

be sure to mute those extra devices so we do not experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you, you will return to your seat in chambers or be muted on Zoom and no longer have the ability to speak and, please, remember we will not call on you a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to questions and concerns, we will close the public hearing and Commissioners will have the opportunity to discuss and, hopefully, be able to make a final decision or recommendation to Council -- to City Council as needed.

## **ACTION ITEMS**

### **4. Public Hearing for Jaker's Drive-Through Addition (H-2021-0012) by BRS Architects, Located at 3268 E. Pine Ave.**

- A. Request: Conditional Use Permit for a drive-through in the C-G zoning district at an existing restaurant.

Seal: At this time I would like to -- I would like to open the public. Oh, sorry. I would like to continue -- or I don't know how to -- would like to open Jaker's Drive Through Addition, H-2021-0012, for continuous and I will take a motion on that.

Holland: Mr. Chair, do we have a date to move that to?

Seal: I believe it was April -- April 15th.

Holland: Mr. Chair, I move we continue Jaker's Drive Through Addition, H-2021-0012, to the hearing date of April 15th to allow the applicant some additional time to meet requirements.

Grove: Second.

Seal: Okay. It's been moved and seconded for the continuance. All in favor, please, say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

### **5. Public Hearing Continued from March 18, 2021 for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.**

- A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.
- B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1

private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

Seal: Okay. Now we will go on to Skybreak Neighborhood, H-2020-0127, continued from March 18th, 2021, and we will begin with the staff report.

Tiefenbach: Good evening, Commissioners. If you can see my presentation and hear me loud and clear, can you give me a thumbs up? Great. You never really know on this end. Okay. So, this is an annexation of 80.5 acres of land with an R-8 and R-15 zoning district. It's a preliminary plat consisting of 328 buildable lots, with 40 common lots and 14 other lots and one of these lots in an existing house that will remain. It's a request for private streets in the gated portion of the development serving 112 residential units with two gates and, then, two more escape gates, so four total. As a request for alternative compliance, which prohibited common driveways off private streets, to allow such in three different locations within the gated area, which -- and also there was a limit on the number of lots that could be served by gated, which the UDC says only 50 and, again, this would be 112. So, here is the zoning, the future land use map, and the aerial. The site consists of, as I said, 80 acres of land. It's zoned RUT in the county right now. It's located at 7020 South Eagle Road and 3487 East Alder Hoff, which is east of South Eagle Road south of East Lake Hazel Road. So, it's mostly within unincorporated Ada county, except that there is a subdivision to west called The Keep, which is being developed to the west and, then, right to the north you probably remember Pura Vida is being developed. The Boise Ranch Golf Course is to the east, but the majority of this, as you can see, is within unincorporated Ada county, although these maps are somewhat dated, because, again, there is one to the north now, northeast corner that you can't see, what's Pura Vida, which has now been annexed. So, a little history on this project. The applicant submitted a previous proposal in June of 2020. This proposal consisted of 353 building lots, all single family detached. It was scheduled for the October 15th Planning Commission meeting. Staff mentioned to the applicant at the pre-app that there was issues and, then, when this went in -- when the staff report was released for the October 15th Planning Commission staff recommended denial. Based on that the applicant withdrew the application. Then they resubmitted this one in January of 2021. So, a few months -- few months later. This proposal is virtually the same with the exception that there is 24 or less lots. There is some slightly enlarged open space in several areas and there is 30 single family attached units at the northwest corner of the project. As I mentioned, staff does -- staff has had two pre-apps, multiple discussions, and in the staff report that we didn't support this project as proposed. The Comprehensive Plan recommends six acres to the south and west for a low density residential. The remaining 74 acres is recommended as medium density residential. At the time of the first -- at the time of the staff report when it first went out only one comment had been received. Since that time we have 11 more letters that have been received. The issues expressed are transition -- or a lack of transition in density. The R-15 zoning being inappropriate. Lack of sidewalks and -- and the -- the reasoning from the citizens of lack of sidewalks to be able to fit more houses. Inadequate green space. This being fringe development there were some concerns listed about school capacity, road design, and proposed usage of Vantage Point Road, which I will get into shortly. So, here is the proposed zoning for this project. The applicant proposes

R-8 on the western portion of the site. So, over here this will be residential eight. On the eastern part, which will be over here, this is proposed as R-15. R-8 requires 4,000 square foot lots in a 40 foot lot frontage. R-15 allows 20 -- or 2,000 square foot lots and it does not have a lot frontage requirement. This is important, because the applicant has requested R-15 zoning, so that they can do private streets that would not be allowed under R-8 or R-4 zoning. All of the development is proposed -- all of these lots would meet the minimum requirements of R-8 -- it's unnecessary, again, except for the reason of wanting the private streets. As proposed this zoning would zone the denser portions of the property to the less dense zoning -- so, this is the denser area, detached. These would be zoned to the less -- less dense -- or sorry. This would be zoned -- the denser area would be zoned to a lesser zone district -- less dense zone district and the lesser dense portion of the site over here would be zoned to the higher density zoned district. Staff has also mentioned to the applicant that we have a -- we have some issues with the transmission of lots. To the southwest the development proposed lot sizes of 6,000 to eight -- or sorry -- 6,000 and 6,500 square feet. That's in here. The applicant has noted in a response letter that future development in the unincorporated land directly adjacent -- that would be down here and vacant now -- would likely develop into density of 8,000 to 9,000 square foot lots and a density of three units per acre. However, the future land use map actually recommends this area for less than three dwelling units per acre. So, staff is not convinced that that would be the case. At the middle south, which is here, here, and around in here, the development does include prior roads and it includes common open space as a buffer between the 80 feet and 120 feet, between the smaller lots of the subject property, which are here and the larger lots, which is in Vantage Point Subdivision here. These are one acre lots. At the southeast, like I said, the larger lots are proposed at approximately half acre. So, here these lots are bigger. Again they are about a half acre. However, if you notice the way that they are turned, they are turned long wise, so even though these are half acre lots, this particular house is going to be looking at three houses. So, that the density we believe does not transition very well. I mentioned that in the staff report. I incorrectly mentioned that this whole area was phase nine, when it's actually three different areas. Phase nine, phase four, and phase seven. Staff does appreciate that the applicant proposes to limit many of the houses in this subdivision for one -- to one story, including many of them that are in here. At the time that the staff report went out the applicant had submitted drawings proposing additional screening and buffering in this area. The Planning Commission is to determine whether the applicant has provided an appropriate transition in lots to the Vantage Point Subdivision. Everybody hear me and see me okay? Okay. The fire department has noted that this development can be serviced by the fire district, but has noted that there are concerns with this. Here is some of the concerns. The major one is that there is a large subdivision, 329 lots, that's only going to have one access. Now, it has multiple points -- or it has two points of access to Eagle Road, one to here and there could be an emergency access here, but what's important to mention is that only Eagle Road is the only point of access. If Eagle Road was blocked for any reason, then, the fire would have to go all the way around. This would really slow down the time. Fire has mentioned that they prefer a connection to Lake Hazel to the north. They had mentioned that they think the preservation of the southern rim would prevent such an access. Planning isn't convinced. We know that maybe there could be some discussions about the properties

to the north to get a northern access in here, but we do have concerns with only one road in, one road out. The west end, which is in here, does fall within the five minute response time, but the majority of the subdivision is outside of that five minute response time as you heard this evening. The nearest station right now has a low reliability rating. This would improve if and when the new southern station were built, which, in fact, you are going to hear that case next tonight. Fire has also noted that the gates would cause delays. Staff would prefer, as I said, that the applicant work with one or some of the property owners to the north to achieve access to Lake Hazel to give a second point of access out of the subdivision. The applicant has noted in their March 17th response letter that Pura Vida, Pinnacle and Lavender Heights Subdivisions -- Subdivisions are all at the same distance or further and have the same reliability as Skybreak and they were approved. However, staff notes that these other subdivisions have access from multiple streets, not just one street, and although Pura Vida has only one access from East Lake Hazel, it has a development agreement that limits the number of lots that can be built until there is a bridge built to the east. So, it's really not apples to apples. Pura Vida is also less than half the size of this development. The applicant has submitted a fire phasing plan, which includes 59 lots in phase one, only phase nine -- only phase nine proposes access from anywhere other than Eagle Road -- or, sorry, phase eight, would be the one up here. Phase nine here only has emergency access and I'm going to talk a little bit about that shortly. So, here is access. As already -- as already mentioned, all lots, except for 15 in phase eight, which would be the phase that is over here. All of these lots utilize Eagle Road as the only point of access. Phase eight cannot be built until Pura Vida builds out. So, unless this happens this phase here isn't going to happen. Phase nine does not have any improvement access. There is an emergency access only easement that's allowed here, which makes appropriate access for this particular phase, but this -- all 23 lots here cannot be served at present unless the applicant gets legal access to do that. Staff has concerns with supporting a project where we do not know if we have legal access and the developer at this point does not seem to have control over that. This applicant -- this application proposes 112 lots to be served by a private road and two gates. I have outlined in the red outline here -- this is the area that would be served by the private roads. The private roads proposed as narrow as 27 feet and you have no sidewalk or landscaping. The applicant's comment in their letter that 27 feet is a minimum width for ACHD, but it does not meet the ACHD template, because there is no sidewalks here. These roads -- because these roads aren't built to the minimum ACHD standards, they pass the maintenance costs onto the homeowners in perpetuity or the homeowners association, as -- because they don't meet ACHD standards, if there were financial constraints or anything else in the future, ACHD would not accept these roads. Staff does not understand how narrow roads and sidewalks is innovative or preferable to streets without sidewalks. Staff has asked the applicant to explain why this is preferable, other than the ability to increase lots or reduce building costs and the only explanation we have gotten is that it provides an intimate setting and that there is a demographic that prefers a gated community. Staff has concerns with supporting this feature without sufficient justification and what precedent you have set for future requests to build roads that don't meet minimum templates. The applicant has requested alternative compliance to allow 112 lots to be served by two gates and two emergency gates, three common driveways off of a common lot. The planning director -- there is the -- the planning director has

denied this request for alternative compliance, believing that none of the conditions for alternative compliance was met. One thing I do want to mention -- in their most recent response letter the applicant noted that the reason why the private streets are built as such is they are intentionally designed without sidewalks to prioritize using streets for walking, biking, and communing with neighbors and the cars are supposed to be a secondary use. However, staff is skeptical, because given the location of this subdivision we have on the periphery of the -- of the city, every resident is going to have to drive through this subdivision to get in and out. So, maybe -- they may be able to walk around within the subdivision, but they are still going to get in their cars and drive anywhere. Parks, amenities, and open space. The applicant states that 14.99 acres or 18.8 percent of open space is provided and these parks and amenities include a three-quarter acre tot lot with play structure, climbing rock -- climbing rock and outdoor seating, which you can see here. A one acre open sports park, which you can see here. Pathways along the Farr Lateral, which you see here. And there is also a pathway coming along this slope here. There is a golf cart pathway here. So, this would provide golf cart access into the Boise Ranch Golf Course. There are several dog parks. There was one shown here. There is one shown there. And there is an entry park, which you can see here. Staff does believe that some of these amenities would be valuable amenities, such as the sports park and the tot lot. However, aside from much of what -- aside from that, much of what they are crediting as open space -- and I will show you here. Much of what they are crediting as qualified open space is buffers along roads, endcaps, open space that could not have been used anyway, like the slopes or the area within the Farr Lateral, and not all of it is landscaped per the UDC requirements. You have to have a one tree -- if there is a pathway you have to have one tree per hundred linear feet. In addition to that for common open space you have to have one tree per 8,000 square feet. We don't see that within the area of the Farr Lateral or around the slope area. It's important to note that although the applicant has submitted a chart showing which open space meets the minimum dimensional requirements of the UDC -- so it meets our minimum requirements. For example, 50 by 100 feet and/or an open area on both ends -- the applicant is requesting that the city annex this property. There are no present entitlements. So, the Planning Commission and the City Council get to decide if this project is a quality of such that it is in the best interest of the city to annex. Staff thinks a development of this size, 80 acres, should have more quality usable open space and more of it compiled together and oriented in more convenient locations. The applicant has submitted a pedestrian circulation plan with this proposal. All the private streets that are shown without sidewalks are being reflected as pedestrian connections. The Planning Commission should decide if those really are pedestrian connections and whether this is appropriate open space and amenities. Here is the proposed pedestrian plan. Again, you will see that all -- that the roads that do not have sidewalks or pathways here -- many of them there are shown as a pedestrian connection. Here is just a picture of the elevations and overall we believe that the elevations are quality and we support what they are doing with that. You can see the single family residential, as well as a duplex style elevation. Staff recommends denial of this project. Staff does not believe this project substantially complies with the Comprehensive Plan and is in the best interest of the city. This is why. There is only one access road for all but 15 lots and the applicant has not demonstrated legal access for 23 of the lots in phase nine. We believe that there is an inadequate transition of lots to the

lots in the Vantage Point Subdivision. We are struggling with the higher density zoning for the lower density area and the lower density zoning for the higher density zoning area. We really think it's just for the purpose of allowing the private roads. We don't support it, because we believe it's located on the fringe. There is only a few places where it's adjacent to the city limits. We don't believe it's an in-fill development. We don't support it because of the narrow private streets with no sidewalks. It does not meet the Comprehensive Plan for a walkable community. Although fire says they can serve it, they have expressed concerns with this development. There is some quality open space, but much of the open space being credited as not usable, even if it meets the minimum dimensional requirements. The applicant has noted school capacity will not be an issue, because it's age targeted. But unless it's deed restricted there is no way we can enforce whether or not it's going to be above 50. So, it may be sold -- it may be marketed as over 50, but, again, we can't enforce that unless there is some sort of deed restriction. With that I will stand for your questions or comments if the Planning Commission has any.

Seal: Thank you, Alan. And tonight I think we are going to do things just a little bit differently where we are going to go ahead and let the applicant come up and speak and, then, we will ask our questions of staff and the applicant and, then, we will go forward with the public portion of it. So, at this point would the applicant like to come forward?

Weatherly: Mr. Chair, I just need some clarification. Deb Nelson, if you are on the line can you, please, raise your hand. I see two accounts that could be you, but I'm just not quite sure which one you are. Thank you. One moment. Sorry, Deb, I lost you. Raise your hand again, please. Thank you. One moment.

Seal: Okay. If you would -- if you would like to state your name and address for the record and you will have your 15 minutes.

Nelson: Before I get started may I have access to share my screen, please?

Weatherly: There you go, Deb. You should be able to share now.

Nelson: Thank you. Well, good evening, Commissioners. Can you see my screen?

Seal: Not yet.

Nelson: Okay. Let me try again. Okay.

Seal: There we go.

Nelson: It's working now. Good evening, Commissioners. My name is Deborah Nelson. My address is 601 West Bannock Street. I'm here on behalf of the applicant and also members of the development team are here with me as well and available to answer any questions. I'm going to start with a brief fly through of the development. Thank you. And with that I'm going to begin a PowerPoint here as well. Skybreak is a premier golf community targeted to empty nesters. We are super excited to bring this project to you

this evening. We are disappointed that we have not been able to come to terms with staff. As you can tell from staff's presentation that after a year of working with staff we don't see eye to eye on how to best use this unique property that has its own challenges and opportunities for this great development and so we will try to address all of the concerns that have come up. We did provide a detailed written response to the staff to address each and every one of these concerns, because there just isn't enough time during a hearing to try to cover all of them. So, I hope you have had an opportunity to review that and certainly we would be available to answer any questions you have about those, but -- but in some -- we meet the city code requirements that are appropriate for this site. We certainly fulfill the goals of your Comprehensive Plan and we are ready to bring forth this great development and -- and describe it for you this evening. It provides a unique living opportunity for Meridian residents that are looking for an exclusive community with exceptional rim view lots and designed for that active adult living. It's integrated into the adjacent Boise Ranch Golf Course with a cart path for easy access. Over a mile of pathways wind through the neighborhood. Generously landscaped boulevards and endcaps welcome residents home and create a sense of place. Homes with premiere architectural finishes, inside and out, match the quality of this exceptional property. The property is designated as medium density residential in Meridian's recently adopted comp plan, which requires three to eight homes per acre and Skybreak's proposed density is squarely within that 4.1. Skybreak provides the necessary transition and density between the medium high residential designation to the north, which requires eight to 12 homes per acre, and the low density designation to the south with three homes or less per acre. Additional roof tops in this quickly developing area of Meridian helps support the future commercial and retail uses along Eagle Road, Lake Hazel and Meridian Road, including the recently approved Pinnacle project, which has neighborhood commercial at Lake Hazel and Locust Grove. The 77 acre Discovery Park and the new South Meridian Fire Station site are just a half mile to our west. Pura Vida was just approved to our northeast. So, we are close to shopping, healthcare services, employment opportunities and regional transportation arteries. The Skybreak site plan embraces the property's challenges and opportunities. The southern rim with a 50 to 60 foot drop along our east end provides exceptional view lots, along with an opportunity to protect that natural hillside with open space and a pathway. The lack of road access along our northeast and east and southeast due to these existing developments makes this site ideal for a gated community, because it doesn't block any road's connectivity. The golf course on our east side, of course, provides its own great opportunity to connect with pedestrian pathways and a cart path. A large existing home will remain, so we will surround it with other large custom homes. Attached housing in our northwest transitions to high density development planned to our north. Larger custom home sites, along with open space and landscape buffers, transition to existing low density homes to our southeast. Smaller lots and homes on the west along east Eagle Road transition to larger lots and homes in the east along the rim. All of these will meet the R-8 dimensional standards in your code. A portion of the Skybreak community is gated and utilizes private streets to create a more intimate neighborhood setting within the larger Skybreak community. The development team has done extensive marketing and polling of past and future homeowners and has found that a demographic of senior homebuyers prefers the security that a gated community provides. The gates do not create any pedestrian

barrier. The sidewalks and pathways are not needed. The gates slow cars and the narrower private streets are intentionally designed without sidewalks in many locations to provide a pedestrian lifestyle where residents walk and convene in the streets and engage with each other. The development team has done other communities with the same private street design and customers pay a premium to be in these gated communities. Everyone views the street as walking paths that cars are allowed to drive on. We have a video to illustrate this that we will show at the end if we have time. The Skybreak property is ideally suited for a gated community because of several factors. The steep natural hillside of the southern rim. The lack of road connectivity on our eastern end above the rim due to the golf course to our east, the Vantage Point Subdivision on the southeast, and Pura Vida recently approved on our northeast, which does not include any road below the rim and down to connect to Lake Hazel. Where we can connect to surrounding properties we do. Below the rim in the northeast corner. Three additional places on the north. Our western entrance and two places on the south. Skybreak includes premier open space and amenities. The developer has researched and interviewed past homeowners and used the city code to plan the most productive amenities for this new neighborhood. Skybridge's planned open space amenities far exceed city code requirements, providing 15 acres and 18.8 percent qualified open space and providing 14 amenities where only four are required. Skybreak's open spaces and amenities include -- in our three-quarter acre park we have a play structure, seating benches, shade structure and climbing rocks. We have two dog parks, because they are in such high demand by residents, each with open vision fencing, dual boot system, and seating benches. Our one acre open sports area with pathways, seating areas, and landscaping includes a large grassy central space to accommodate sports activities. Our natural hillside area is 2.82 acres, including native grasses and a natural hillside path with open views that everybody will enjoy. Here you can also see the golf cart access to the Boise Ranch Golf Course and one of the two ten foot regional pathway segments this development will provide. Our entry park makes an attractive statement upon arrival and also caps the tree line collector where residents walk, with seating areas and specialty tree plantings and landscaping along the central collector and endcaps adds aesthetic beauty and passive open space areas throughout the development. This slide in particular illustrates the value of that endcap landscaping to create a beautiful neighborhood, add privacy, and enhance walkways. Skybreak has over a mile of constructed sidewalks and pathways, including a half mile of multi-use regional pathways and a unique natural hillside path similar to neighborhoods in the Boise foothills, plus a loop around the entire development and none of those include the walking paths that we consider paths within our private street network. That is over and above that description. In addition, Skybreak is a half mile walk to the city's 77 acre regional Discovery Park. Skybreak provides great transition to surrounding developments. This overview slide I think really shows the efforts that have been made to create that smooth transition to the high density development to our northeast and the low density development to our southeast. Consistent with the Comprehensive Plan we transition through buffering, screening, and transitional densities and our northeast Skybreak transitions to the higher density Pura Vida development with smaller lots, continuous open space along the rim, and street connectivity above and below the rim. And our southeast has a great transition to Vantage Point with buffering, screening, and transitional density. Here you can see



that southeast area in more detail. On the west end we provide separation with a 50 foot wide landscape buffer around a local street, a one acre park, plus berming, landscape screening and concrete walls to ensure no headlights disturb the neighbors. We originally had planned to continue this open space buffer with a pathway along the southeast border as well, but the neighbor said they preferred backyards to a pathway, we adjusted our plan and moved the pathway to the north of those lots. Instead where we directly abut the county lots in the southeast we have provided larger half acre lots with increased setbacks. This cross-section shows the transition areas of the road, plus the 60 feet of landscaping and also the cross-section of the park that provides over 108 feet of separation to the property line. Those areas have berming and heavy landscaping screening. Along the road where there -- where there are two T intersections in response to neighbor concerns with headlights, the developer has added six foot concrete walls on berms with heavy landscaping to block all light. This slide illustrates the wall placement, along with the heavy landscaping and the significant open space buffering that is provided here. You can really see the difference. In the limited area where we directly abut existing homes in the southeast corner, we provide half acre lots, doubled the rear setback to 30 feet, and tripled the side setback of the corner lot to 15 feet. The orientation of these lots is ideal for creating a bigger open space, larger setback between the house and our neighbors. We also agreed on that corner lot to pull back the building footprint from the rear 45 feet on the north side and angling down to 110 feet on the south side as an accommodation to the adjacent land owner. In addition to all of these accommodations on our property to create transition, when considering compatibility to surrounding uses it's appropriate for the Commission to look at the facts of those uses. Here the adjoining homes are setback 50 to 75 feet from the property line. So, for all of these reasons Skybreak provides more than sufficient transition to surrounding developments. Water, sewer and all other infrastructure is adjacent to and ready to serve this site. The developer has had several meetings with Joe Bongiorno in the fire department over the last year. Joe's March 3rd comment letter, his final letter in the record, clearly states this project can be serviced by the Meridian Fire Department. Joe requests opticom devices on gates and a wildland safety plan for the natural hillside and the applicant agrees. The site entrance is within the emergency response time goals for the fire department and other first responders and, most importantly, it is within a half mile of the planned fire station near Discovery Park. Skybreak is anticipated to have a low impact to schools based on the empty nester target demographic, but, regardless, the school serving Skybreak has capacity. Hillsdale Elementary and Lake Hazel Middle School are within planned capacities and Meridian -- or, excuse me, Mountain View High School just -- was just expanded and is within the capacity range the city determined was acceptable in considering the Pura Vida development in the same area just two months ago. ACHD has reviewed and approved the proposed development with conditions of approval that are all acceptable to the developer. The already underway improvement and widening of Eagle Road and Lake Hazel road provide ample capacity for -- for the trips that are generated by this development. ACHD has conditioned phase nine in the southwest on having access to a public road. So, staff's concerns will be addressed by that condition already. The Skybreak neighborhood includes 328 attached and detached single family homes in varying sizes and price points, ranging from the low four hundreds to over a million dollars. Most of the homes are single story to appeal to empty nesters. Homes

are all near your walking paths and open spaces and have walking and golf cart access to the Boise Ranch Golf Course. Large rim view lots accommodate custom homes and provide the executive housing that we have heard city leaders requesting during the Comprehensive Plan hearing. We are really excited to bring this premier golf community to Meridian and if we have time, as the chairman allows, we would show a short video about a successful gated community that has been developed in Boise by the same developer with the same street design that's proposed here.

Seal: Unfortunately, the 15 minutes is up.

Nelson: Okay. That's fine. It's in the record if anybody has the opportunity to review it. Thank you for your -- for your attention and be happy to stand for any questions.

Seal: Okay. At this time are there any questions from the Commissioners to the applicant or staff?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I thought with the development that had happened to the northeast of this project that there was conversations about having road connectivity when this was to come before us. Was that -- was I misunderstanding that or did that get planned out?

Nelson: Chairman. I would be happy to address that question if it was to me.

Seal: Go ahead.

Nelson: Commissioner, Mr. Grove, the Pura Vida development to the north didn't -- was not approved by the city requiring any access down the rim. I think that they looked at the natural hillside and saw that it wasn't suitable for placing a road there. The top portion of Pura Vida does -- above the rim does connect to Skybreak, but there is no connection between the top portion of Pura Vida down to the lower portion of Pura Vida creating that Lake Hazel connection and the city approved in that way.

Seal: I was going to say for clarity I was actually going to ask on the same question for the Pura Vida, because I remember that coming in and one of our main concerns was the fact that it had very limited connectivity to everything that was above the bluff. So, that was a huge concern for -- you know, as far as connectivity and response time from the Fire Department and kind of hinged on what was going to be connected as far as their ability to build that out.

Yearsley: Mr. Chair?

Seal: Go ahead.

Yearsley: So, I have been on the homeowners association board of a premier subdivision for the last 13 years and seeing the problems that have come through with developers leaving the association with the design of the development. How do you address the gated community with no sidewalks and no parking and very -- you have got the rim lots, but you have got a lot of high density areas for parking on both sides of the street, getting access through the streets and, then, actually providing walkability. I -- I struggle to see how that's going to work.

Nelson: Chairman, Commissioner, it actually is just medium density, it's not high density in there, and the -- the layout and design is very intentional based on prior developments that the developer has done successfully and demand from residents that want to live in exactly that type of development and the streets are purposefully narrow. They are still wider than the city requirements for a private street and they match the size for a public street for ACHD, but they are purposely designed at that size to slow cars down. So, it is designed to be more of a pedestrian area behind the gate than it is designed to be a vehicular speedway and -- and so that that design is intentional desired by our homeowners and successful in other locations.

Holland: Mr. Chair?

Seal: Go ahead, Commissioner Holland.

Holland: Hi, Deb. We -- we have seen a few of these gated communities that have -- the gates come down more for ornamental reasons than actually functional reasons. Are these going to be ornamental or are they actually going to be functional gates that close where they there is a keypad that they have to enter to come into the subdivision?

Nelson: Chairman, Commissioner Holland, it -- it will be functional. They will be functional gates and that's why they will have the opticom devices as requested by Fire, so that they can have quick fire access. But it is exactly that functional security that the homeowners are looking for in this type of community.

Holland: One more follow-up question. So, I know staff had some concerns about the way open space was configured, because a lot of it's on a lateral and some of it's in areas that are not usable for open space. It certainly looks like there is -- there is a good amenity package and a number of different types of amenities, but do you have any comments to try and -- were there conversations with staff where there was any go between that would have made them a little bit happier? Would you be willing to still consider doing a larger open space, a more central open space amenity moving forward with the project?

Nelson: Chairman, Commissioner Holland, there -- there was a lot of discussion with staff over a long period of time about -- about the open space. There were some adjustments that were made with the new application with that larger park on the south, but the -- the open space is very intentionally designed and it's -- it's spread throughout -- it's a very large property and so it's spread intentionally throughout the property to serve a large number of residents without having one central large location that everybody has to walk

a long distance to. We have got connections from -- to each of these smaller areas through our landscape pathways and so it creates a network. We don't need that central large part here either, because we are right next to the 77 acre Discovery Park of the city and I know that the city always looks to where your regional parks are when you are deciding how large an amenity open space package needs to be. Here we far exceed what the code requires. We are just presenting something that we think our homeowners want and desire that works well for this site and the type of demographic that we are catering to that isn't what staff prefers.

Holland: Thank you.

Yearsley: Mr. Chair, follow up on this question.

Seal: Go ahead, Commissioner Yearsley.

Yearsley: The emergency access for the -- that you showed us to the south of your property, that's a private lane. Do you have an agreement with the owner to access that private lane?

Nelson: Chairman, Commissioner Yearsley, yes, we do. And it's been recorded.

Seal: Okay. Do we have any other questions from our Commissioners? All right. Hearing none, we will go ahead and take public testimony.

Weatherly: Mr. Chair --

Seal: Yes.

Weatherly: -- we had several people sign in, none of which indicated a wish to testify.

Seal: Okay. If anybody else would like to testify, go ahead and raise your hand within Zoom or if you are in chambers please raise your hand. Gentleman in chambers, go ahead and come up and state your name and address for the record.

Rankin: Hello. Thank you for having me. My name is Stephen Rankin and I live at 3062 North Firelight Place. This is not my neighborhood, but I would just like to say as a resident of a community that does have a lot of empty nesters, as he said, I would say the importance of the sidewalk is absolutely vital. You're going to have elderly people living in a neighborhood with other people who drive in that neighborhood, you are going to need sidewalks. I walk my dogs every day. I'm sure a lot of empty nesters have dogs every day and I think, again, the importance of sidewalks should not be overlooked. That's all I got to say.

Seal: Okay. Thank you very much. Do we have anybody else in the audience who would like to come up and testifying? Anybody else on Zoom? I was going to say, it looks like Chief Bongiorno -- oh, we got one person raising their hand right now.

Bongiorno: It can wait.

Seal: Go ahead, Chief Bongiorno, you can go ahead and talk now and we will bring the other person in if you would like.

Bongiorno: Okay. Mr. Chairman and Commissioners, I just wanted to address the comments that Alan had earlier on the project. So, yes, excuse me, I can -- the Fire Department can service the project. The Fire Department can service any project that is built within the city boundaries. The concern that I have is what -- what's it going to look like and so as it stands with this particular project, Station 4 is down the road. The chief, as he alluded to earlier, our response times are extended and we are -- we are kind of stretched at the moment. So, with that, if Station 4, with the low reliability rating that they have, if they are not available, the next fire station that's closest is going to be Engine 14, which I checked the reliability rating as of last week and their rating actually has come up a little bit. They are sitting at about 81 percent, whereas before they were at 78 percent where Station 4 was. So, with the two stations with lower reliability ratings, my concern was that fire station is ten minutes away, you know, just using Google Maps, that's not using -- you know, going ten over or whatever Boise fire department allows for their fire engines and, then, after that the next closest station would be Boise Station 17, which is 11 minutes away and, then, I believe you come back to Meridian for the next closest, which would be 12 minutes away. So, again, I believe Chief Blume likes to use the term time is tissue. So, if it's not a structure fire and let's say grandma is having a heart attack, that time that it takes for us to get there or for the Ada County Paramedics to get there, that tissue is dying and so that's what we are looking at is if Station 4 is out of their quarters, it's going to be a very long response time out to this project and, then, as Alan alluded to, if you use the GIS map that our GIS people have built for us, the front third falls within that five minutes, but once we get back into the subdivision and we get deeper into these streets, it's going to take more time. So, for us this project would look a lot better once station -- the south station, if it gets approved by Council, it would look a lot better. So, that's kind of what the cause -- the concerns were with the Fire Department. You can build any -- you can approve -- approve any project anywhere, we will be there. It's kind of like the Field of Dreams, build it and we will come. Build it and we will be there. It's just a matter of what's it going to look like and -- and that's where this project falls. So, for us that's kind of our biggest concern or my biggest concern with the project and, again, if the station -- if the south station right around the corner was built, man, it's a no brainer then, because the fire station is right there and it's -- it would look a lot better.

Seal: Okay. Thank you. Appreciate the comments and thanks for --

Bongiorno: Thanks for your time tonight.

Seal: Uh-huh.

Weatherly: Mr. Chair, I see one person raising their hand. Kathy White, I see you. One moment.

Seal: Okay. Kathy, if you want to unmute yourself. Do you have anything -- anything else going? Please unmute.

White: My -- my name is Kathy White. I live at 3804 East Vantage Point Lane. The three concerns I will mention are the following: Sidewalks are lacking. Sidewalks offer -- offer safety for pedestrians. Our subdivision, it was built 20 years ago, it does not have sidewalks. Twenty years ago our subdivision was rural. Also it only has 16 homes, which sub -- substantially decreases the safety issue. Skybreak has 20 times the homes of our subdivision. How safe will it be for all those individuals in that subdivision without sidewalks? And to me it seems the lack of sidewalks only benefits the developer's bottom line. My second concern is Skybreak markets this no sidewalk subdivision as ideal for senior citizens. I do not see a senior citizen center, a swimming pool, or any real amenities. Flashy videos in my opinion and marketing a subdivision as unique and special does not make that a reality. My third concern that I will mention is the lack of a fair transition from our subdivision to the proposed subdivision. Our subdivision consists of larger lots. Our home sits on an acre and a quarter and it is feasible and reasonable that the developer, especially with such a large development, could work with five adjacent homeowners by putting one single story home behind each of us. That is also respectful to these five homeowners who have view lots. As the lady just mentioned for Skybreak in her presentation that view lots are important. So, please, respect our view lots in regards to transitions and the city planning staff has rejected this plan twice and we are also asking you to deny it as well. We would like to work with the developers to improve the transition between our rural -- you know, our acreage subdivision and hope the Commissioners will require a division of -- or subdivision of substance and less verbiage. Thank you for your time.

Seal: Thank you. Okay. Is there anybody else online that would like to testify? If so, please, hit the raise your hand button within Zoom. We are not seeing anybody pop up there and nobody else in chambers. Okay. Would the applicant like to come back?

Nelson: Thank you, Mr. Chairman, Members of the Commission. Well, we can keep these points brief, then, and stand for anymore questions you have. Just a few things I want to highlight just in case it's not clear. We do meet the definition of private streets in your code and meet the width requirements in your code. In fact, we exceed them. The streets need to be 24 feet wide in your code and we are 27 feet wide and your code does not require private streets to have sidewalks. So, we are not asking for any change to your code in that regard. We -- we believe that this is a level of preference. Not every homeowner will choose this. In fact, our homes that are outside of our gates do have sidewalks, are not gated, and so there will be a choice that's available to consumers that they can make a selection based on what they desire. Turning to a few comments about fire. We appreciate Joe's comments that really when that new station is built there is no concern and that new fire station is going to be coming on line about the same time we have homes coming online here. But in the meantime with Station No. 4 and the comments about reliability and accessibility to our site, we are in no worse position -- in fact, a much better position than developments that have been approved by the city in recent months in the same area -- with Pura Vida that is immediately to our northeast that

was approved to use the same Station No. 4, as well as further back the Brighton Pinnacle project and they are over three miles to the -- to Station No. 4. Much further distance. And so the -- the expectation has been as the city has considered all of these developments, that the new station would be coming online to aid and shortening that time frame. As far as accessibility, this slide that's in front of you now I think illustrates very well how if there is a disaster on Eagle Road and somehow a truck has got to go around, well, there is roads that have been developed through The Keep and that is the point of these interim collector road networks that are developed off of the arterial, that there are places fire trucks can go around. If some -- if a truck did have to go a longer distance and we are in no different position than any other development, including Pinnacle to our north were that to happen. So, we appreciate that the Fire Department is always balancing these concerns and safety. We appreciate that they did carefully review our development, meet with us many times about how it could be serviced and we ask for your approval consistent with how the city has approved other developments in our area. And, finally, just, again, to touch on open space, you know, in -- in addition to what is around us, which is so important, not just a regional park that we talked about before, but let's not forget that we are next to a golf course. It is -- it is like having an -- that large amenity within our development, because our development is designed to take advantage of that golf course and so every resident in our neighborhood will have pathway and golf cart access to get down to that golf -- that golf course. We don't need to add a larger central amenity when you have those two off-site larger resources. And -- and, again, this is a matter of preference, like the sidewalk. The developer has carefully considered what their target home buyer desires through extensive interviews and charetting processes they are not interested in providing a community center, because that's not what's in demand for this type of development and that's not what they want to provide here. They have really carefully thought about what that open space is going to look like, how it's going to live, how it's going to provide that aesthetic beauty. The landscaping impacts are critical to how this development feels when you enter it. We don't want to take all those off and put them in a central park. We are -- we are not targeting the type of homeowner that desires that central amenity. And it's certainly in the developer's interest to succeed in this regard and because we meet your city code, we would ask the Commission to follow your city code and give us a recommendation for approval based on that and let the developer have some creativity and discretion in how they meet demand. So, with that I would stand for anymore questions you may have.

Seal: Okay. Thank you. Commissioners, do we have any other further questions?

Yearsley: Mr. Chairman?

Seal: Go ahead, Commissioner Yearsley.

Yearsley: So, with regard to the golf course community, is it just because you have a pathway to the golf course? Is that the only amenity? I'm -- I'm trying to figure out how you tie the golf course to this subdivision besides just the pathway to golf course. I just don't see it. Is there anything else that I have missed from the golf course? Is there any like putting greens, any of that that's associated with the subdivision?

Nelson: Chair and Commissioner, actually, there is quite a bit here and primarily it is access, but to the -- to develop a residential development immediately adjacent to a golf course is the amenity. That's how a lot of residential golfing communities are developed is proximity. It's being able to get into a golf cart in your -- in your driveway and head down to the course. That is what makes that amenity. We also have had to negotiate that pathway to get out onto the golf course. We didn't just happenstance get to add that and so that was worked out with the developer and I think that the -- the putting is something that could happen in that large grassy area where we have got room for sports. I think that's a nice idea.

Seal: Okay. Do we have any other questions from our Commissioners?

Grove: Mr. Chair?

Holland: Mr. Chair?

Seal: Mr. Grove, I heard you first. Go ahead.

Grove: All right. I will ask a couple, but I will just ask one right now, just kind of following up on that last question. So, with the northeast portion of this project where the golf path does go through, does that connect directly to the course or does that go through another subdivision for that connectivity to the golf course?

Nelson: Commissioner Grove, it goes directly.

Seal: Do you have a follow up, Commissioner Grove?

Grove: I will wait. I will let Commissioner Holland go ahead. I got to rethink my -- that was just a follow-up question that I didn't actually plan, so I will get back to the one in my head.

Seal: Okay. Commissioner Holland, go ahead.

Holland: Thanks, Mr. Chair. Deb, so tonight we have a little bit -- always have a tough challenge when staff recommends denial of a project, because it -- it puts us in a specific spot where we can't recommend approval of a project if staff recommended denial, because we don't have conditions of approval to move forward on. So, we get to a point where we either have to work to make some recommendations for -- for the applicant to come back to us with some of those changes and do a continuance where we can look at seeing if there is ways we can find some middle ground on some of the concerns that are raised by staff and see if we can find that middle ground or we have the option of recommending denial, so it just moves forward to Council so they can deliberate. I always hate this recommend denial and have something go forward to Council. Certainly they have the ability to request staff to create conditions of approval, but what is your -- your hope tonight? Are you hoping that the Commission can give you some recommendations and we can continue this to a future date where we can discuss and maybe negotiate



some of these challenges or would you prefer to see us move forward with a recommendation of denial?

Nelson: Commissioner Holland, that's a great question. It's -- it's not a great position for us to be in where we have worked really hard with staff to try to get here, but that's exactly why we did propose -- in our written response proposed conditions of approval. We tried to address each and every detailed concern that was raised and so I just apologize in advance for the ten page letter, but that's what it took to -- to go through each and every item, so that you knew that we had thoughtfully considered each of the items raised by staff and at the end of our letter we propose conditions of approval that we think would be appropriate for your consideration. If -- if the Commission had an opportunity to review those or would like to discuss them, we would be happy to engage with that. Of course, if you are ready to approve us and need time to craft conditions of approval, we would certainly support that. If -- if the -- if the notion, though, is that you think we are still too far apart from staff and -- and you want us to go back and work again I guess we want to communicate to you that we -- we have exhausted that effort and it -- I think it's obvious from the presentations tonight that we just have a different opinion about these same items, so -- I mean Alan describes his -- his point of view on each of the same items we have addressed and so you have gotten to hear that and now at this point if you are inclined to agree with us, we would welcome and appreciate your support as you look to your code and the comp plan to base that decision. But if you are not there, then, I guess we would prefer a denial to an indefinite deferral.

Holland: So, I guess I could follow that question up, Mr. Chair, if I can.

Seal: Yeah. Go ahead, Ms. -- Ms. Holland.

Holland: To see if staff had comments on the proposed conditions that the applicant put forward. I'm assuming that staff would ask for more time to review those if that's the direction the Commission goes and I'm not saying that -- we certainly have a lot of things to deliberate on this evening and we will -- we will talk through all those items, but I'm just curious where staff is at before we decide to keep this open for deliberation with the -- with the hearing open or -- or go to deliberation closing it.

Tiefenbach: Yes, Ma'am, Ms. Commissioner, I -- I'm assuming you want me to speak directly.

Holland: Thanks, Alan.

Seal: Go ahead, Alan.

Tiefenbach: Leaving aside other comments that I had on some of the stuff that's been discussed, purely just talking about the conditions that you speak to, I guess it depends on what your issues are going to be. There is -- there is some pretty significant -- I mean in regards to, for instance, private roads, if they had to widen the roads and they add sidewalks, that could be a significant amount of redesign. There could be some significant

redesign in regard to whether or not the infrastructure fit. So, if we are talking simple, like tweaking some open space, I think that's easy. If we are talking about there is some issues with the road, there is issues with the access, you know, you have to -- they -- they only have emergency access from the south. They don't have full access. We are talking much bigger issues and I don't think we could just craft conditions of approval, it almost might be a withdrawal and resubmittal of a new application.

Seal: Do you have any follow up, Commissioner Holland?

Holland: No follow up for now. I think I will just be interested to hear what the other Commissioners have to say and we can talk through that, whether we do that open or closed on the hearing.

Seal: Okay. Do we have any other questions from our Commissioners?

Lorcher: Mr. Chair?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: For -- this is for staff. I know one of the huge concerns was emergency access and only one access point on Eagle Road because of the proximity of the current fire station. But we are also -- if it's not tonight, it's soon that we are looking at a new fire station. If we postponed a decision tonight until the new fire station was approved or not approved, would that change staff's recommendation for this project?

Tiefenbach: Thank you, Commissioner. I guess the -- the issue is not just one thing. It's a -- it's a number of things. I think that if the fire station was approved and Mr. Bongiorno said it was funded and capped, then, sure, that would eliminate our concerns with fire access. We would still have issues with the parks. We still have issues with the density, with the narrow roads and those sidewalks. So -- so, yes, it would remove one of the seven issues that we have.

Lorcher: Okay. But there is more than one, so --

Tiefenbach: Yeah. Usually if there is -- you know, we will usually do what we can to try to make recommendations with conditions and in this case there was a number of things to the point that we just thought we were either going to be conditioning a whole lot of things or we were just going to have to say we can't support it as it is.

Holland: Thank you.

Bongiorno: Mr. Chairman?

Seal: Was that Commissioner Yearsley?

Bongiorno: Chief Bongiorno.

Seal: Oh, Chief Bongiorno. Go ahead.

Bongiorno: Thank you, sir. Mr. Chairman and Commissioners, I just wanted to reiterate that south station has not been approved yet. We are going through design and you are going to have the zoning in front of you tonight, but the -- it has not been budgeted for to construct it and it has not been budgeted for staffing. So I want to make sure that that's clear, that it has not been approved, it's not -- it is not moving forward. We are only doing design at this point.

Seal: And, Joe, do you have a ballpark timeline on how long that generally takes before you would be able to service from that location?

Bongiorno: I believe if both fire stations move forward, I believe -- trying to remember Chief Butterfield's timeline. I believe the south station would open in July of 2023 and, then, the north station would open like three months after that. And I don't know if Kris is still on the line, if that's correct or not. I don't see him, so -- but it was -- it was roughly July of 2023.

Seal: Okay. Thank you. We appreciate that input.

Bongiorno: Yes.

Grove: Mr. Chair?

Seal: Go ahead, Commissioner Grove.

Grove: Yeah. I have a question for you in regards to how -- how this is laid out a little bit. You have a fairly blank canvas and there are several shared driveways that have been laid out. Is there a purpose behind so many shared driveways on this project?

Nelson: Yes. So, there are -- there are a number of common driveways in the development that creates efficiency and access and -- but everything is designed in accordance with your code for that. Within the gated community we have a request for alternative compliance only because your code requires that for a private street to access a common driveway, but that -- that issue has now been appealed to the -- and that will be decided by the Council.

Seal: Okay. Any other questions by the Commissioners?

Parsons: Mr. Chair? This is Bill.

Seal: Go ahead, Bill.

Parsons: I just wanted to just provide some context on this -- this application and just because, you know, the applicant is correct, we have been -- probably spent over two years discussing development of this site and we are definitely -- I appreciate all the

meetings that we have had with the applicant on this, because I think it's been -- it's worthwhile, it's definitely eye opening to sit down and talk about 40 acres in an area that's rapidly developing and how to get all of these pieces to align. Just from -- from staff's perspective this really comes down to a timing issue. Is this really the right time and that's what the purpose of annexation is. You know, one of the findings is is this in the best interest of the city and you as that body has to make that recommendation. The other piece of it -- it's not as simple as just continuing this and working with staff, coming up with appropriate conditions. In our mind, at least from our perspective, we -- the director or staff has acted on the applicant's alternative compliance request and the private street application and we got denied both and that is the director's decision to do that. Now, the Council -- the Commission doesn't have the ability to overturn the director's decision, but the Council does. So, that's something that the Council will have to take under consideration based on your recommendation tonight. But to me if you were to continue this and have staff work with the applicant, your motion would almost have to say you need to incorporate public streets within the entire development, because that's really where we are at. In order for staff to support an alternative compliance request there is certain findings we have to make and certain criteria that has to be met in order to be eligible for alternative compliance, as Alan alluded in his presentation. He did not -- it was his professional opinion that they did not provide that justification of why this is equal to or better than code, the requirements of complying with code, meaning why should we allow 112 lots when the code says you're allowed up to 50 as an example. So, that's kind of where we are at -- on that portion of this development. So, it does get a little bit dicey in tonight's deliberation, where you guys are trying to find that balance of us all the time collaborating working together, but as the applicant alluded, you know, sometimes we are kind of to the point where we kind of agree to disagree. Staff is of the opinion that there could be consolidated open space. We talked about if we were to support this project that we will put some restrictions in a development agreement that would limit the number of phases that come on throughout -- within a certain time frame. There is a lot of moving parts here to try to get this to align with trying to meet the goals of the Comprehensive Plan and the requirements of the code. If -- we have denied the project -- the application, essentially, they are not meeting the code. That's how it works. We don't feel private streets are appropriate in this development and -- and that has been discussed with the applicant and, again, they wanted to move forward and get some input. Of course, you guys have an option to weigh in on whether you think private streets are appropriate. But, again, you don't have the ability to overturn that. And Alan and I shared with the applicant a list of concerns, we shared with them some ideas and, again, we are to the point where we kind of agree to disagree and that's -- that's really why we are here tonight. It really is if it's at the point -- it's at the public forum and all sides -- views are looked at and you guys deliberate on it. So, I will turn it back over to you, but I just -- I just wanted to at least give you some context that, you know, it really comes down to, again, kind of my closing remarks, just timing. Is this the right time for this development. I think the one thing that has occurred from the previous applications to this one is that we have annexed additional properties in the north -- northeast of this site or to the north of this boundary of this project. So, we have annexed more property than -- we realize the constraint out there. We are trying to address of those. But, again, we are talking about a fairly large development, 323 lots, and that's why we have kind of been cautious and been trying to

work with the applicant to get an appropriate fit for that area. Hopefully I'm not too long winded, but I just wanted to share some of that insight with you. It's not as simple as just continuing it and negotiating out conditions.

Seal: Okay. Thank -- thank you, Bill. Appreciate the perspective on that. Commissioners, do we have anymore questions for the applicant or staff? Okay. Hearing none, need a motion to close the public hearing.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: I move to close the public hearing for Skybreak Neighborhood, H-2020-0127.

Holland: Second.

Seal: Okay. It has been moved and seconded to close the public hearing for hearing item number H-2020-0127, Skybreak Neighborhood. All those in favor say aye. Any opposed? Okay. The motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. Who wants to start us off?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I don't mean to be -- but anytime you hear a -- an honest something -- it's usually not the case. I have to admit the premier community is in the eye of the beholder and at this point I don't view this a premier community. I think I -- I look at it as a -- trying to pack as many homes on 80 acres as they can, in my opinion. In this area we are on a rim lot. If you look at the homes around this, they are either a half acre all the way around or acres or larger. I would refer to see this as an R-4 at minimum with all private -- with all ACHD streets. We have -- we have private streets within our community and -- and we have to devote significant amount of our HOA dues to maintaining those private roads and they have got a lot of private streets, no sidewalks, to me this does not fit this area and I think I -- I just -- I can't -- you know, with the amount of common driveways they have with the number of homes on this, it just feels like they are just trying to stuff as many homes in this subdivision -- or the subdivision as possible. So, I don't see it as a premier community and I don't think it fits this area and I can't recommend it even going forward.

Seal: Okay. Thank you, Commissioner Yearsley. Anybody else want to jump in?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I will keep it somewhat short. I have a lot of issues with this as it's presented to us. From the amenities, to the shared drive, to the gated community as -- as it's laid out and I have no doubt that if they were to build this that they could sell those homes.

Seal: Okay.

Grove: I don't know how fast, maybe 20 years from now, and so I have concerns there. But I don't -- I could probably list ten different things that I have concerns with, but I would be in favor of denial on this one.

Seal: Thank you, Commissioner Grove. Commissioner Lorcher or Commissioner Holland?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Being the new kid on the block here and in my short term with the committee, we haven't denied I think anything that -- during my time, but Chief Bongiorno makes a compelling argument and when the police chief doesn't see that this is the best use at this point in time, I would be hard pressed to say yes.

Seal: Thank you.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: I would agree with my fellow Commissioners. While I think there is certainly some nice components to what they tried to do here and I -- I always appreciate the aerials, it's nice to see the marketing, but I really want to focus more on the plat than what the marketing shows. A couple of the bigger concerns I have. The transition to the south, transition to the east, while they provide some lots that gives that transition, they could have provided more that -- that gave a better transition and a -- in a lower density area to that kind of R-4, not the -- and I know that they -- they proposed R-15 just for the reason of trying to get the private streets, but it -- it comes across misleading. It's -- it's almost that they are -- they are trying to just get it in there as tightly as possible. So, I -- I'm not a huge fan of private streets in general. I would much rather see them be public streets. I like sidewalks. I have been in neighborhood that don't have sidewalks and it certainly can work, but typically what ends up happening is you have guest parking along the side of the road and you end up having people not walking along the curb area, they are walking right down the middle of the street and in the nighttime, especially if you have senior citizens and it's a targeted community, I would have concerns about having senior citizens walking down the middle of the road even though I can understand the intent of

what they are suggesting, I just don't think it's -- I don't think it's going to work as well as suggested. I also don't really love age restricted communities, because while there might be a market for it right now, it actually will lower the value of those homes in the future, because they are restricted to a certain age demographic if they really do have a restricted community and while there might be need for that right now, our community -- those change over time and I hate to see a subdivision that can't have -- won't say what was promised or would need to change or adapt in the future and so I -- I'm not a big fan of age restricted communities. I would rather see a community that has targeted maybe towards seniors, but I don't like the age restricted necessarily either. There is certainly a lot of challenges and I -- it's always hard for me to recommend approval of a project when staff has a lot of concerns as well and it's not just one or two small things. So, I think our hands are a little bit tied tonight.

Seal: Yeah. I tend to agree with you on that. I mean there is -- I had concerns outside of just what the staff had in there. I mean the no sidewalks and private streets are a big one for me as well. As I look at it and as I have said before, I mean developers -- and although there is cost associated with it and I don't want to discount that, they have an infinite number of chances to get it right. We get one. So, this just doesn't feel right and until it does and there is more agreement on what's been done or what can be done, then, I definitely would side with staff with it, but I don't get to vote in this one, so that said I'm more than willing to take a motion at this point.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend denial to the City Council of file number H-2020-0127 as presented during the hearing -- as presented during the hearing date on April 1st, 2021, for the following reasons: So, a higher density zone for the lower density area. The lower density zoning versus higher density zoning. R-15 to R-8 located on the fringe of the city limits and not an in-fill development. Narrow private streets with no sidewalk does not meet Comprehensive Plan policy for a walkable community. Some of the qualified open space that might be credited, is not usable, even though it meets minimum requirements. And I just don't think it fits the area. It's not -- the surrounding element is -- is more of a lower density community and this to me feels like a very high density community.

Seal: Do I have a second on that?

Holland: I will second.

Seal: Okay. It has been moved and seconded to recommend denial of Item No. H-2020-0127, Skybreak Neighborhood with the aforementioned reasons. All those in favor say aye. Any opposed? Okay. Motion carries as recommended for denial.

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