

testify on that project. On Southridge South I don't have anybody signed up in house to testify on that project, but I do have one or two people online wishing to testify.

Fitzgerald: I think we need to keep plowing forward, especially if we have people in chambers on the next two. So, if is there a time when we -- if you have a situation where you need to get off, let us know and we can make sure we have a quorum. But let's see how far we can get. Commissioner Holland, I know you are in a situation where the little one may need you, too. So, keep us in the loop and we will keep plowing forward until you -- and we have a quorum -- over a quorum right now, so if there is a situation where you needed to hop off, we totally understand. But let's see how far we can get and let me know if there is -- if there is a concern from you or from other Commissioners and we will go from there. Does that work?

Holland: Sounds good. Thanks, Mr. Chair.

6. Public Hearing for Daphne Square Subdivision (H-2020-0101) by Matt Schultz of Schultz Development, Located 4700 W. McMillan Rd.

- A. Request: Annexation and Zoning of 4.97 acres of land with an R-15 zoning district.
- B. Request: A Preliminary Plat consisting of 30 building lots and 3 common lots on 4.97 acres of land in the proposed R-15 zoning district.

Fitzgerald: Yeah. Thank you. With that let us move on to the next item on our agenda. I think we have everybody back. The next item on the agenda is Daphne Square Subdivision, file number H-2020-0101 and let's start with the staff report. Alan, are you available?

Tiefenbach: Good evening, Mr. Chair, Members of the Commission. If you can hear me and see my presentation give me a thumbs up.

Fitzgerald: You're good, sir. Go right ahead.

Tiefenbach: So, this is a proposal for annexation and rezoning to R-15 and a preliminary plat to allow 30 building -- 30 building lots and three common lots. The site is 4.97 acres of land. It's presently zoned RUT in unincorporated Ada county and it's located at 4700 West McMillan Road. It's north -- northeast corner of North Black Cat and West McMillan. You can see the future land use map there. It recommends medium density residential. You can see the zoning map in the middle and the aerials. We will start with the plat here. So, the property presently contains an existing manufactured home that will be removed. This proposal includes mostly duplexes, in addition to several single family attached structures. Staff does believe this is a housing plat that would lead to more diversity in housing, as a majority of the housing in this area is single family residential. I will put this out. It's easier to see this color probably plat. There is two points of access proposed.

The first is an internal street that's here. It goes to the north to Brody Square, which was approved I think in July. It comes up to Daphne Street and, then, you can either go east down to McMillan or you can go west to North Black Cat. Only one street, which is this one here, will serve the internal development and this one dead ends in a cul-de-sac. So, Black Cat and West McMillan have presently two lanes. They don't contain any sidewalks at the present. The applicant is required to dedicate right of way for future widening and the construction of a five foot sidewalk. These are the same width that would connect with properties that have been approved -- the Brody Square to the north, as well as properties to the west. They are also -- it's important to note that there is a roundabout -- a future roundabout that is planned at this intersection here. The applicant has provided a parking exhibit, which indicates 30 additional on-street spaces. This is in addition to the two car garages and the two car driveways that are shown for all units. So, each unit has two -- like I said, two car drive -- two car garage and here is a parking plan which shows that in addition to that, above what's required, they have 30 parking spaces. This is the applicant's common open space exhibit. So, this property is less than five acres in size. This means that per our standards it does not have to meet the minimum -- the common open space and amenity requirements. However, this is an annexation and the applicant proposes the density that's at the high end of the MDR range. Again, the range is three to eight dwelling units per acre. The applicant proposes six. Staff informed the applicant that in order for staff to support a density and size of R-15, this development should contain quality open space and amenities. If not, perhaps a lower density, such as R-8, would be more appropriate. The landscape plan indicates 12 percent of open space, amenity of a 5,600 square foot lot, which you can see right here, and staff is not convinced that this project -- that this project actually proposes 12 percent common open space. The reason why is, first of all, it counts the buffers twice. You can only count the landscape buffers along Black Cat and McMillan as one half. So, that's counted as one half. But it also looks like that they might be counting the parkways that are along this as well, which is kind of double counting. The other thing is that the parkways that you can see along Riva Capri Street, those are the detached sidewalks. You can't count the driveways and this exhibit here, from what you are seeing, shows that those driveways are being counted. And the last thing is that there is a -- as we mentioned there is a roundabout that is eventually proposed at the Black Cat-McMillan Road intersection and we don't know how much of this landscaping at the end of that cul-de-sac this project is going to lose, but we do think that that could happen. We would really want to see what this project will look like after that roundabout and after the right of way is dedicated. But also I guess staff's opinion is that the -- the common open space that they are proposing here is directly on the intersection of North Black Cat and the West McMillan. Staff doesn't believe that a park or a bench directly on this intersection would be considered quality open space, something that the residents would use. So, staff's recommendation -- there is a retention pond, which is shown up here -- let me back up and you can see it here. So, there is a retention basin that's shown here. One of staff's recommendations is that these two lots could be merged into one larger open space and this could serve as a quality open space. Per the code if it is more than five acres, if they were using the retention basin, then, they would have to provide at least 20,000 square foot of additional space. In this particular case this is much less, but we do think it would be usable. Again, staff's -- staff's thoughts on this is that they are proposing to go to R-15, which is pretty

dense. That's pretty high on the recommendation, but staff's opinion is that if they don't provide a good quality open space for the residents, we would probably recommend something lower, otherwise R-8. Here is a picture of the elevations if you would like to see them. With that -- really that's our -- our only major issue is the merging of the two lots into the detention basin and with that staff recommends approval of the conditions as listed in the staff report.

Fitzgerald: Thanks, Alan. We appreciate it. Are there any questions for Alan at this point? Okay. Hearing none, thanks, Alan. We appreciate that. Would the applicant like to come forward or join us -- I think Matt's online. Matt, I see you -- thanks, Alan. Matt, can you unmute yourself and turn your video on if you would like and you can join us. Matt, are you with us, sir?

Schultz: I am with you.

Fitzgerald: Hey, sir. Good evening.

Schultz: Get the light off my face. It's a little bright. That's a little better. All right.

Fitzgerald: Please introduce yourself and the floor is yours, sir.

Schultz: Thank you, Commissioners. Matt Schultz. 8421 South Ten Mile in Meridian. Here on behalf of Berkeley Communities for the Daphne Square Subdivision. Thanks for having me and staying up a little late. It's a pretty small little site that -- that Joe Atalla brought to me and said, hey, what can we do with this and even though it says 4.97, it's really about 3.75. It has an extraordinary right of way requirement being on a corner. I have done some other 4.97 sites -- acre sites that all the right of way was already taken out. This is not one of them. So, it's a really constrained site in terms of what can you do with it. We have had a similar one with Berkeley a few years ago -- three years ago called Bancroft Square by Sutherland Farm. It was a cul-de-sac and your open space tends to be on the end of the cul-de-sac and -- or, if not, you are -- you are just losing lots to lose lots and I would be remiss to -- to do so without at least giving some other options and so I want to speak to that. But first I would like to kind of go to the -- the big picture of where our site is and how it relates to Brody Square to the north that was approved over the summer previous to us, because, really, this is like a phase two of Brody Square and that our access relies on it, because we cannot take access off of Black Cat and McMillan any longer with the intersection being right there and we rely on their sewer, their water, their -- everything. And they are -- they are out there right now tearing down some houses and getting going and -- and we hope to kind of come along a few months behind them and do phase two. So, if -- I don't know if Alan or somebody can put -- can you put up that -- or if I can take control of the presentation to where I can scroll forward a little bit.

Tiefenbach: You should be able to share your screen there, Matt. You should have the option to do that.

Schultz: Okay. Share screen. All right. Well, I have never shared a screen before, so --

Tiefenbach: There you go.

Schultz: All right. All right. All right. I'm little bit -- you are screen sharing. Okay. I'm not seeing anything --

Tiefenbach: I think it's to your computer desktop right now.

Schultz: Okay. You were going to put up -- you were going to put some of your slides. I gave you a couple of them. I didn't have them -- I didn't have them uploaded and ready to go, those ones that I sent you.

Weatherly: Mr. Chair, Matt, this is Adrienne. I can help you. Which one do you want?

Schultz: The one that shows both of Brody Square and -- it's green and white. It just has green open space and white. I apologize. I need to be more sophisticated.

Fitzgerald: No worries. Matt, you can stop sharing your screen, that will give Adrienne back the screen.

Schultz: Stop share. There we go.

Weatherly: Okay. Commissioners, this is a pdf, so I'm trying to maneuver it, so that you can see everything here. One moment.

Fitzgerald: Thank you, ma'am.

Weatherly: Matt, tell me if this is the right one that you are thinking of.

Schultz: It is. Great. Thank you. So, you can see the -- the bottom -- the bottom rectangle down there is our five acres and the top bigger rectangle is Brody Square, which is 15 acres and this -- this whole 20 acres is about a mile away to the west of Walmart. About a mile and a half from Heroes Park. There are some R-15 and R-8. Of course, Brody Square is R-8. There is some R-15 across the street. We believe that R-15 is appropriate in this location due to the constrained location. We need some dimensional flexibility. The densities -- I would say only six for R-15, especially the medium density is three to eight. Six is in the middle. We are definitely not in the high end of -- of that medium density. I thought it was important to show how we compare -- or how we connect, how we integrate with Brody Square with their -- we have the same statistics as far as percentage of usable open space. Theirs is, obviously, bigger, because they had a bigger site and a bigger area to work with. We -- we have -- if you look at a combined density of both of our sites, they had 4.3. We have six. There are -- combined is -- thank you. The combined is 4.7, which is that fourth line there. Excuse me. Third line that says density. You can also see the percent of right of way on ours is 25 percent, which is quite

large. And perimeter right of way. I have never had a site, I don't think, with that large of a right of way. So, kind of our net acres is 3.72 and the qualified open space percentages are very similar. So, really, what we are getting down to is even though we are under five acres, we are still providing over the ten percent and we are still providing an amenity. Now, staff is wanting a little bit bigger open space and to us to relocate the amenity and we are open to that. With that said, if you can go back to that overall look, please. Like I said, we are like a phase two of Brody Square in terms of timing, integration, access. I know Mr. Atalla is working with the other owner as far as potentially joining HOAs together, cost sharing on pressure irrigation, even buying lots inside Brody Square, in addition to developing Daphne Square. This is a very similar situation to the Bancroft Square next to Sutherland Farm that we did where we proposed -- kind of thinking a little bit outside of the box here, a condition that we replace number -- condition number two, which is that we reload -- that we combine Lot 28, 29, Block 1, into Lot 30, with -- maybe that's our second alternative, but our first alternative would be to locate a playground amenity in Brody Square on the east side of that park and if that can't happen, then, we would put an amenity at the -- at our intersection, instead of at the end of the cul-de-sac and that's something that I know this Commission has done before and allowed when we are joining or there is the potential to join, those things take time and we would definitely work all that out or we would build an amenity at the intersection. Do we need to lose two lots? I don't think so. I think we do with one extra one right next to that and still have ample open space. But if we can't get to the bigger playground amenity in Brody Square, which I don't see why we wouldn't, it's going to add value not only to Brody Square, but to us. It's going to be better centrally located to the entire 20 acres. It's just a better plan and I think with the -- with our five acres we kind of get down in the -- in the details and, then, to kind of zoom in on it -- and I understand where staff is coming from, but I think there is probably a better option. It's a third option than either we have presented, what they proposed, and, hey, here is a third option that I think would work out better for everybody. As far as the open space percentages, we did -- we did doublecheck those and we have 1,200 feet of park strips internal and that was a choice that we did. We didn't have to do it. Only 40 percent of that is counted because of driveways and our open space exhibit does say that, it says minus driveways. So, that was -- that was accounted for. We think it's a good product. It's got some good diversity. Berkeley's a good -- a good home builder. He's an architect. He's done some nice elevations and, like I said, the size -- condition two and condition three we do agree with staff's recommendation for approval and staff's conditions. Condition three is that we show the roundabout. We have -- we have dropped a template of ACHD's roundabout in there and we have room. Roundabouts are very specialized designs. This is like ten years out. I would hate to lock in on an exact design of what that looks like, knowing that even if they took 5,000 square feet out, we would still be over ten percent. We have ample room. We are giving 61 feet on McMillan of right of way, when typically you will see 48. So, we are already giving an extra width. We are also giving extra width on Black Cat. We are at 50 to account for that roundabout, whatever it may be in that location, and there may be a little wedge that comes out in the corner, but it's -- it's -- it's pretty much going to fit and we would hate to get locked in in an exact design when there is no exact design right now. ACHD does not have a design. They have a template that doesn't work at this specific location, because some offsets are going to have to be required. There is going

to be some value engineering about power poles and canals and there is some other things that are outside of our -- our site that need to be taken into account with that design, but it's going to take a lot of time and a lot of money for ACHD to determine that. But in the meantime we have dedicated -- or we are going to dedicate ample right of way and before final plat maybe they will have a better design. But, like I said, this isn't even on their -- on their ten year plan right now I don't believe. So, we think it's a good design. We think it's the right location. We think it's a good mix with Brody Square. It integrates very well we believe. I think it's -- because of the constraints of the site this density isn't -- isn't too bad or offensive, if you will, and I think it blends in very well with what we got and depending on -- especially in this location. So, I will stand for any questions. Thank you.

Fitzgerald: Thanks, Matt. Are there any questions for Matt at this time? Commissioner Cassinelli?

Cassinelli: Mr. Chair?

Fitzgerald: Go right ahead.

Cassinelli: Matt, is this -- is this a rental product or not?

Schultz: Is it -- oh, hi, Commissioner Cassinelli. I don't believe so. It could, but I don't believe -- that's not his intent. His -- Mr. Atalla and Berkeley Builders sell these. They are a zero lot line. Now they are not -- even though they are attached they are -- they are individual lots per unit with a zero lot line between them, except for there is a couple of single family detached where we don't have an even -- an even lot count in the block, there is one on the end that's a single on a couple of the blocks. But they are -- they could rent, but at the price point and everything else, I don't think so.

Cassinelli: Okay. And, then, another question if I could.

Fitzgerald: Go right ahead.

Cassinelli: The -- the lots on the north side that back up to -- is it Brody Square on the north?

Schultz: It is.

Cassinelli: You got two to one and those are -- you know, two story product there, overlooking -- you know, you got one lot with two two story homes, what can we -- you know, is there anything that -- have you looked at -- at that transition along there? I'm not -- I would like to see a little bit -- I would like to see it a little thinner.

Schultz: If I could, Mr. Cassinelli, just respond to that. There is eight lots in Brody Square backing up to our side. We have got one, two, three, four, five, six, seven, eight, nine, ten, 11, 12 -- they are going to look like six buildings from the back, because they are

attached. It's going to look like six structures versus their eight structures. So, we -- and even talking to the other -- the other developer, he didn't see that as being a big deal, because they were attached, they won't -- they won't look like a bunch -- it won't look like two to one, even though it is two to one, because of their width and efficiency. So, that's -- that's how we are looking at it. You may still not like that, but that's -- it is actually less structures backing up to their more structures.

Cassinelli: So, on that how close to the -- to the rear lot line are those? Do you have something that --

Schultz: I do. We have -- we have looked at -- we have looked at our layouts and because we chose to put the park strips in the front of these, it actually pushes your house ten feet back and at that we are meeting the 12 foot setback. If we did not do the park strips and pull the sidewalk and made it attached in the front, we would have 22 feet -- or 22 and a half feet, something like that. And so we do meet setbacks in there and they have 50 foot wide lots. Probably some two -- a lot of two stories as well. So, it will probably be two story to two story.

Fitzgerald: Follow up, Commissioner Cassinelli?

Cassinelli: No, that -- that answers it. Thank you.

Holland: Mr. Chair?

Fitzgerald: Commissioner Holland.

Holland: Matt, I'm just curious. It's kind of along the same lines of what Commissioner Cassinelli just asked you, but would you consider doing a single family product that backs up to the existing single family that will be in the new -- in the other developments in the north of you and, then, doing your more dense product on the bottom where you have it? But would you be willing to adjust the northern part of that to do single family on that part, instead of your attached product? Just to create a better transition between those houses. Does that make sense what I'm asking?

Schultz: Oh, it absolutely makes sense what you are asking. It's not my subdivision. Yeah. I know that -- I know that Mr. Atalla likes this product. It's something that he thinks complements it, but if that's your recommendation we would certainly go for the -- hopefully City Council with that recommendation that we convert that. Obviously, I think it would -- I mean if -- if you did 40 foot lots -- I don't know if you are looking to go one for one 50 foot lots, because once you get to 40 they are detached.

Holland: You know, looking at it just first glance the way that it compares, I think one of my recommendations might be to have the lot lines match up and do single family --

Schultz: Okay.

Holland: -- on that northern boundary and, then, leave more of the attached product on the bottom side, but maybe that would help with the transition there. Because to me I look at that and it looks like a lot of density compared to the other project and I think -- I would agree with staff that I would rather see R-8 or R-4 there to tie in with the future use maps calling for with medium density housing there.

Schultz: Right. Commissioner Holland, R-4 would definitely not -- be like 90 by 90s or something to hit the R-4. Probably be the reverse transition that we are looking for from that intersection. R-8 definitely is -- definitely within your purview. That would be -- if we did 40s in there we would lose probably three or four lots in that area right there to -- to get those in there. With the same setbacks -- same setbacks allowed in R-4 -- not R-4. Excuse me. R-8 and R-15. They are the same regarding setbacks.

Fitzgerald: Follow up? Oh, is that -- oh. Okay. Any additional questions?

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal.

Seal: Just listening to the applicant's testimony earlier about the roundabout that's going in there, as I'm looking over the -- the ACHD final report and in condition 2.B in there they actually have -- and it is a very rudimentary drawing of how the roundabout would fit into that intersection and it actually looks like it -- well, it doesn't look like they are actually recommending that more offset -- let me see here. How do they word it? Applicant shall be required to dedicate additional right of way to accommodate the future construction of the multi-lane roundabout and they show an attachment on there. Has -- have you used that basically as, you know, essentially that kind of template to apply to what's being submitted? Because as I'm looking at that it's going to take a substantial piece of that corner away.

Schultz: Right. Staff and ACHD dropped that in there really quick. When they do these roundabout designs they probably spend about four or five months and about a hundred thousand dollars designing them with civil engineers and survey and everything else and there is ways to rotate those, so the -- the legs curve a little more efficiently around there. They didn't do us any favors by how they dropped that in there, but that was definitely not a design drawing. They will be required to be shifted -- shifted over to the west, probably shifted up a little bit to the north. We have preliminarily dropped a template in there and there is a little bit of a cut on the corner, but there is more right of way there than it looks like. It's not an apples to apples comparison of the aerial overlay that you are seeing and our -- and our site plan, but -- but it fits -- it fits into right of way. We are giving exceptional right of way beyond and they said, yes, you are going to need to do a little -- you know, a little bit of additional right at the corner, but we have -- we have room there for them to take a little bit out of that corner.

Holland: Mr. Chair, one more question.

Fitzgerald: Go right ahead.

Holland: It's -- it's kind of untraditional to have a cul-de-sac be on the hard corner of two major roadways. I have seen it done a few times in other subdivisions, too, but it's -- it's kind of atypical. Is there going to be significant landscaping, fencing, that kind of goes around that cul-de-sac and the open space?

Schultz: Yes. Absolutely. I know we have submitted a landscape plan -- a color landscape plan and it will be berm and there is significant landscaping in our landscape plan there to where it's not going to be, hey, you can see the cul-de-sac on -- from the main road. It's going to be bermed up, trees and shrubs and bushes. Fencing. As you can see there. That's the intent. And, really, it's because there is -- there is no access allowed that close to the intersection, obviously, that -- that we have that cul-de-sac there at the end, which -- which happens sometimes on certain projects. Not a lot, but it happens sometimes.

Fitzgerald: Following up on Commissioner Holland's comments. Matt, if that roundabout is built there and it eats into that -- all that landscaping, how close can we talk about it getting to the -- to the roundabout? It seems like that eats the landscaping completely.

Schultz: Well, again, that -- that diagram that was shown there was -- it didn't do any justice to how that might land there, especially the final design work. But if it ate in there like maybe ten, 15 feet, there is -- there is 25 within the common lot and, then, there is more north of that -- 30 to 40 feet there, where 25 is required. So, there is -- there is quite a bit of room there. There is more than it looks like for these -- these roundabouts and, really, it's -- like I said, it's a four intersection design that they get into in there and what's funny is the next application up -- we have a site that's right on a hard corner where they have done 99 percent drawings and you can see exactly how it worked and these are -- but this one is -- which they are building next year. This one is not even on the ten year plan right now.

Fitzgerald: Okay. Thank you. Additional questions for Matt at this point?

Seal: Mr. Chair, just --

Fitzgerald: Yes, go right ahead.

Seal: -- I had one quick question. Well, just to the applicant when -- what's your timeline for trying to essentially merge the two HOAs and provide for that, you know, kind of phase two go of it?

Schultz: We -- how we have worded these before is, you know, prior to final plat signature shall prove that you have joined -- or have an agreement to put the amenity in there -- you know, whatever it may be or join the HOA, that we wouldn't have initially have to join the HOA, but, obviously, it would make it cleaner as far as use and all that -- be a cross use, cross-access. On the -- on Bancroft Square it was prior to final plat show

documentation that you have -- you have done the merger or have an agreement to do the merger and that was -- that was enough for the city attorney and the staff on that one. Their idea being that we want to do it as soon as we can. You know, if we can get it worked out in the next month we would.

Fitzgerald: And, Matt, that was just to clarify. That was -- you would remove the gazebo concept and move whatever it may be.

Schultz: Yeah. Exactly.

Fitzgerald: Okay. Got you. Commissioner Cassinelli, did you have another question?

Cassinelli: No.

Fitzgerald: Okay.

Cassinelli: My last one just got answered.

Fitzgerald: Okay. Thank you.

McCarvel: Mr. Chair?

Fitzgerald: Commissioner McCarvel, go right ahead.

McCarvel: Can we get that visual back up on the white and green with the two subdivisions back to back? I just want to look again if those -- yeah. If you are really looking at --

Fitzgerald: If there are 30 foot versus 50 foot lots.

McCarvel: Right. But they will be one structure for over the line.

Fitzgerald: Oh, yes.

McCarvel: Yeah. I mean this visual -- what -- the other thing that kind of stands out to me, Matt, is just taken on the entry there where you have got the three lots, you know, coming right in a row from the single family. That's to the north of it. Coming right in on that -- on the entry there. It looks kind of -- maybe continue just the single family, make that one or two lots right there. I'm not sure how wide that would make those --

Schultz: Fifty's.

McCarvel: Yeah.

Schultz: Fifty, probably.

McCarvel: Yeah. I mean -- and you don't notice it until you put the overview on it, but -- but that might look a little more appealing driving down that street if those were all in line.

Fitzgerald: Any additional comments or questions for Matt at this point? Okay. Hearing none, Matt, we will be back to you and let you close after we take public testimony. Thank you, sir. Madam Clerk, it sounds like you have people in -- in the audience that would like to testify on this application.

Weatherly: Mr. Chair, I do. First would be David -- is it Pera?

Pera: Mr. Chairman. My name is David Pera -- oh, I'm sorry. Commissioners. I live on Daphne Street. I am the vice-president of the Beach Lateral water users and we have been working with Brody Square on their irrigation. We have live irrigation there. We flood. We all have five acre pieces. So, there's water ditches and there is wastewater ditches that flow right through Daphne Square. We haven't had any contact from the developer yet or anybody about what they plan on doing with this water. So, we are just asking that they come to us with some kind of plan, so we can go over it and approve it, talk to them and see what we can do to make everything work. Like I said, we have almost got everything done with Brody Square. I don't see any difference, but we just -- we need to get something from them.

Fitzgerald: Sir, thank you so much for being here tonight. We will make sure they answer that. They are required to make sure that water flows through their -- their site and so we will -- we will make sure Matt answers that when he comes back up. But, yeah, the water definitely will continue to flow through the property and so they will make sure that that's taken care of. We appreciate you sticking with us tonight.

Pera: Yeah. Thank you, Mr. Chairman.

Fitzgerald: Thank you, sir.

Weatherly: Mr. Chair, next is Mrs. Corbell.

Fitzgerald: Good evening, ma'am. Please state your name and your address for the record and we will -- the floor is yours.

Corbell: I beg your pardon? Lanelle Corbell. 4520 West McMillan, Meridian. And if you would put that plat back up. If you would put that plat back up that has the property lines on it.

Fitzgerald: Madam -- there you go. Thanks, Adrienne.

Corbell: That long side east of Daphne Square is my property. I have ten acres. It borders right on Brody Square and Daphne Square. It was my understanding that there would be that one street that would go along by my property line. We have livestock. We have ten acres. We have livestock. We are not in the Meridian city limits. I'm going to

have to have some kind of a substantial protection on that property line for my livestock. Also we depend completely on the irrigation to keep our grass for our livestock and that's a main irrigation line on McMillan Road that goes all the way down to the corner of Black Cat and, then, goes north towards Brody Square. So, we are going to have to be sure that we have no interruption in our water services, our irrigation, and we are going to be -- have to be sure that we are protected from people entering our property from both Daphne Square and Brody Square and we are going to need to have protection on the back, because our property goes all the way back to Daphne and that's where all the traffic's going to be and we do have small calves and we need to be protected from the traffic. We have got bumper to bumper traffic all day long on McMillan now. Everybody going down to Walmart, so -- and everybody going to work and into the construction sites and so we are going to need to be protected from that. I would urge you to make sure that they put some kind of a permanent substantial protection on that property line for those ten acres all the way down to Daphne.

Fitzgerald: And, ma'am, I will have Matt respond to you when he comes back up, but -- regarding the fencing and the protection of your water and thank you for being here tonight. We appreciate it greatly.

Weatherly: Mr. Chair, next we have Randy Corbell. And he has chosen not to speak. That's all I have signed up, Mr. Chair.

Fitzgerald: Is there anyone either in chambers or online that would like to testify on this application? Please raise your hand if you are in chambers or use the raise your hand function on Zoom. Commissioner Grove, don't see anybody? Okay. Matt, would you like to close and answer some of those questions -- or answer some of those questions and close.

Schultz: Yes. Thanks. Thanks. Matt Schultz. 8421 South Ten Mile. Yeah. Appreciate David from the Beach Lateral water users showing up. We did show some preliminary lines coming along with McMillan and Black Cat. We fine tuned those, working with the area owners and if there is any lateral ditch companies in our final designs, but, obviously, we -- we maintain all historic deliveries, whether that would be wastewater or delivery water. As an ex-engineer that's -- it seems to be the number one thing that we do is figure out those things and at this juncture we -- we know we have to do it. We just don't know exactly if there is a little branch somewhere, but we have got a couple lines playing, which kind of goes along with Mrs. Corbell's comment as well about drainage. We met the Corbells at the neighborhood meeting and -- and talked to them about that -- our shared property line there on the -- on the east side of us and the west side of her. We are planning to do a -- fix a vinyl fence with a berm and what we have done in these -- in these situations where we have had livestock on the other side of a vinyl fence -- because some people are not worried about that and some people are as we put a parallel -- usually a parallel three or four strand barbed wire, you know, parallel to it, just to kind of keep them away from the vinyl. So, we end up putting in two fences and we would fence off across the stub street, that when that does continue on in the future those panels come out and it's a moot point at that -- at that juncture. But in the meantime there is no vision

through that stub street and it's all fenced off and not a -- not an escape point for any livestock. So, those are the two issues, that fence line and the irrigation for the neighbors and I hope we have addressed them adequately. I have been texting the -- the owner a little bit here as we were waiting for -- for, you know, the responses and looking at that north property line and if we could put the diagram back up, the site plan, please, and look at it. As far as Commissioner McCarvel talking about coming in there, I don't know if you can -- okay. As you come in from Brody Square there is a T intersection. As you are going south on the left on the -- on the left-hand side there is those three lots. On the right there is the open space. We had those three lots oriented the other way previously, so they were faced internal to the subdivision, instead of, you know, they -- they are lots that you would line up with the other houses as you drive in like, Commissioner McCarvel pointed out. We had those rotated previously and staff wanted us to rotate them back this way, so -- so, kind of going in a little bit of a circle there. In looking at the question if, hey, can we go to R-8s or -- or 40 foot lots, potentially, on the north side -- we could do it if you want to. I think -- if it's your recommendation we would certainly take that forward to Council. What we have submitted I think is what we think works. We would -- they would propose that we -- like I said, get the amenity in Brody Square and for some reason we can't -- and I don't see why we couldn't, but if there is some reason we can't we would move our amenity that we are currently showing down the cul-de-sac over on this intersection and put it -- I would like to rotate those three lots north-south and lose one of the building lots and on the corner we would have our amenity as you drive in with the other two lots facing north-south. So, we would lose a lot there. That's -- I think that's a good solution to the streetscape issue that Commissioner McCarvel brought up. It's a good fallback solution to the amenity not being at the end of the cul-de-sac and being more -- I guess somewhat centrally located. There are -- and I will tell you the truth -- and we are planning on spending three times as much on that playground as we are on a sitting area in terms of what we want to put into Brody Square. Really similar to what we called Warrick a couple years ago and it's being marketed as Calistoga on Amity. It's about a 45 to 50 thousand dollar playground. That's what we would like to put in Brody Square and that's what we are approaching the owner with and in our negotiations, say, hey, let's just make a better centralized open space for everybody within those 20 acres. They had -- they just had a sitting area coming in off of Black Cat and we would have -- and there is a pond in the middle for the irrigation and, then, on the other side we have a playground and I think that's a better big picture solution that's going to give better value to everybody in the neighborhood, instead of getting down in the weeds on this little five acre site. So, that's my -- that's our proposal. We hope you would go along with us, but if you want to make a different recommendation moving forward that you approve it by -- you want 40 foot lots on the north, that's certainly something that we are open to moving forward with. But we -- we would like to -- for you to approve what we submitted, with the minor modifications as discussed.

Fitzgerald: Matt, in regards to the open space lot, I mean that's a -- that's a holding pond. Are you doing subsurface water with a play area over the top or how -- what does that look like?

Schultz: Are you talking about what we currently have?

Fitzgerald: Yeah.

Schultz: What we currently have as you drive in -- it's -- it's just a -- it's a dry retention basin that fills up in the hundred year event. We are not counting it as open space as shown. It's not included. It's just there. The facility. It was not included -- it was not counted as usable open space in what we have shown. What we are proposing is right across the street we would have one that would be usable with -- with an amenity in it that has no drainage related to it whatsoever.

Fitzgerald: But the drainage basin is it subsurface or is it going to be open -- kind of an open -- kind of swale?

Schultz: It will be depressed to the low flow -- the trickle flow, the carwash flow will go underground and so it will be dry, unless there is a really heavy -- you know, really heavy downpour, it would fill up and, then, go down again and dry out again. So, you know, 99 percent of the time it's dry grass, with a little little sand window in the bottom for the -- the trickle flow that comes off of sprinklers or whatever when it's not raining.

Fitzgerald: Okay. Thank you. Additional questions for Matt?

Grove: Mr. Chair.

Fitzgerald: Commissioner Grove, go right ahead.

Grove: Matt, question. Would you be open to having a sidewalk that connects to the Black Cat sidewalk? It looks like there is no connector -- or easy access from here -- from the subdivision going that direction. I know it's not that hard to walk around the cul-de-sac necessarily, but it seems like it would be an easy way to improve some connectivity there.

Schultz: Yeah. Absolutely. We just showed it to McMillan and didn't -- didn't continue that thought process far enough and that is absolutely a great idea to make that connection through. You do -- you do lose a little bit of privacy when you do that, because you are depressing the berm to punch that sidewalk through. You know, we just had one -- one little break and we are not -- we are not opposed to doing that, but that is the tradeoff if -- if that sidewalk does want to open up a view through there, which -- which isn't the worst thing in the world, but we are certainly open to doing that.

Fitzgerald: Additional questions? Going once. Going twice. Matt, thank you very much, sir. We appreciate it. I know we will see you momentarily again, so --

Schultz: Thanks.

Fitzgerald: Thank you. Can I get a motion to close the public hearing?

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli.

Cassinelli: I move we closed the public hearing for file number H-2020-0101, Daphne Square.

Seal: Second.

Fitzgerald: Motion and a second to close the public hearing on Daphne Square. All those in favor say aye. Any opposed? Okay. Motion passes.

MOTION CARRIED: ALL AYES.

Fitzgerald: Who wants to lead off?

Holland: Mr. Chair?

Fitzgerald: Commissioner Holland.

Holland: I kind of already made my comments to Matt there earlier, but I -- I think at a minimum I would want to see at least those lot lines align on the northern boundary of the site coming into it, because it just seems like it's an abrupt transition to density when it doesn't necessarily need to. So, I think I stand with that comment. I'm not necessarily opposed to having the attached product that's on the south side there, but I would want to see enough green space and -- and break up those a little bit. So, I would say on that northwest chunk there I wouldn't want to see more than seven lots on that north side of the cul-de-sac and, then, no more than two on that kind of eastern -- northeastern chunk that's there, too. That way they would align with what's -- what's in Brody Square. That's my initial thought.

Fitzgerald: Okay. Thank you.

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli.

Cassinelli: With -- with regards -- I think Commissioner Holland and I are -- got similar thinking there. But if I can make a comment, I believe there is eight lots on Brody Square on the north side and you just mentioned seven. One is going to already -- well, I guess one -- one will be that retention pond now that I'm looking at it. So --

Holland: Mr. Chair, that's why I counted seven was because I wanted the space for that retention pond for a little bit of green space coming in there.

Cassinelli: And if he goes -- I think Matt mentioned on the -- if we were to change that there to single family instead of to detached, it would have to be 40. I mean would you be -- would you be okay with it, you know, if maybe it was eight or nine in there versus --

right now there is one, two, three, four, four, five, six, seven -- nine, ten, 11 -- there is 12 along there. I definitely don't like the transition, the two to one that it's at right now.

Holland: Mr. Chair?

Fitzgerald: Yeah. Commissioner Holland, go right ahead.

Holland: I think that's why I was trying to come up with a compromise in -- in trying to give that single family transition that meets the R-8 standards on that northern boundary, but still allowing the R-15 style that's on the south side there and he could probably -- we could probably let him have eight lots there and he could condense it a little bit, but I would love -- I always like to see when the fence lines align, because it always seems funky when you are sharing -- when you have got a fence line like halfway in the middle of your yard. I have that -- if we can avoid it.

Fitzgerald: So, I understand where you guys are headed. The challenge -- I guess the only thing I will comment back is if this neighborhood had been built already that would be one thing, but this neighbor is flat dirt right now and I would guess they are all going to get built together and they know -- they know what's going to come. So, that's my only -- I'm not saying that I disagree with you, just taking that -- taking that into account is we usually work through transition when there is people already living there, but that's -- I'm not sure that changes anybody's mind, but this is all going to be flat dirt that comes in together. It is a hard corner on two relatively busy roads. I'm not sure if that makes a difference, but it would transition from the busy road to a single family home. Yeah, I -- that's my only thought. I understand where you are going.

Cassinelli: Mr. Chair?

Fitzgerald: Yes, sir.

Cassinelli: The other -- the other issue there is that those are 12 foot setbacks to the rear.

Fitzgerald: Yeah.

Cassinelli: So, they are very close to -- to those lots to the north.

Fitzgerald: That's true.

Cassinelli: I don't know if that -- and my other thought -- as long as we are talking lots on the north -- by flipping those -- on those three, if you -- if you rotate them, then, you have two going into the site of the one house. You would have a -- Matt was proposing a -- a common lot there on the -- on the corner, but, then, the other two -- then you have -- again, you got two backing up to the side of a house. I don't know if that's -- that's only in one spot, I don't know if it would be that big of a deal there.

McCarvel: Yeah. Mr. Chair, I don't think I -- I think I dislike the flipping it more than I dislike leaving it the way it is, but I just thought, you know, transition wise you are driving by, you know, single family and, then, all of a sudden you get these couple of detached just kind of sticking there by themselves. Or attached.

Cassinelli: If he's willing -- if he was willing to give up a lot there and if you give up a lot and just have two houses oriented --

McCarvel: Yeah.

Cassinelli: -- the way they are, maybe that's a little bit -- not -- not quite --

McCarvel: Yeah.

Cassinelli: -- radical going from, you know, single family -- you know, detached single family to -- to three, but if you just go to two, maybe --

McCarvel: Well, Mr. Chair -- and even -- even the way -- you know, I'm looking at the way the attached product is lining up, that they come in and they start right next to the open space with a detached and, then, you have got your two attached, which would make them totally offset from the attached -- or the single family on the other side. So, you would have that fence line almost offset -- you know, in the halfway on those lots on every one of them, rather if you started with that first one being attached they would maybe at least, you know, structure wise they would line up a little better.

Grove: Mr. Chair, from what I'm looking at --

McCarvel: But they are still really close to that back fence.

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove, go ahead.

Grove: Looking at the -- the units like almost everyone's saying basically if the nonattached units were taken out it would vastly improve this project, because there is one, two, three, four that aren't attached. It seems like that starts to resolve some of the issues that we are having.

Fitzgerald: You're talking about on each end? The single on each end?

Grove: Correct. Yeah.

McCarvel: Yeah.

Grove: There is four of them, I believe, and --

McCarvel: Yeah.

Grove: -- at least three of them are problematic.

McCarvel: Yeah. If you took those three -- I see what you are saying. Yeah. Take those three out, that might --

Grove: But if you took out all four it would make it seem more cohesive also.

Fitzgerald: And, then, the masking that you were talking about before that -- that Matt mentioned before, it would somewhat match -- match up better. So, Commissioner Cassinelli, can I ask you a quick question?

Cassinelli: Yeah.

Fitzgerald: So, would you rather see an attached sidewalk and shift those houses forward than a ribbon -- than a park strip?

Cassinelli: What does that do to -- what does it do to the open space?

Fitzgerald: Oh. That's -- exactly. Well, I don't know if the park strips are in there. We could ask Matt.

Cassinelli: Well, we would have to open it back up to do that.

McCarvel: Mr. Chair?

Fitzgerald: That's 22 feet versus 12. Yes, Commissioner Cassinelli, go right ahead. Or Commissioner McCarvel.

McCarvel: Yeah. Well, if you are losing that one detached there on that northeast corner and make it open space, put that back in your calculation, I don't know if that would get you where you wanted to be. But if you are taking out a few of those detached ones and make it a little more open space out of that, then, you could put -- take and push the -- the structures forward and have that sidewalk changed and probably almost gain open space.

Fitzgerald: Commissioner Seal is being very quiet. It's unlike you. Come on, man. What are you thinking?

Seal: Well, I mean I would like to see the lot boundaries line up a little bit better, but for sure I -- you know, I think that the roundabout probably is going to eat into a considerable amount of the area that's there. You know, it would have been nice if ACHD provided something other than, you know, a stencil crayon drawing in their report. A little -- a little lackluster on -- on their part for sure. So, I mean it makes that -- you know, it makes some kind of determination difficult on this. You know, looking at it -- I guess I'm caught in a

quandary of, you know, they -- they want to be part of Brody -- was it Brody Square? But they are not and that makes this difficult, because I'm looking at the sub to, you know, essentially stand on its own. Knowing that they want to be part of that subdivision, you know, the HOA and all of it, that would probably change the way that I looked at this a little bit for sure, where I give them a little bit more latitude and -- and look at it -- so you -- you know, lose less of the homes that are there, still provide, you know, better lineup with lot boundaries that are there for sure, but if they were part of that HOA and they could provide, you know, the amenities that we are looking for and everything, that is going to make me look at it differently and if that's not there -- and I -- I mean it sounds like we can condition that as part of it, but at the same time, without knowing if that's ever going to come to fruition, you know, what's going to happen. So, if we condition it on that and they say, no, we don't want to do that, then, do they start this whole process over again?

Fitzgerald: Well, it's possibly to get it remanded back, but the City Council could take into account our recommendations.

Parsons: Mr. Chair, I can certainly add in on that.

Fitzgerald: Bill, go right ahead.

Parsons: So, I -- I actually liked the idea of Matt working with the adjacent development and -- and making that happen. He has been successful several times over the years and I -- at least from staff's perspective we are confident that he probably can make that happen, if that is the desire of the Commission. This is annexation, so you have the ability to require that as part of the DA and I looked at the past DAs where Matt was successful in that effort and it said if you can't -- you know, the condition read if you can't get agreeance to join that HOA, then, you provide X amount of open space in one amenity. So, we can certainly tailor a DA provision to that effect and I would imagine Matt would be comfortable with that, because, again, he's -- he's been successful in two pretty tumultuous projects from my -- what I remember. They were pretty controversial projects that he was able to get that accomplished and get it done and I think that would just make it a better development overall. This really should have been part of Brody Square when it came in and when we started -- when we first pre-apped with Brody Square this piece was included and because of that ACHD requirement of dedicating that additional right of way for the roundabout, the developer didn't want to buy the property, because it took too much property -- too much land. So, he went ahead and purchased the northern five acres of Brody Square, rather than the southern end of it, and so whatever we can do -- and going to your -- to Alan's presentation to you this evening, this is under five acres. So, technically by code they don't need to provide five -- or any -- ten percent open space. So, having this merge with that adjacent development, I think it's a win not only for Matt, but also Brody Square. We have consistent design elements. We have consistent maintenance. And we have got -- more likely people in this subdivision are going to go walk over there and use that park anyways and, then, we just avoid conflicts in the future. So, I think to me this is a win and if Matt is amenable to that condition, then, I would ask the Commission to include that if you choose to do that.

Fitzgerald: Thanks, Bill. Additional comments? Thoughts? Commissioner Yearsley, I haven't heard from you all night. Are you --

Yearsley: I know. Am I my supposed to say something? Sorry. So, looking at this I have a tendency to agree with everybody else's comments that lining up those northern lots with Brody Square -- and I do like the idea of having them join HOAs and having them provide an amenity in their park. I think that would make the things a lot cleaner. I think with that I could support this application. I can't believe that they are going to lose a lot more property with the roundabout in that corner, because they just take up a ton of room no matter how they lay them out. They just take up so much room that it just wipes out a lot of corners.

Fitzgerald: I think we are close.

Parsons: Yeah. Commission, the other thing I would like to add on that as well is that's why Alan and I were pushing for showing us how that -- that right of way lands on this property, because what we don't want to happen is the road improvements go in and all of a sudden there is no landscape buffer and we have people -- people's backyards up against right of way. I think -- I think all of us can agree, we have seen that throughout our community, it's not a good look. We want to make sure that people have some -- some privacy, especially on those major arterials and looking at how this is laid out, given the fact that you have Idaho Power on one side and a pretty big irrigation facility on the south side, they may be looking for more right of way on the north side to try to -- like Matt says, value engineer the project, because it's going to get expensive to remove power lines and bury ditches.

Fitzgerald: Thanks for that ray of sunshine.

Yearsley: And just from a -- from a practical use, we just ended up -- on Eagle Road they are putting a roundabout around our entrance to Tuscany and it's amazing what they did to our frontage and our property coming into it. They took it all. It's -- it's just horrendous what they did for the -- for the right of way for a roundabout, so --

Grove: Mr. Chair, question for staff.

Fitzgerald: Go right ahead, Commissioner Grove.

Grove: With the -- the front of the -- the front sidewalks in front of the units, does that align with what Brody Square looks like in terms of the landscaping between the sidewalk and the street or -- I guess -- my question is if we conditioned it to look like it was part of Brody Square does that provide better offsets for the -- like the southern boundary for -- if the right of way were to expand further than -- than anticipated?

Tiefenbach: If you would like, if you want to give me a minute I can get the Brody Square landscape plan up. Would you like to see that?

Grove: Sure.

Tiefenbach: Give me -- give me -- if you want to keep going, it's going to take me a minute. If you want to keep talking and, then, I will -- I will send that over to you.

Fitzgerald: Thanks, Alan.

Parsons: Alan, I got -- I have it pulled up.

Tiefenbach: Oh, yeah. I'm not going to go through why I can't do it, but if you can do it that would be quicker.

Parsons: Yeah. I'm happy to take that for the Commission.

Tiefenbach: All right. Thanks. They have a color landscape plan in there that would probably be very good.

Parsons: Well, we don't need to share it, but we could just tell the Commission that, essentially, they have attached sidewalks in their development, so they do not have the green strip between the sidewalk and the curb. So, to me if that's something that you -- I kind of agree with Commissioner McCarvel, if you were to pull the buildings closer to the street, you get a deeper backyard, you get a little more open space on the -- you get more buildable lot, more open space for those residents, and you get greater separation between the houses, which I think, you know, I'm not -- I'm always a fan of having detached sidewalks, but in this case with the amount of curb cuts you are not really gaining much of a parkway strip along the street, you are really getting a lot of curb cuts, a lot of concrete. So, you are not really -- to me it's almost an impediment to the development, because of the minimal amount of green space that you are getting. I would almost rather see the -- get the bigger lots, have more of a front yard, more of a rear yard for residents to use, especially when you are next to an arterial roadway like that. That's going to be their private space on their property. So, whatever we can do to do that I think that's a win. Now, it does that -- going back to the Commission's question, does it reduce the space. Yes, but it will be a minimal given that it really doesn't count because of the curb cuts. So, it to me I think if -- my recommendation to Matt, if he wants -- and the Commission, if we are going to pursue that avenue of this property joining with the adjacent property and HOAs and Matt may want to maybe crunch some of those numbers -- numbers for City Council, say, hey, even between these two projects we still exceed code -- minimum code requirements for open space and amenities. Amenities is going to be a no brainer. They are definitely going to be over what the code requires for an amenity. But as far as their open space, combined with Brody Square's, what does that total look like. So, at least we can give -- give that comparison to City Council if that's the direction the Commission wants to go.

Fitzgerald: And because it's a five acre in-fill they don't really have to do -- I mean they don't have to meet that minimum.

Parsons: Yeah. This -- well, this is an interesting property, because when I was reviewing the staff report for Alan it's interesting that Ada County Assessor says it's five acres, but when you draw -- when you look at the surveying documents, this property -- this property is under five acres. It's -- so, I don't know where that discrepancy lies, but I just know it's not a true five acre parcel based on all the documentation that we have gotten on this. So, the county may have rounded it up, I'm not sure, but it's not five acres, it's definitely under five. But it is annexation. I mean certainly it's within your purview to -- to recommend changes if you want to see that. Within reason, of course. Obviously, we can't make him lose half his lots and put in 15 percent open space, but I mean some of the discussion that I have heard this evening sounds pretty reasonable from my standpoint.

Fitzgerald: Thanks, Bill. I don't think we are very far apart, guys. I think you guys outlined it well. I think, Commissioner Groves, that -- that was a great question, because I had the same thing going on in my mind as well, is how do we give people more space and it -- aligning it with -- or whatever it's called. Square. I mean I think that makes sense. It wouldn't make any sense to look differently and lose space in the rear of the house, so -- so, are we kind of walking through it? Do we agree that we need to -- the north side needs to line up -- the lot lines on the north?

Yearsley: I would agree to that.

Fitzgerald: Okay. And, then, do we want to lose that lot -- that second lot -- or the third lot on the northeast corner to be replaced by open space? Or an amenity?

Grove: I would -- I would be okay with it as it is, because I'm assuming they are going to have to lose lots to make the lines align on that northside to Brody Square. So, I wouldn't be opposed either way.

Fitzgerald: Well, is it -- is it a qualifying where if they can't get into the HOA, then, they have to lose a lot and -- and put in an amenity that -- whatever would be that third lot? Is that the -- the tradeoff?

Cassinelli: I think that makes sense.

Holland: Mr. Chair, one more clarification. Are we requesting that they stay single family on the northern side, instead of attached product?

Fitzgerald: I think that's up to us -- up to the crew. I -- I don't have a problem with zero lot lines, to be totally honest, but -- as long as the lots line up. But I -- if someone has a different opinion that's -- I totally am open to that.

McCarvel: Yeah. Mr. Chair?

Fitzgerald: Go right ahead.

McCarvel: I think -- I would agree. I think as long as the lot lines line up where you have got structure for structure, I'm okay with the zero lot line in there. And, then, in giving them more -- more distance, I think that makes a difference from -- from the back line.

Fitzgerald: Losing the park strip, moving the houses forward, attaching the sidewalks.

McCarvel: Yeah.

Fitzgerald: Additional thoughts? Somebody have a motion?

Seal: We have to close the public hearing first.

Fitzgerald: We already did.

Seal: We did? Okay. Where was I?

Fitzgerald: It's all good. Commissioner Seal, did you have a motion you were preparing to make?

Seal: I'm thinking about it. Make sure I have got the right thing. Yeah. I will take a crack at this. Mr. Chair, after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2020-0101, as presented in the staff report for the hearing date of December 17th, 2020, with the following modifications: The DA provisioned to ensure that they join the Brody Square HOA. They reconfigure the northern boundary homes to align with lots in -- that are already existing in Brody Square and they eliminate the park strips to better align with the look and feel of what's going to exist in Brody Square.

Fitzgerald: Can I clarify one thing?

Seal: Yes, sir.

Fitzgerald: If they can't join Brody Square are we going to stipulate the loss of that lot, so they can put an open space in there and an amenity on the northeast corner?

Seal: Yeah. Amend my motion to include if they are unable to join Brody Square HOA they will need to eliminate -- oh, at least lot -- what is it? Lot 29 of Block 1 to provide more open space.

McCarvel: Second.

Grove: Would that be 29 or lot one?

Fitzgerald: That would be lot --

McCarvel: One.

Fitzgerald: Yeah. It would be Lot 1.

McCarvel: Do we want to stipulate a lot, instead of the end one, I guess. One --

Seal: It would be the -- the lot closest to the open drain area of that.

Grove: I thought we were talking about --

McCarvel: Yeah.

Cassinelli: Talking about those three lots. One, two, and three.

McCarvel: Yeah.

Fitzgerald: Yeah. I want to make sure we are clear.

McCarvel: On the northeast corner there.

Fitzgerald: Commissioner Seal, does that make sense or did you have a different idea? I know you --

Seal: It does. I'm just trying to make sure I have got -- okay.

Tiefenbach: Are we talking about Lot 1, Block 2?

Fitzgerald: Or that northeast corner block? Whatever block.

Tiefenbach: Lot 1, Block 2, if I'm reading it correctly. I'm just trying to make sure.

Fitzgerald: Okay. Thanks, Alan.

Seal: Okay. So, with that -- so what we are asking -- what we would be asking is for them to eliminate lot -- Lot 1, Block 2 --

McCarvel: Yes.

Seal: That's it, because we already asked them to align the lots -- the northern lots along the boundary line.

McCarvel: Uh-huh. Yeah.

Fitzgerald: Would the second stipulate to that motion adjustment?

McCarvel: Yes.

Fitzgerald: Okay.

McCarvel: All that --

Fitzgerald: All that stuff. I have a motion and a second to recommend approval of file number H-2020-0101, Daphne Square Subdivision. All those in favor say aye. Any opposed? Motion passes. Thank you all.

MOTION CARRIED: ALL AYES.

7. Public Hearing for Cache Creek Subdivision (H-2020-0105) by Matt Schultz of Schultz Development, Located on the Northwest Corner of E. Victory Rd. and S. Locust Grove Rd.

- A. Request: Annexation and Zoning of 15.18 acres of land from RUT in Ada County to the R-4 zoning district.
- B. Request: A Preliminary Plat consisting of 41 building lots and 4 common lots on 13.99 acres of land in the proposed R-4 zoning district.

Fitzgerald: Moving on to the next item on our agenda -- first I have to close out my agenda. What's the number? It's -- the next item on our agenda is Cache Creek Subdivision, file number H-2020-0105 and, Alan, is this yours, too? I believe.

Tiefenbach: It is. I'm just trying to get my Zoom to work here. I got to -- there we go. Okay. Sorry. Give me one second here. Okay. Do you got that? That was a thumbs up?

Fitzgerald: Looks good.

Tiefenbach: Okay. Thank you. Sometimes there is a lot of maneuvering going on here, as you already know. Okay. Just a second here.

Grove: Mr. Chair?

Tiefenbach: Okay.

Grove: Mr. Chair?

Fitzgerald: Yeah, Commissioner Grove, go right ahead.

Grove: Sorry, Alan, I was just going to ask a question before we jumped in. We are getting close to 10:00 o'clock and I just wanted to see if we wanted to discuss if we will be hearing the -- the last one before we get started or not.

Fitzgerald: Commissioners, what's your thoughts? I -- we have done late nights before, but I -- I want to be sensitive to your -- your desires and requests. So, we have got by 11