

Public Hearing continued from 5-18-2023 for Julia Subdivision (H-2023-0003) by Hesscomm Corporation, located at 2435 N. Black Cat Rd.

- A. Request: Annexation of 2.77 acres of land with an R-8 zoning district.
- B. Request: Preliminary Plat consisting of 10 buildable lots and 5 common lots on 2.77 acres of land in in the R-8 zoning district.

Seal: All right. And with that we will -- I will say I think we are continuing this one, too. It's been never presented, but continued. Sorry. I have trouble keeping track.

Allen: Chairman, Item 5 on the agenda, Julia Subdivision I believe you are referring to?

Seal: Yes.

Allen: You do have a staff report on it. The applicant I believe is here to testify tonight, so we are ready to go if you are.

Seal: All right. We will open File No. H-2023-0003 for Julia Subdivision.

Allen: Thank you. The next applications are a request for annexation and zoning and preliminary plat. This site is an enclave consisting of 2.77 acres of land. It's zoned RUT in Ada county and is located on the west side of North Black Cat Road, midway between Ustick Road and Cherry Lane, at 2435 North Black Cat Road. The Comprehensive Plan future land use map designation is medium density residential, which calls for three to eight dwelling units per acre. The applicant proposes to annex 2.77 acres of land with an R-8 zoning district for the development of ten single family residential detached homes at a gross density of 3.61 units per acre, consistent with the medium density residential future land use map designation. A preliminary plat is proposed consisting of ten building lots and five common lots on 2.77 acres of land. Proposed building lots range in size from 4,151 square feet to 12,671 square feet. There is an existing home that is proposed to remain on Lot 4. All other structures are proposed to be removed. There is an existing driveway access via Black Cat Road for the existing home that is proposed to be removed. Access will be provided via the extension of Julia Avenue at the northern boundary of the site. Another driveway exists for irrigation district access from Black Cat that will remain. A 25 foot wide buffer is required along Black Cat Road, which is listed in the capital improvement plan to be widened from two lanes to three to five lanes between 2031 and 2035. Because the site is below five acres in size, common open space and site amenities are not required. However, the applicant is proposing .59 acre of common open space consisting of street buffer, open space with pathways and a storm drainage area. The Sky Pilot Drain exists on the adjacent property to the west and is piped and it also is on the subject property along the southern boundary and is open. This is required to be piped with development. The drain lies within a hundred foot wide easement, fifty feet on each side measured from center line. All of the lots along the western and

southern boundaries of the site encroach within this easement and NMID has stated they will consider encroachments within the outer 20 feet of the easement with a license agreement similar to what they approved with the adjacent development to the west, Trisha's Crossing. You can see that easement line is depicted right here on all of these lots. No buildings or trees would be allowed in the inner 30 feet of the easement, but lawn and fences could be allowed. The Unified Development Code requires irrigation easements wider than ten feet to be included in a common lot that is a minimum of 20 feet wide, outside of a fenced area, unless modified by City Council at a public hearing with notice to surrounding property owners. The applicant is requesting a Council waiver on that. The width of the easement encroachment on this site is approximately 27 feet. The applicant requests Council approval for the easement to be located on building and common lots and that applies to Lots 7, 9 through and 15, rather than a common lot. If the irrigation district approves an encroachment agreement, as anticipated, there will only be approximately seven feet where no buildings or trees would be allowed. For this reason staff is supportive of the applicant's request. Several conceptual building elevations of one story homes with a bonus room over the garage were submitted as shown. Building materials consist of a variety of siding, some of stone or brick veneer accents. Staff recommends as a provision of the development agreement that all homes include brick or stone veneer accents on the street facing elevations. The existing home is proposed to be renovated and reoriented to take access from the internal street, rather than Black Cat Road. A new two car garage will be constructed accessible from the internal street from which access is provided. Due to concerns pertaining to the height of the homes and related privacy issues expressed during the neighborhood meeting with the original developer, the current developer has agreed to a provision in the development agreement that limits all houses to a single story in height with a bonus room above the garage with all windows facing the front of the lots. There has been no written testimony received on this application. Staff is recommending approval with the requirement of a development agreement per the provisions in the staff report. Staff will stand for any questions.

Seal: Thank you, Sonya. Would the applicant like to come forward?

Hessing: Bruce Hessing. 2338 West Boulder Bar Drive, Meridian. I love working with Meridian. The -- the planners are amazing. I couldn't say it any better than it was just said. I'm here for questions.

Seal: Okay. Commissioners, do we have any questions?

Lorcher: Commissioner Seal?

Seal: Yes. Go ahead.

Lorcher: So, all of the houses won't have windows on the back of the -- the buildings? Is that what I heard?

Hessing: The main floor, yes. But the concern was do -- if we built two stories, we -- they

didn't want -- the neighbors didn't want bedrooms facing bedrooms --

Lorcher: Right.

Hessing: -- on a two story. Okay.

Lorcher: But the one story and the bonus rooms facing the street; right?

Hessing: Yes.

Lorcher: But the backyard will have windows and things. But it's only one story.

Hessing: One story. Yes.

Lorcher: I got you.

Hessing: So, we -- what we did -- we modified it from the previous developer that was wanting two stories -- it was just easier to be a good neighbor to say, hey, one story.

Lorcher: Okay. I have one more question.

Seal: Go right ahead.

Lorcher: Can you bring up the -- the preliminary plat -- plat plot again, please. So, site number 14 and 13, how do you -- how -- and is that another one? Fifteen? How do you access those? I see the cul-de-sac. How do you access -- how do you access number 13? The house.

Hessing: There is that private drive right there -- I'm sorry. There is that private drive right there that Sonya is showing.

Lorcher: Okay. So, it's a private drive for just those two houses?

Hessing: Yes.

Lorcher: And, then, number 12, is that a house? Number 12, is that a house? That triangle at the corner.

Hessing: Yeah. The triangle in the corner is -- is also a house.

Lorcher: Okay. And you access that from that private drive as well?

Hessing: Correct.

Lorcher: Okay. All right. Thank you.

Seal: Okay. Commissioners, do we have any other questions of the applicant? None?

Wheeler: None from me.

Seal: Madam Clerk, do we have anybody signed in?

Hall: We do not. Anybody in chambers want to testify on this? All right. I see nobody online raising their hand. If nothing further to add, thank you very much.

Hessing: You are welcome.

Seal: And with that I will take a motion to close the public hearing for File No. H-2023-0003 for Julia Subdivision.

Lorcher: So moved.

Smith: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0003, Julia Subdivision. All in favor say aye. Okay. Motion carries. The public hearing is closed.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Yeah. Full disclosure on this. If you look at the full map of this I was in Lot 7 in the subdivision to the south previously, so I know this piece of property very well. They used to board horses here. So, It's an interesting piece of property. The road behind it for the -- you know, the easement in there for the -- the canal that's buried is -- that's -- that's always been kind of interesting as the vehicles pass through there and I'm -- I'm happy to see that they are going to continue if -- you know, if one -- or if the subdivision to the west has the encroachment to allow it for this it seems -- it seems logical and -- and something that could happen. It is a really strange parcel, because of the easement that's there and the access that needs to be provided, so in-fill like this is really really tough for sure. So, I think -- you know, I don't have anything -- I don't have any opposition to the -- you know, what's being done in here. You know, like anything, it would be like -- it would be nice to have a little less density, but they are, you know, within -- within -- within range, so I don't have any opposition to it.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher.

Lorcher: Typically -- I can't speak for the rest of the Commission, but never really a big fan of that -- those private drives, because it can be kind of clustered, but based on the shape of this parcel and the fact that he has kind of spread them out a little bit, especially Lot No. 12, it looks like they have got a pretty significant -- depending on if the house is

in the front of the property or the back of the property, it seems like a pretty nice place to, you know, put a house. It would be up to the discretion of the homeowners. They know what they are getting into if they are on that private drive. But I think that the -- the space with the cul-de-sac would be a good extension on Julia Drive for this parcel.

Seal: Thank you. Commissioner Wheeler or Smith, do you have anything to add?

Wheeler: Yes, Mr. Chair.

Seal: Go ahead, Commissioner Wheeler.

Wheeler: Yeah. For me this is kind of just, you know -- you know, you guys know me, I like in-fill projects. I like the creativity that comes with them. I'm with you, Commissioner Lorcher, that sometimes these private drives can -- can cause -- cause issues, but I -- I -- this is a good project and it has my yes vote on this one.

Seal: Commissioner Smith?

Smith: Mr. Chair, yeah, I -- I think I'm right there with the rest of the discussion. I -- I tend to agree with Commissioner Lorcher that private drives aren't always ideal, but this implementation looks honestly, not -- not particularly, you know, too bad, so I don't -- I don't see anything with this that -- that is cause for concern for me. Yeah. And with that I -- you know, I -- I plan on supporting this.

Seal: Okay. I'm looking for a motion.

Lorcher: After considering all staff and applicant and public testimony, I move to recommend approve -- approval to City Council of File No. H-2023-0003 as presented in the staff report for the hearing date of June 15th, 2023, with no modifications.

Wheeler: Second.

Seal: It's been moved and seconded to approve File No. H-2023-0003 for Julia Subdivision with no modifications. All in favor, please, say aye. No opposed. Motion carries. Thank you very much.

MOTION CARRIED: FOUR AYES. THREE ABSENT.