop caution lights for children. I think that would be a great admitting -- mitigating proposal for the children's safety and the bus drivers, because we have been having problems, as you all know, in Meridian and Boise, people are zooming past the buses when they have their signs out and the lights flashing. So, we need to really bear the importance of safety for our children. So, thank you very much for your time and, again, we truly appreciate all you folks do.

Seal: Thank you, sir. Okay. Would anybody else like to come up and testify? Don't see anybody online. Okay. Seeing no more -- nobody else, would the applicant like to come up and address some of the questions, concerns that were heard? Good evening, sir.

Bard: Good evening. Do I state my name again? I have been up.

Seal: I think so, yeah.

Bard: Yes. So, Teller Bard with Kimley Horn. 1100 West Idaho Street, Suite 210, Boise, Idaho. 83702. I want to thank the neighbors and the public for their comments today and for the questions that you all gave as well. One of the things that we pointed out early on

was that there are a number of competing goals on this project. There is existing residents, the existing tree canopy and there is also just the challenges of the configuration of the site being triangular. The three stub roads, which, unfortunately, that's -- that's what that had been -- had been given and continuing those through is something that we cannot change, just per the policies of ACHD. I also wanted to highlight that the site plan that we have done on this -- we have been through at least six iterations, although we did two pre-apps. The first one we actually made an effort to not connect all three streets. So, we -- we showed just one street connection and Meridian Fire said that was not going to be allowed and, then, as we submitted our application and got feedback from ACHD, ACHD's comment was the same, that all three roads were required continued per their policy. I know it's understood by the Commission that decisions of connectivity are made by ACHD and ACHD has commented in their staff report and has made recommendations. Related to the traffic on the site, many of the -- the concerns brought up by neighbors are related to traffic off our site and the continuation of -- of streets that -- that meet the goals of the public agencies through this site. So, the actual site generated by the property is minimal. I think it's the impact -- the unavoidable impact of any development in this area that is the concern of the neighbors. I also wanted to touch on the density balance, because that was brought up between phase one and phase two. Really that's motivated by the fact that phase one is almost entirely in an existing farm field, something without a tree canopy, and phase two is in an area of the tree -- tree canopy. So, priority of the applicant is to keep as many trees as possible. Those larger lots allow us to do that. We also have the constraint of Jasmine Lane extending through and just the oddness that that creates in that site planning being at the lower kind of right-hand corner of the triangular piece and, then, you have all that area on the north side of it, that's -- that's difficult to develop, especially when you consider the -- the existing home there. I wanted to clarify a comment that staff made about the ability to remove five lots and stay within the R-8 -- or the medium density zoning of three. Of those five we have already removed three. So, our zoning is at 3.17. So, to get that three we could remove two more, but that is not the preference of the applicant. I wanted to also clarify the fence that had been removed on Conley, during construction of Corey Barton's property, Delano Estates to the -- to the east, the access off Jasmine Lane for this property was cut off, so that -- that fence was removed to provide emergency access to the existing home here and hasn't been used by anybody else but the residents. That road Jasmine Lane is now constructed, so the applicant is willing to close that fence back up, so that that road cannot be accessed by anybody else in the public. That -- as you stated, that is public right of way, so the ability to access that road was permitted by ACHD. The applicant's preference is that there are no restrictions on the stories or windows, be it two story or bonus room. The windows proposed in the site plan, they are clear story windows, so they are at a higher height. They are not kind of full height windows. So, it's more -- people can view out, but not down necessarily. So, those are the windows that are proposed there. Let's just double check here. Yeah. I think I will just add that when I talk about priorities and competing priorities here, one of the -- the reasons that I suspect there is so much concern from the neighbors is that this existing home and the tree canopy is an asset to the neighborhood and this applicant is doing everything they can to make a -- a project that is economically feasible that can also maintain that existing home and that tree canopy, to continue that asset for the neighbors

in the neighborhood. There is an option where those trees could all be removed and mitigated and that home be removed and it be site planned. Yes, at a larger lot size, but at the loss of those assets. That is something that I believe it was included in the public testimony because it was something that was presented to staff and that is just not the applicant's wishes -- to not remove that asset in any way. With that the applicant asks for approval with appropriate conditions. With that applicant asks for approval with appropriate conditions and with that I can stand for any additional questions.

Seal: I will start off -- you already touched on it. A question I have is I -- I like to call these in-fill developments to have your cake and eat it too developments, because the owner is trying to keep their, you know, rather large estate lot and build whatever they can around it. I'm not a huge fan of them, because this is what usually happens is nothing will fit. So -- and I understand people want to keep the trees and -- and everything, but, again, you can't have your cake and eat it, too, on the other side of it, so -- I mean if -- if -- if there was a recommendation for denial on this based on that would the applicant come back and, basically, redo this with a layout that is more like a standard subdivision where, you know, you -- you do have larger lots and you are going to have to give up some trees, but not all of them, but it would fit everything better. Good evening, sir. Just need your name and address.

Enzler: Kyle Enzler. 2610 East Jasmine Place. So, I'm the home owner. I was avoiding coming up here, because I didn't want to get anything thrown at me. So, you know, I have had a great relationship with the owner -- with the -- with the neighbors. We have met several times. We met throughout the application of Delano. They actually came to me during that time and asked me if I could buy that land, because they saw other projects redeveloped and knew we did a good project and they preferred that over the CBH. This project is really unique. It's not -- my intent in -- in purchasing this property was always to develop it, because it's an in-fill. The city had planned for development, which was why all the stub streets were planned. In-fill, as you know, is one of the hardest things to do, because you are the last one in and -- and you are trying to accommodate everybody. My desire to preserve the house is not just to have some big house in the middle of a higher density area. This is a -- this is a -- a -- a newer home that would -- would -- is -- is really not an old home that you would just tear down. So, I -- I think it would be a completely wasteful thing to do to tear down the house and add all of that to the landfill. The tree side of it is -- you know, on the south side when -- unfortunately, the development -- I'm sorry -- on the east side when CBH came in, there was equally as many trees and one day we came home they had just chopped every tree down at the base. So, I felt like that was really irresponsible development. My goal here is to be a responsible developer. So, it's not -- if I was trying to just maximize dollars, you know, this is a medium density residential, so R-8, we are asking for us the least amount at a little over three dwelling units per acre. So, what it looks like removing the house and removing the trees, obviously, the city has a tree mitigation plan, so you can remove trees and replace caliper and -- and there is some exceptions that can be made there. I just think it would be a shame to -- to -- to tear down all of those trees that currently provide a lot of privacy to all the neighbors on the north and the south side to this and I think if you took all of those down there would be some more concern about privacy. It would likely -- while that is a

possibility and it's likely what would happen, it's probably not going to happen through me. I was approached by three other developers on this site, they didn't look at the house. They would do exactly what you suggested. They would tear down the house, they would tear down the trees and they would put a lot more houses in than what we are asking for. So, I think that's always been the balance as we have tried to work with neighbors is if there was another way to -- we have tried to create the best transition as possible on the -- on the northeast side, you know, we have only two lots transitioning to several homes on the north, so it is constrained. If -- to answer your question if this was denied, then, I wouldn't be the developer on it, but somebody else would and -- and they likely would do as you are suggesting, tear down the house and -- and replace that with a lot more homes. So, while the -- the balance is -- while they might get a little bit more transition on the north side, they are going to end up with more homes and more traffic count likely. So, that's the tradeoff.

Seal: Right. Completely understood. So -- I mean we have got on the -- on the eastern side of the boundary here we have got lots of trees, bigger lots, you know, kind of everybody's getting along here, so -- but I mean the -- the most contentious part of this, obviously, is on that northern boundary where the people want to maintain their privacy, they want to -- they already have the larger lots in there and that's what they are trying to maintain, so -- I mean a suggestion from staff is to eliminate some of the homes, make the lot -- lot size larger and provide more privacy. So, I mean is that something you are amenable to? Because that's -- that's also what you are trying to keep for yourself. So, if you are asking for it for yourself, think maybe you would want to pass that on, because you have already said that it's not just to make as many houses in there as you possibly can, but I do understand you do need to make a -- you know, a couple bucks off of this.

Enzler: Yeah. Thank you. So, the transition that we are asking for along the north side is the same transition as was recently granted on the northeast side to Delano Subdivision. So, we are not -- we did follow staff's recommendation and we did reduce three lots already, which is why -- and I -- I believe Sonya can correct me if I'm wrong here. I believe that they were not going to recommend approval prior to that. They asked us to do that. They also asked us to add lots on the east side and so we did accommodate those requests, which I believe is -- is what transitioned Sonya to now approving -- or asking for approval on the subdivision.

Seal: So, the answer is no?

Enzler: I'm not sure that was very clear. Yeah. So -- so -- so, like was mentioned, we have been through six different variations of this plan. You -- you can't -- if -- if you could see what's there on the existing home you cannot put a, you know, 6,000 square foot lot -- it wouldn't make any sense to put a 6,000 square foot next to -- you know, that's almost an acre lot and a 7,000 square foot home. So, that's why we did the transition of the zoning where we have more estate lots on the east side, which makes sense around this -- the estate home and that -- you know, that more than -- you -- you can see there we have four lots to the north of those two lots. So, there we have even more transition. The challenge is I -- I wish the site was just a nice square site where you could easily do that

all the way across. So, on one side we have less transition and, then, on the other side, just because of the shape of the lot, we have a little bit more. But, you know, where we are at -- at just over three dwelling units per acre, we are really at our limit of what we can do there and still make the project work.

Seal: Okay. Thank you.

Enzler: Thank you.

Bard: If I can just add --

Seal: Go ahead.

Bard: -- that if we were to -- to consider removing those lots we couldn't remove more than two without also adding more to the east and -- and lessening that transition without being outside of zoning compliance, because we would be under three dwelling units per acre.

Seal: Understood. Commissioner Lorcher, go ahead.

Lorcher: With the -- can you bring up the map that had the green space on it, please? So, there is a significant amount of green space. I can't read the numbers, but with that round squiggly line off of Conley Way, is there a way to manipulate that a little bit for the north side, so they don't feel -- the -- the people behind you don't feel like there is so many houses in their backyards?

Bard: So, if I'm understanding correctly, one of the constraints we have on the north side is -- is with the road that needs to extend that Eagle View Court, I think we only have a hundred feet between that right of way and that property line. So, if we -- if we add any sort of landscape buffer it would not be a -- any sort of simple revision to this site plan and, again, I think we -- with having been through six already, I don't know that that would function or that it would be an improvement for the project overall.

Lorcher: Because what I -- what I'm hearing from the -- the neighbors is that the site plan in and of itself is -- works, but the ten homes that buffer the north side are just too dense compared to everything else. You know, we understand that ACHD has control of the roads. So, speed bumps, signage, caution signs, all of that type of stuff does not belong to the city, does not belong to the developer, it has to come from ACHD. So, those of you residents that are having issues in your own subdivisions with traffic going too fast or, you know, the school zones and that type of thing, the city is not -- can only make recommendations, but the roads don't belong to the city. So, we hear -- we hear you, but our hands are tied, because we are not in charge of the roads. You know, we are not in charge of putting speed bumps out. We can't put the school safety signs, the blinking lights, so -- and, then, the Fire Department is saying you have to have these roads to go through. So, having the roads going through and making it just a pedestrian walkway is not acceptable, because if you are in house number eight and you are on fire and there

is no way to get through, now you are creating a -- a hazard. So, the police and the fire said these are the roads and this is how it has to be. So, I get all that. I think the overall concern is this back row of houses being so dense and I know you have gone through six iterations of this already and I -- I don't know what the solution is to be able to be a good neighbor to the people who are to the north of you.

Seal: Go ahead.

Enzler: Thank you. I -- I will -- I will address that. I was walking back to the seat and one of the neighbors grabbed me and asked for a clarifying question. So, just wanted to clarify. I -- I think -- I'm okay on that if -- if I'm understanding what some of the neighbors are saying on that northwest boundary, it's not -- I'm okay with no second story windows looking down. All of our plans that are two story, the windows are on the front side. The two story section actually sits over the garage in the front of the house, not the back of the house. The majority of our plans on that side are single level. So, you know, if -- if we have ten homes along that side, maybe one or two anyways would be two story and those two stories would have windows on the back. So, I'm okay with saying, hey, we won't have any two story windows on that northwest section -- second story windows looking out on the -- onto the north side. On the east portion where you only have the three, one, I already have the existing house, it already has two stories and because, as you saw on the -- on the pictures, those are more estate homes, so they are going to be two story, but they are far enough away from the back and there is enough trees where I don't think that would be an issue on that section.

Seal: Okay. Good. Commissioner Wheeler, go ahead.

Wheeler: Mr. Chair?

Seal: Yes, sir.

Wheeler: So, I -- I personally like in-fill projects. I like to see what people do with it. To me it's like these cooking shows where they are like, hey, here is a steak, some onions, beets and gummy worms and make something out of it, you know, and they have to go present something and it brings up the most creativity and everything in this stuff. Your -- your property is -- is way more complex than most, because you have got three roads that have to have access through and that is -- that is very difficult. Very difficult. And so what you are -- what you are doing here is -- and especially going through six iterations, I mean you are going back to the chopping block and you are really trying to cut it up, so it's nice. So, I mean there is a lot of -- a lot of good effort that's being notice, at least on my side and I want to thank you for that side of it and I think -- and I would want to keep that house, too, and do what you can with that. So, to me that makes a lot of sense on that. I can also share what the neighbors are concerned about with the -- the density that's going back there, transitioning from their larger estates that they have, right, the larger lots that they have and also the windows and the privacies that they are wanting to keep and, but you are -- I'm just trying to make sure that I understand it clear, that you are willing to not put up any windows that would face the north side on -- if there were any two story -- any two story on that?

Enzler: Correct. Yes.

Wheeler: Okay.

Enzler: -- to do that.

Wheeler: Okay. And, then, another thing that they are -- they are requesting is to doing anything of lowering the -- the lot count back there and I know that you have gone several times and I know that lots -- and the developer side, I understand this world well, so you got -- it affects, you know, feasibility. Understand that. Is there anything that -- that you would be willing to -- to reduce that density along that -- that bank of houses there at all?

Enzler: Yeah. So, you know, I -- I was -- I was very transparent with the neighbors. You know, we -- we -- a few of us went to lunch several times. I -- I kind of told them all the typical developer tricks of, you know, developers will go in, they will ask for a ton of density, knowing that everybody is going to push back and, then, they are going to say, okay, well, I will give up these and, then, everybody is happy, because they feel like they got a win. This wasn't our intent here. We weren't trying to do any smoke and mirrors. So, in those six iterations we went lower and lower and lower and lower. So, at this point I feel like we have given up already as much as we possibly can along that side. We are -- we are meeting all of the dimensional requirements and setback requirements in this medium density zoning and I -- I believe that even after -- prior to the last three that we dropped and -- and the reason that we asked for the continuance last time is -- is we came back -- or removed three of those. That was also because as Sonya and the neighbors pointed out we were -- we were pretty tight on our -- on our dimensional standards. So, I really feel like this project is in compliance, that -- that transitional is -- is such -- it's a hard one, because it's really left to some interpretation and in this case where we have four different subdivisions, you know, all bordering this piece, there is a lot of transition and a little triangle. So, again, I -- we just couldn't find anywhere else to put lots with all the roads and they just ended up here on this northwest side, so --

Wheeler: Okay. Was there -- and I'm sure you have looked at swapping out the density from the north section and trying to at least put some of that on what -- it's called the east section of that and readjusting a road alignment. I mean just on the creativity side. And I understand this is your development and things like this, which you bring before us, but I mean just trying to understand what the neighbors are saying here.

Enzler: Yeah. That was a suggestion that Sonya made and we did do that. You know, it was brought up that both the transition -- the opposite argument was made, too. So, in one sense it was, hey, we would like you to have less of a transition -- or more of a transition over here on the northwest boundary and, then, maybe add some lots on the other side. So, we did pull out two -- yeah, we pulled out three from the top and we added one on the east side to make the transitions a little bit better on both ends.

Wheeler: Okay. Okay. Thank you.

Seal: And I mean looking at it, the only place I have heartburn on the transition is the big triangular lot that that's -- that's to the north there. So, I mean everything else is, essentially, two to one, which is -- you know, that's -- that's the way transition flows, but that triangular lot that's there that has four of them across the back, that's -- that's tough. You know -- you know, kind of put -- putting them in -- in your shoes or putting you in their shoe, I mean if somebody was going to build that right there, that's -- that's a tough -- that's a tough nut to crack right there, so I wish there were something we could do in there to kind of reduce that, but at the same time -- I mean that was what was built on that -- that line knowing that eventually that there would be houses back there, so -- I -- I struggle with this a little bit, just because we have got phase two, which is basically just not a problem for anybody. It's got trees. It's park like. It's all of this and, then, you have this big empty field that's, you know, kind of just -- we will make it work type of -- you know. So, I mean, basically, you have two things going on here, where phase one is -- they are getting -- they are getting the scraps basically is -- is what's going on. So -- you know. And like I said, that -- that transition there for that lot is tough, because there is -- you have four lots that are butting up against it and at the same time you did buy this triangular piece, there were road barriers that were in there, so you knew what was going to be coming in here, so -- and you have known about this lot as well. So, I mean that's the other side of it.

Enzler: Yeah. And I think -- I think the application that we have before you is -- is trying to find a balance of preservation and -- and we are not -- you know, we are not asking for the top end of the density, we are coming in on the low end of medium density residential, asking for just over three units per acre. I think I -- I -- I understand what you are saying. I think that major heartburn is that transition. You know, we have really tried to design this so many different ways to -- but between Fire and -- and where the roads are, it's just -- there is -- there is nowhere else on that northwest section that you can put any other lots. So, we are just kind of forced on that. That happens to be the one straight shot. You know, it's a -- it's a -- in-fill is a challenging -- challenging piece.

Wheeler: Okay.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: With the lots on the north side that -- you know, at the top of the red line what -- what kind of -- are you providing any fencing?

Enzler: There is already existing fencing.

Lorcher: So, the fencing for the neighbors, the -- the north subdivision already have fencing?

Enzler: Yes, ma'am. It's a six foot privacy fence.

Lorcher: It's -- and it's consistent all the way through?

Enzler: Yes.

Lorcher: Okay.

Seal: Commissioner Grace, go ahead.

Grace: Yeah. That was going to be my question. I think I read that it was vinyl fencing.

Enzler: Yes, sir.

Grace: So, what's the -- just educate me. Can you see through it? Can you --

Enzler: It's a six foot privacy fence. You know, again, we are likely going to -- right now there is -- because it's open to a field there is no trees planted on our end, but, obviously, the landscaping standards -- we would have trees in the backyard, too. So, there is some additional privacy with -- from that. But currently it's a six foot privacy vinyl fence.

Seal: Are your plans to put trees in every backyard?

Enzler: Yes, sir.

Seal: Okay.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher.

Lorcher: Most subdivisions don't require trees in the backyard. So, what were you thinking? Each lot would have one or two or are you thinking deciduous or conifer?

Enzler: Yeah. So -- so, a mix. We developed a subdivision here called Maddyn Village just on the corner of Meridian and Ustick and very similar project to this. That was actually what the neighbors -- when Delano was going through approached me and said, hey, we saw your Maddyn Village, we loved what you did over here. Could you come do that, knowing that, you know, the -- these same homes -- same size homes were seven, eight hundred thousand dollar homes. So, they weren't starter homes, they weren't Corey Barton homes, and we had on average two to three trees in those backyards. A mix of conifer and deciduous.

Lorcher: And is the intention to use it as an additional privacy or are they going to be staggered? For example, if I'm in my back porch are they going to be at the end of the property or there is going to be one here and one here type of thing or --

Enzler: Yeah. I mean -- I think each -- each plan -- likely we are going to be pretty close to the setback. We are -- we are just -- the -- the reason that we are putting -- the -- the answer is yes. But the reason that we are putting in trees is for our homeowners benefit, as much as their homeowners benefit.

Lorcher: Right.

Enzler: Right? And so, you know, that privacy is important to both parties. I'm not going to say that, you know, one hundred percent, because it might not always make sense depending on the layout, but, you know, part of our -- we are tree people. We are -- we are part of the Canopy of Trees. We're affiliated with Jaker Tree Farm out in Nampa. City of Meridian is part of the Canopy of Trees. So, we are -- we are proponents of -- of trees and -- and, you know, of -- of doing good landscape jobs. So, that's definitely incorporated in our plans.

Lorcher: Okay. Thank you.

Grace: Mr. Chair?

Seal: Commissioner Grace.

Grace: Kyle, you said a couple of times that you have already reduced the -- the amount of lots there and you feel like you have come to your end point. Where did you start out with along that northern -- that northern boundary?

Enzler: Do you remember offhand?

Bard: So, the prior plan is there -- there is ten now. So, there was 13 before. I mean -- I know that going through our iterations we looked at this in every way. So, R-8 maximum density is eight dwelling units per acre. You could have about 64 units. So, that was contemplated, because that's something that could be done on this site. But not in the responsible way that -- that Kyle wanted to do. So, we -- we came down from there. I know we were -- we were in the 30s at some point. I think that was probably our first pre-app where we had fewer access roads, just because that was the preference -- the preference from the neighbors and, then, as we added those roads back in that brought it to -- I believe we are at 13 and, then, ten and, then, overall -- so we are down at -- I don't have that number offhand. I guess -- I guess the best way to put it is we are two less than we submitted with now.

Seal: Is my understanding on the -- specifically on the houses that are on that northwestern boundary that you are going to minimize the front setbacks in order to bring those properties forward and, then, we have already talked about you supplying the trees in the backyards, is that -- is that the scope and the goal or are you going to more off -- try to offset them or how -- how do you see that?

Enzler: No, I -- I -- I believe we would push it as -- to that 20 foot setback on the front. So, we would maximize -- we would -- we maximize the front setback to -- or minimize the front setback to maximize what we have in the backyard.

Seal: Okay. Question for staff. What's the maximum setback that they can have on that?

Allen: Mr. Chair, on the front or the rear?

Seal: Front.

Allen: The front? Minimum or maximum? The maximum would be depending on the -- what's left over after the rear setback.

Seal: Got you.

Allen: So, minimum is 20 feet to the front of the garage.

Seal: Okay. More questions?

Lorcher: One more.

Seal: Commissioner Lorcher, go ahead.

Lorcher: Are these two car garages or three car garages?

Enzler: Two car.

Lorcher: And --

Enzler: Sometimes there is a three car if it's a tandem --

Lorcher: Yeah.

Enzler: But it's two car from the front. Sometimes I have two -- three car tandems. So, two and, then, one in the -- behind it.

Lorcher: And, then, all of the upper levels are above the garage not in the back like you had mentioned?

Enzler: That's correct. Most of the two stories are what the neighbors requested, which are single level with a bonus over the garage. I only have a couple plans in what we presented that are true two story, but the two story stack is stacked over the front, so I don't have so much -- my egress windows are on the front, not the back.

Lorcher: Got you.

Enzler: And -- and I think was mentioned, you know, we did have the -- when -- they are the -- you know, they are just the smaller windows that are higher, so you can see out, but you can't -- but I -- those aren't needed for egress, so that's why I said I can -- I can remove any two story windows on the back, so to preserve the privacy.

Seal: Okay. Anything else, Commissioners? All right. Thank you both very much. Appreciate it. Can I get a motion to close the public hearing for Kingstown Subdivision, H-2022-0045?

Wheeler: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close public hearing for File No. H-22 -- sorry. H-2022-0045. All in favor say aye. No opposed. Motion carries.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: I think we have hashed that one out pretty well, so, hopefully, we can get to a motion pretty -- pretty soon, so -- I mean I wanted to make sure that we spent a lot of time talking about this one, because -- and we have got a lot of opinions on record at this point. So, I mean -- but, you know, they have reduced the density on it. They are not -- there will be no second story windows. They will try to -- you know, I mean they are going to put some two stories in there on that northwestern boundary, but they have already conceded and we can make sure to put it in a motion that there is no second story windows on the northwest boundary abutting those Alpine Point homes and also to minimize the front setbacks to the minimums. So, that gives as much room on those lots as possible to provide the privacy that the residents are asking for. As far as the roads, I think that's been explained pretty well. ACHD owns the roads, therefore, those have to be open and they will be open. That does provide cut-through traffic. It's a problem with every subdivision. It's generally a problem with every in-fill that goes in unfortunately, so -- you know, fortunately or unfortunately. So, that's why the signs are up and they say this road to be continued. They are not kidding. So, I have lived on one, I have lived through this and I have moved out of a house because of it, so I -- I feel your pain on some of that, but at the same time I didn't do my homework when I moved in, so that was my fault. So, I'm -- I mean at this point what's been presented and everything that we hashed out, I mean, you know, the -- the fear I have and what I have seen happen before is we get really down into the weeds on this and, again, I mean the heart -- heartbreak that I have on this is that the one lot that has four houses up against it -- you know, four -- four of these houses going up against it. Outside of that everything else kind of transitions pretty well. Two to one is, you know, for people that are living in those homes they might think two to one is too much, but that's, essentially, the way that it goes for everything else. I mean anything over two to one seems -- seems to get excessive. So, I mean at this point I can be supportive of this going forward, as long as, like we said, we provision it with the no second story windows on those houses and minimizing the front setbacks.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler.

Wheeler: I think similarly, just to add on to one other thing, is I think we -- or that he was willing to go ahead and put at least a tree in the backyard on it, too. So, maybe that's something that we can add to that. I mean you were looking at -- these lots are a hundred feet, you got a 20 foot setback and, then, you got the house. I mean there is not going to be a very large backyard on that anyway to put up a -- something that would require some sort of a -- a shade -- you know, some sort of a shade tree style back there would actually add up a nice little barrier for it I think. But I don't know what the -- the rest of the Commissioners think about that based on what was shared and what was discussed, but that way that would allow some of that privacy that's there. I mean it's on the north side, so it's not going to add any major shade value to the -- the residents in the subdivision, but it will add that privacy to those that are on the -- on the side of it.

Seal: Sure. And I mean, you know, we want to be careful about what we provision sometimes, because it's hard to enforce. So, I mean the setbacks that's -- you know, that's code. I mean we -- we know what we are working with there. So, it's got to be 20 feet away from the street. So, you know, anybody with a tape measure can go and look at that one and enforce it. But as soon as we get in even to the no second story windows on the back of the house, that's -- you know, I mean the neighbor is going to have to tell you whether or not that's there. As far as putting a tree in there, you know, we can provision that if -- you know. I mean we can put that provision in there, but enforcement of that is going to be difficult at best, so -- I mean if these houses are fenced you can put in a tree that's three foot tall and a six foot fenced yard and you are not even going to know that tree is there for, you know, ten years. So, that's a tough one. I --

Starman: Mr. Chairman, can I just interject a couple thoughts?

Seal: You bet.

Starman: So, first I just wanted to remind the Commission this is a recommendation to the City Council relative to an annexation and to the preliminary plat, so you are making a recommendation, not making a final decision tonight. Some of the items you talked about to the extent the Commission, you know, moves in that direction, things like the limitations or prohibitions on second story windows, that would be a recommendation to the Council and if the Council felt that way as well, probably the likely tool for that would be the development agreement as part of the annexation that would have the condition that says -- a contractual provision that would limit or preclude windows in the second story. Similarly you could -- or the Council could add a provision about landscaping or trees into a development agreement as well and, then, to your point, Mr. Chairman, about enforcement is spot on, that the city certainly would enforce those provisions -- the DA provisions at the time of -- either the house is developed and building permits are pulled, but what happens, you know, two years after that or five years after that, that's -- that --

that would be beyond the city's control, unless we wanted to come back and try to enforce the DA that late in time. But at least initially the city would look at those issues -- DA provisions when building permits were pulled or when they were -- certificate of occupancy was issued, but longer term enforcement is an issue for sure. So, I think your point is well taken.

Seal: Thank you. Appreciate that.

Parsons: Yeah. Mr. -- Mr. Chair, Members of the Commission, just to add a little bit to that, I was going to just remind you that the applicant is going to remove some trees from the site. So, some plan is those lots will probably absorb some of those trees as part of that mitigation as well and so I think you are going to get plenty of trees there, but to -- to your point and the city attorney's point is enforcement would be very difficult five years from now and maybe Sonya and I are retired. I don't know. But it's pretty hard to enforce that going forward, because you don't always -- some people like trees in their backyards and some don't. So, it -- don't know if you could keep that in perpetuity and, to be honest with you, the code -- city code doesn't really regulate landscaping on buildable lots. It's really more appropriate for common lots and/or street buffers.

Grace: Mr. Chairman, just --

Seal: Go ahead.

Grace: Counsel had given us some guidance there. Does that -- recommendation to the City Council, does that also include a possible recommendation on what staff had presented as a couple of options in terms of the -- the lot size?

Starman: So, Mr. Chairman and Commissioner Grace, yeah, you are -- the role of the Commission would be, you know, whatever path that you choose as a body would be to make recommendations to the Council and that certainly would be fair game. If you have -- as part of your recommendation you want to include, you know, ideas or proposals or thoughts that they came from staff, that's definitely allowable and encouraged, quite frankly. The Council wants your input as to, you know, how you view the topic and what recommendations you make. So, that would -- that would be fine and encouraged.

Grace: And just because I'm talking I guess I will finish my --

Seal: Feel free. The mic is yours.

Grace: I'm really torn on this one. I -- I -- as I would assume probably some of the other Commissioners are. I guess -- I haven't been on the Commission too long, but in the time I have been on it I have not seen staff recommend that we consider public testimony -- specifically call that out and say consider the adverse impacts that -- that you may receive from those who speak to us and so, you know, I take that very seriously and I -- I have heard a lot of what the public believes to be negative impacts, so I guess I am really torn on this. I -- I like some of the things that -- that you said, Mr. Chairman, and if we do go

forward I absolutely think we should include those as recommendations to Council, but I didn't -- I felt like I would be remiss if I didn't at least bring up to my fellow Commissioners the -- the fact that there was a couple of options put forth by staff and I don't know the economies involved. I'm not a builder. So, I'm -- I am reluctant to try to substitute my judgment for, you know, the builders when they tell me that, you know, you go any less than this and it starts becoming not -- not economically feasible. But I -- but I do -- I take that consideration seriously and I -- to some degree I do -- I defer to you on that, if you are representing that to us and the public, so as much as I am torn on it, I think I'm -- I'm inclined to -- to favor some of the comments you made, Mr. Chairman, when you -- when you just spoke and -- and probably would recommend moving it forward with some of these conditions on it.

Seal: Okay. If anybody would like to try to make a motion I'm all ears.

Wheeler: Okay. Mr. Chair, I'm not -- I'm not trying to hog them all tonight, I'm just ready to go here.

Seal: Feel free to -- I -- I am non-discriminate about who gives me motions, as long as they keep coming.

Wheeler: Okay. Well, after consideration -- well, excuse me. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of File No. H-2022-0045 as presented in the staff report on the hearing date of October 20th, 2022, with the following recommendation: That the northwest houses have no second story windows on them and that the developer encourage backyard landscaping.

Seal: Do you mean no north facing second story windows?

Wheeler: North facing second story windows. Thank you.

Allen: Mr. Mayor, may I clarify the motion, please?

Seal: Absolutely.

Allen: The northwest homes, are we referring to the McGough and the Mr. Johnson properties, the two only right here?

Wheeler: It's all lots that I think are -- are shown in Block 1 that are all on the northwest side of this development.

Allen: All of these right here?

Wheeler: Let me look what you are looking at.

Seal: Well, I would say all of them that --

Wheeler: Yes. All of those.

Seal: -- the homes on the Alpine Point --

Allen: That's the Rogue River Street. Okay. Thank you.

Wheeler: Yes.

Lorcher: And keep in mind public testimony. Isn't that what you said? To -- to be able to -- in the motion to be able to acknowledge public testimony.

Wheeler: Yeah. And to be able to acknowledge public testimony. Is that right?

Grace: Just one clarification from my point, Commissioner Wheeler. Were you saying no windows at all or no windows through which you could see -- you know, high windows. I don't know what they are called, but, you know, windows that you wouldn't be able to see down, but you could let sunlight in.

Wheeler: I'm saying no windows on the second story on any north facing --

Grace: Okay.

Wheeler: -- at all just, because of perceptions.

Grace: Okay. I just wanted to be clear in my own mind.

Wheeler: I think that's muddled up enough to make something out of it.

Seal: Do I have a second?

Grace: I will second.

Seal: Okay. It's been moved and seconded to approve file number -- recommend approval of File No. H-2022-0045, Kingstown Subdivision, with aforementioned modification. All in favor say aye. Any opposed? All right. Motion passes. Thank you, everyone.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Seal: All right.

Grace: Mr. Chairman, would it be appropriate to take a quick break?

Seal: Absolutely. I was going to say for the sake of my kidneys we are going to take a five minute bio break. Thank you, everyone.

(Recess: 8:28 p.m. to 8:36 p.m.)

