

Yearsley: I don't know. Like I said, I -- I'm okay calling it a sidewalk, but just conditioning it to be ten feet wide.

Allen: Thank you.

Cassinelli: Second.

McCarvel: It has been moved and seconded to approve H-2021-0035 with modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

7. Public Hearing Continued from June 3, 2021 for Woodcrest Townhomes (H-2021-0015) by Blaine A. Womer Civil Engineering, Located at 1789 N. Hickory Way

- A. Request: Amendment to the Comprehensive Plan Future Land Use Map to change the future land use designation on 2+/- acres of land from the Commercial to the Medium High-Density Residential designation.
- B. Request: Rezone of 2.10 acres of land from the L-O (Limited Office) to the R-15 (Medium High-Density Residential) zoning district.

McCarvel: Next item on the agenda we will continue from June 30 -- June 3rd, H-2021-0015, Woodcrest Townhomes, and we will begin with the staff report.

Allen: Just a moment, Madam Chair. Alrighty. The last item before you tonight is a request for a Comprehensive Plan future land use map amendment and a rezone. This site consists of 1.97 acres of land. It's zoned L-O, limited office, and is located at 1789 North Hickory Way, north of East Fairview Avenue on the southwest side of Hickory Way. This property was annexed with L-O zoning in 1992 and was later resubdivided as a lot in Mellane Commercial Complex in 2001. The Comprehensive Plan future land use map designation currently is commercial. The applicant requests an amendment to the Comprehensive Plan future land use map to change the land use designation on 2.10 acres of land from commercial to medium high density residential and a rezone of 2.1 acres of land from the L-O, limited office, to the R-15, medium high density residential zoning district. Approval of the map amendment will allow the applicant to develop 19 single family residential attached and townhome dwellings at a gross density of 10.8 units per acre on this in-fill property, which will contribute to the range of residential land use designations and diversity in housing types and densities in this area and provide a transition in land uses from medium density residential to commercial and office uses to the south. A conceptual site plan and building elevations were submitted showing how the property is planned to develop with 19 single family attached and townhouse dwellings, consisting of one single family attached structure, three three unit townhomes and two four unit townhouses and a 2,500 square foot office building. The property is

planned to be subdivided through a future application. Because this is an in-fill property and has an irregular configuration, development of this site is difficult. The parking proposed for the office building at the southeast corner the site encroaches within the required land use buffer and does not comply with UDC standards. The Comprehensive Plan states development in medium high density residential designated areas should incorporate high quality architectural and site design to ensure quality of place and incorporate connectivity with adjacent uses and pathways and include attractive landscaping and a project identity. To achieve this goal and alleviate some of the spatial constrictions on the site, staff recommended the concept plan be revised to remove the office building from the plan and instead include open space with quality landscaping and some parking -- excuse me -- pathway connections to the open space and the provision of a gazebo with a seating area as an amenity, which can be shared between the residential and commercial development to the south. The applicant did revise the concept plan as shown on the right and staff is in support of the proposed changes. Access to the site is proposed via a cross-access easement from an existing driveway from Hickory Way, a collector street. No stub streets exists to this property. A private street is planned to provide access to the proposed development and for addressing purposes. An attached sidewalk is proposed along one side of the private street for pedestrian access. Off-street parking is proposed in accord with UDC standards. Four extra spaces are proposed for guest parking in the common area near the entry and five spaces are proposed in the common area at the southeast corner of the site. On-street parking is not allowed due to the width of the private street. Because the site is below five acres in size, qualified open space and site amenities are not required by the UDC. Conceptual building elevations were submitted for the proposed residential structures as shown with a mix of materials consisting of horizontal wood siding, vertical board and batten siding, wood shake siding and cement plaster with stone veneer accents and architectural asphalt roofing. There has been no written testimony submitted on this application. Staff is recommending approval of the revised concept plan and is recommending a development agreement with the provisions noted in the staff report. Staff will stand for any questions.

McCarvel: Okay. Thank you. Would the applicant like to come forward?

Womer: Good evening, Madam Chair, Members of the Commission. My name is Blaine Womer of Womer Engineering. We are at 4355 West Emerald Street in Boise, Suite 145. We appreciate the opportunity to bring this project before you this evening. We also want to thank Sonya for her efforts in getting us here as well. We are in receipt of the staff report and we have reviewed it with the client and we are just -- and we do agree, we concur with the findings and the recommendations in the staff report and we are just here to answer any questions you might have.

McCarvel: Okay. Any questions for the applicant or staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: The -- this -- this is more for staff. Sonya, is this a -- I don't know if you recall. Maybe -- Bill, maybe you do. A couple of years ago we were looking at a development -- I think it was on this piece and it was some -- it was medium density residential. I think there was -- I'm kind of surprised there wasn't a single public comment. There was a lot at that time. Can you -- if you recall that one, can you speak to how this is different?

Parsons: Absolutely I recall it and we discussed it this afternoon at our prep meeting. So, Madam Chair, Members of the Commission, yes, back in 2017 an application came before this body for a conditional use permit for multi-family development and that included 40 apartments, and there was two story and three story apartments -- garden style apartments on this property. The difference here tonight is that this is not a multi-family development. Well, let me step back a little bit. With that multi-family development came requirements for open space and amenities to go along with that density. As you are aware the city denied that request and that rezone and that CUP did not move forward. This applicant and this property owner has been trying to sell this property since then and hasn't been very successful and so we have met with this applicant and they have brought forth another plan to go residential. Now, we did share with them the history of this site and what happened back four years ago and they assured us that there -- it is their intent to come forward with a subdivision -- subdivide the property and build townhomes on this site. So, that's really the distinction is townhomes are treated more like single family. I mean multi-family -- it's all residential in our code and we don't try to differentiate between residential and residential. But the stigmatism between multi-family and townhomes is a little different. So, I think that's probably why you are -- you are not getting the public comments you are, because this is not a multi-family development, this is a townhome development that they will again come back, subdivide it, create an open space that they don't need to provide, but at the recommendation of staff we felt it was appropriate to provide that transition if there are people living there, having their own private backyards, it would be nice to have some kind of amenity for the overall development, so that you, too, kind of soften that commercial parking from the residential living units. So, really, that's the difference is this time completely different use, a new use, less zoning. I believe they were asking for R-40, if I'm not mistaken, and this particular applicant is requesting R-15 and it's -- as you can see by the proposed concept planning it does provide for a nicer transition to the single family to the north.

Womer: And they will be individual ownership units.

Cassinelli: Will they be -- Madam Chair. I'm sorry.

McCarvel: Yes.

Cassinelli: What -- what kind of a setback from the -- from the rear property line? Because I know that was a -- that was a concern, too, back then were -- and, again, it sounds like part of it -- as Bill addressed, there was three stories there and only two here. But what is the setback from the rear?

Womer: We don't have it dimensioned on this conceptual exhibit, but we are -- I think we are in the 15 to 20 rear yard.

Cassinelli: Okay.

Womer: Twenty-five on some of them, actually.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: So, just so I clarify, we are talking about each individual home would be a separate owner, not each building; correct?

Womer: Correct. These will have individual lots.

Yearsley: Okay.

Womer: And they will be ownership.

Yearsley: So, looking at the -- the concept plans, I have to admit I'm a little concerned about the four townhomes together being adjacent to the -- to the -- I think that's to the residents and I'm just concerned, because it's -- the mass on that just seems really big. I was wondering if that might be something to consider swapping that around a little bit to maybe break that up a little bit more.

Womer: Absolutely. Well, this is -- this is a concept plan. We brought it here, so that the Commission could kind of get a feel for what we are going to be back to you with and certainly we can take your comments and try to incorporate everything we can to accommodate.

McCarvel: Okay. Any other questions for the applicant or staff? Okay. Thank you.

Womer: Thank you very much.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: On -- what is directly to the south? Is that the -- is that the bank? Is that --

Womer: Directly to the south is the Italian restaurant.

Cassinelli: Okay.

Lorcher: It's Louie's.

Womer: It's Louie's. Yes.

Lorcher: The bank is --

Womer: The bank is to the east.

Cassinelli: Okay.

Lorcher: Sorry. I was looking at a map. So, Louie's is right here.

Cassinelli: So, the park -- so, directly to south is their parking lot?

Womer: Correct.

Cassinelli: Okay. Thank you.

McCarvel: Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we have one person signed in to testify and that is Dave M.

McDonald: Madam Chair, Dave McDonald. 2579 East Grapewood. I'm also well aware of the history of that previous meeting, so if I can fill in some of the blanks. This is the second best project that I have ever seen proposed on this property. If it was a professional office that would be the only thing that would beat this out. I am a proponent of legal certainty and not flipping zones on a whim. However, you know, coming back to the question of R-15, the previous proposal was splitting the zoning of the properties adjacent to my home as R-15. So, changing the zone to R-15 can still put a foot in the door if you flip the zone. One of our worst fears is the project for Village Apartments that has been extended from 2015 by Devco on Eagle Road. They are still putting their foot in the door and dragging that out. So, if you flip the zone it stays empty, because the housing market goes south that would be bad. But if you -- you do have the ability to propose the time limit and making sure this project is completed in a timely fashion that would be desirable and as someone who has been maintaining that green grass strip, I would be very happy for new owners to take care of that green grass strip and as someone adjacent to an empty field that I'm worried is going to catch on fire in a few days, I would like to see that go. So, empty land would be a desirable thing, but not putting a foot in the door for the previous project to get their foot in the door would be an undesirable thing. However, I have given out the handout and there is always a lingering concern that's shared from this project to the next one and, you know, one of the things that I spoke with ACHD was that you can put conditions on time, you can put conditions on safety issues and I -- I illustrate that Hickory Road is an abnormally busy road, even though it meets standard by ACHD, it's at the bottom level of standard. The speed study has said we do qualify for traffic calming measures. Those are some safety concerns. We did successfully get the light in at the -- at the entrance to Hickory off of Fairview, simply because of how busy this road is and the speed constraints. That's why we do not have any memorial crosses at that intersection. We do still need markers along Hickory

Way because of the speed and the traffic for no parking. So, talking to the ACHD they said, you know, if you can get it through the development agreement or this process, come back to me. But I wanted to be on record that there are real safety concerns on this stretch of road. You can go two miles out from this project and you will not see any collector road leading into a subdivision with this traffic. Two miles. I just want to be sure that you are aware of those safety concerns. All those things being said, excuse me, are minor costs. I mean there -- there are issues with the sidewalk that need to be fixed because of the TDS fiber optic issues that damage the sidewalk. Those can be easy fixes. With the 40 percent decrease in lumber prices he can absorb the cost of signage and safety concerns for his development, but I just wanted to propose that whatever you decide, whether you propose -- propose, recommend or denial or modifications, that each one of you state your reasons for yes, no, modifications or whatever, that it's on the record and be aware that there are safety concerns that I'm wanting to make sure are on the record and it will be something that we will take to the developer and I hope this project completes, that I won't have to listen to the construction noise and the dust for ever. That there is a time limit on the construction project and also I would like the developer to talk a little bit about the concerns of the masonry wall, maintenance, the maintenance of amenities. Some of us work from home and need high speed internet. All of the -- all of those services run between the masonry wall and our property lines. Of that 257 foot shared border, I own one-third of that and so we just want to make sure that those discussions are had in this forum before proposed one way or the other to City Council.

McCarvel: Okay.

Womer: Thank you.

McCarvel: Thank you. Madam Clerk, anybody else signed up to testify?

Weatherly: Madam Chair, no one else has signed in.

McCarvel: That being said, we will have the applicant come back after all the questions are proposed. Yes, ma'am. In the green shirt. I know you had your hand up earlier. And state your name and address for the record as you get to the mic.

Moon: My name is Shirley Moon. My address 2834 East Clarene Drive, Meridian. And good evening to all of you. My voice is a little bit scared of you. Anyway. So, I -- I live in Solterra and I was here four years ago. I was here for all the drama four years ago and we, as homeowners, totally appreciated the view and the decision, then, that was made and it was rejected and one thing that was not mentioned this evening was how do they get into this property? And I don't know if any of you have ever eaten at Louis's, but part of that property that's being proposed -- Louie's customers park on that property. So, there is a parking problem when the restaurant fills up. But the interesting thing about this project is there is no through streets. It's all business driveways. It's not streets. And, then, they proposed off-street parking. Well, Hickory Way is already -- it's not -- it's totally busy in the mornings. The traffic gets backed up from Fairview. Eagle Road and Fairview Road have been declared the busiest streets in all of Ada county and yet Hickory

Way is probably less than a quarter a mile from there. So, it -- when the traffic proceeds on Fairview going west, the traffic light on Hickory Way will stop the traffic and it backs up all the way to Eagle. So, it's -- it's a tremendous problem. Four years ago when we spoke about the parking problem, there wasn't the mass of apartments and homes that have been built between Hickory and Locust Grove. That whole area is just -- it's just -- it looks like a frenzy of building and so all that affects us. So, proposing last time what's a hundred -- excuse me -- 70 buildings -- 70 homes. I don't remember if it was apartments or whatever. So, we figured in our homeowners association, Solterra, we have 89 homes. So, we figured that's about 180 to 200 cars going in and out all day. So, across -- directly across the street -- the street that they propose on the information that I have, Hickory -- excuse me -- Solterra runs right into the parking lot directly access to this and so it's -- it's like they haven't solved -- it seems like to me they haven't solved the parking problem and it's -- there is just a lot and there may be maps -- my profession was medical, so there is some terms that I don't understand, but I can read a map and on here it says direct parcel access to North Hickory or Fairview is prohibited. So, are they going to make a new street? Are they going to use the driveway that's directly across from us on Solterra? So, here is our traffic -- 200 cars coming and going every day. It's a working neighborhood. And, then, I think 19 -- so, 20 -- so, maybe that's 40 or 50 more cars. Hickory is already -- already has a problem. There is an island on the corner of Hickory Way and Fairview and ACHD said they are going to take that out, but that's not until 2024. So, that's three more years. So, I spoke to an ACHD person this last week about our parking problems and he said the city allowed narrow streets providing there was compliance with no parking on one side of the street and when -- when our people come in and park it, if two large trucks park across the street from each other, then, it becomes a city violation, because the street is too narrow just because of that. So, it's really horrendous for us to think that maybe there is going to be more parking. We have people that are now doubling up in homes, because of the price of rent. We have -- I'm -- I'm on the board. We have one home that has three families living with them and there was seven cars with this three families. So, each home theoretically should only have four cars, two in the garage and two on the pad. But three extra cars just for one family, that was even a problem.

McCarvel: Ma'am, your time is up. Could you --

Moon: Okay. So, mostly I am here because of the parking and they have not stated to you -- or maybe I didn't hear how -- where is their entrance and their entrance goes right into business driveways, not streets, and they are going to build 19 homes using business driveways.

McCarvel: Okay. Thank you. The applicant will answer --

Moon: Yeah. Okay. Thank you.

McCarvel: Thank you. Anybody else wish to testify? Yes, sir.

Nelson: My name is -- my name is Randy Nelson. I live at 1873 North Marnita Avenue, also in Solterra. There is going to be some redundancy, but the portrayal that we see here doesn't represent that -- that block where this -- that the homes are going in. It is truly access with jaw dropping -- I'm also nervous. They have got speed traps on this thing for people to not drive fast through there. So, it's truly just a trail to get access into a mortgage company, a couple of things in the back. That isn't the road to put 19 homes in. It is -- it's -- it's a sham that they think that that's supposed to work. It's dressed up differently, but it's the same problem. Nothing was addressed. You brought that up when you -- when you started that four years ago we had problems with all this. Nothing has changed with the access in and out. The safety factors are still there. The busyness. Business. Kids. All that's still the same -- same story. It's -- we changed the flavor from apartments to townhouses, but that means nothing to the actual on-site problem. I had somebody give me a ride home today that wasn't going to be any part of this. We went over those four speed bumps, we got to the -- to the corner where access off Hickory into this place. I says can you see? He goes what do you mean? He goes he can't see down the street. When these people leave their residence, if it -- if it gets approved tonight -- pray it doesn't. If it -- they can't see to make turns, because it's a serpentine road. That's also part of the problem. It's unsafe to pull out of there. If we are directly across 90 homes coming out, these coming out -- they can't see. We have access because the serpentine goes this way. We can see. They cannot see leaving their property clearly every -- I mean it's going to be -- it's an F issue every single time they leave. That isn't brought up here. It's always just glossed and nice and pretty and good access and blah, blah. It isn't there. Nothing's changed from four years ago. It's still a landlock odd shaped piece of property that doesn't have a good road to it, it's not illegal, it's access to business and they want to call that -- you know, have something -- it's just not the right thing.

McCarvel: Okay.

Nelson: Thank you.

McCarvel: Thank you. Yes, sir. Yeah. You have to come up to the microphone and state your name and address for the record.

Baird: Madam Chair?

McCarvel: Yes.

Baird: Point of order. I understand that you are --

McCarvel: Oh.

Baird: -- part of the applicant, possibly the owner. We should probably have the rest of the public testimony --

McCarvel: Yeah. I'm sorry. I didn't realize --

Baird: -- and, then, give you a chance to rebut. We want -- we want to keep this -- you will have an opportunity, we just want --

McCarvel: Yeah. After all the public testimony, then, the applicant is going to have -- you will have more time to answer all these questions. So, yeah, if you are part of the ownership and the applicant, it's probably best if we listened -- finished listening to the public testimony. Okay. Anyone else? Yes, ma'am.

Attarian: Hello. My name is Ann Attarian. Address 2875 East Apricot in Meridian. I'm also a resident of Solterra. I'm part of the board. I do echo the sentiments of the two other residents. There is a lot of parking issues in our neighborhood. People, unfortunately, don't use garages for parking, so they are parking in driveways and what street parking they have. It has spilled over into the Capitol church parking lot, which we have had to address with our residents, because they should not be parking there. I also echo the sentiments about Hickory being a serpentine road. Looking out, going left or right, you do not have a good line of sight with the current foliage, the berm that is in place with one of the office buildings. I'm also a commuter, so I exit off of Hickory onto Fairview. The light there you will wait for quite a while in the morning or coming home when you are trying to turn right off of Fairview into Hickory. So, there is a lot of parking issues, there are road issues, and as they have said, we don't feel any of that is being addressed, because there is only the extra parking in those office buildings and the bank buildings and the restaurant around that area. Thank you.

McCarvel: Thank you. Anyone else in the room or on Zoom that wishes to testify on this application? Yes, sir. And you are -- you are with -- yeah. Okay. Yeah. Okay. If there is no one else for public testimony, would be applicant like to come back? And -- yeah. If you are part of the applicant's group here, you guys have ten minutes to explain public -- answer the public testimony. Yeah. Please state your name and address for the --

Mallane: My name is Louie Mallane. I have been a resident of Idaho --

McCarvel: And your address.

Mallane: -- for 62 years.

McCarvel: Sir, can you --

Mallane: I bought this property --

McCarvel: Could you give your address, please, for the record. Your address. Please state your name and address into the microphone.

Mallane: My name is Louie Mallane. I'm at 569 Carnelian Lane, Eagle, Idaho.

McCarvel: Okay. Go ahead.

Mallane: I have been in Idaho for 62 years. I bought this property in 1995. It's been for sale since then. As we drew the plans out, we put the road in that all these people are using, the 40 -- 50 miles an hour that we had to put in those high speed bumps that you read tonight that nobody likes, just to slow the traffic down. They are all also coming straight through our parking lot to go over to the Blazer building. I don't know if you recognize the Blazer -- that's what I know it as. The Blazer building. And outside. And it's free wheeling. It was -- the way it was planned I know was to go back over through the Ewing property and have back roads, so that -- and -- and we are the -- we are the culprits that received that -- received that and now -- the people are now going in and out constantly. I have had -- I have had this property up three times. I see different people coming to complain all the time. It is -- it is the area -- dog poop area legally. They -- that's -- that's what my property is and that's what I'm paying the property taxes on. They come in there, that's where they exercise their dogs and use it. It needs to be something better than this. These -- they are never going to be happy. They know that they have us going and I'm kind of really tired of it. I'm not a complainer, but the time has come where we need to be able to move on.

McCarvel: Okay.

Mallane: I can't even get my will going because I'm waiting for this damn stuff and -- and we are trying to do everything correctly and the -- that everybody wants. We have not put one bit of argument on this. What we are doing wrong I don't know. We put the wall up for the people next door, so that -- to make those people happy along there. They filled it up with -- with garbage and, then, said I had to go clean it up, you know. There is a time when I need to be able to get out of this predicament to -- and I don't think we have got anything wrong going on. They are never going to be happy about it. People that were there before were are all different people. They taught -- there is -- there is nothing going to happen that's going to hurt anybody and we can move on. I do have another option, you know, I'm -- I legally can still turn it back into agriculture and -- and plant. That -- that seems to be the only thing that's going to make anybody happy here I guess. So, that -- if that's where we are at --

McCarvel: Did you want the rest of your team to respond to some of those questions? Please come forward.

Womer: Madam Chairman, again, for the record Blaine Womer, Womer Engineering. I would like to address some of the concerns that have come up this evening. In the conditions of approval for the project, we are going to have to do a development agreement and if there is -- if we can mitigate some of the concerns with regard to density, given the past history that, for the record, we had no part of it. If we can mitigate some of those concerns by incorporating into the DA a limited number of units at 19, we are happy to do that.

McCarvel: Yeah. I think it would be tied to the conceptual plan that's in the record, wouldn't it, Sonya? Or Bill? Yes. Yeah. So, it -- whatever we present here tonight is kind of tied to the pictures you have shown.

Womer: Okay. Perfect. Then -- okay.

McCarvel: Resemble that.

Womer: Also when we had our neighborhood meeting, the only concern, really, that we heard was traffic. The -- the concerns with regarding -- regarding traffic. So, before we came here tonight we got together with a traffic engineer, we had him run some numbers, based on what we are proposing and what it's currently zoned to allow and what we found was that the residential development that we are proposing creates approximately 65 percent of the traffic that it -- it is currently zoned at. So, this proposal will actually bring down the number of vehicular trips than what it's currently zoned and what somebody could bring today and be in compliance with the zone and along those lines we heard a lot of people talking about parking and where people are parking. This proposal -- we have garages for the individual units. Each unit has a garage. Two-car garage. And, then, the smaller units have a one car garage. And what we have done is set back the units far enough that people can park in their driveways, they can have guests park in their driveways to mitigate that concern, so -- and, then, I do understand -- there -- there is some concern about where we are taking our access. That -- that driveway was designed as a part of the entire development. We are conditioned not to go out into Hickory and any other location. So, we do need to utilize this driveway that was constructed -- and we are going to enhance it and it's going to be better from a traffic circulation standpoint, but this driveway was put in place and designed in place for the service of the property we are developing. So, we are taking access where we really need to take the access for this particular parcel. And, then, lastly, as far as some of the maintenance concerns that people have expressed with regard to landscaping, the wall, the project will have an HOA that will be responsible for maintaining all of those aspects of the development. So, with that I hope we have been able to maybe quell some of the concerns, but I'm certainly, again, happy to answer any questions you might have.

McCarvel: So, you get -- you're accepting the staff's comment to take away the office building; right?

Womer: Correct.

McCarvel: Yeah. I think it fits better.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Blaine, do you know -- right now I think coming out that driveway next to the restaurant that you can still make a left onto Fairview; is that correct? And is that going away anytime soon? Do you -- are you aware of --

Womer: I'm not aware. I mean that would be a better ACHD question. I apologize, I don't have that information.

Cassinelli: But right -- the way this is laid out, access can go through the -- the businesses there, is that -- that is correct?

Womer: Correct. There is nothing --

Cassinelli: They can -- they can access Fairview without using Hickory to access these?

Womer: That is correct.

Cassinelli: Okay. Thank you.

McCarvel: Commissioner Yearsley.

Yearsley: I just wanted to make sure with staff. This is just a rezone and a land use change. In the preliminary plat we can at that point try to address the sight distance issues at the entrance of Hickory; correct?

Allen: Chairman, Commissioners, the -- I'm not sure if I understand your question, but the existing access is there. That's where it's at and this is what this development is going to share that. It is in alignment with the Solterra Drive access.

Yearsley: I was just looking on the Google -- or, you know, Google Earth. There is a sight distance issue, you know, trying to see cars coming as you are coming out of that intersection and -- and I thought with some potentially relocation of landscaping and -- and opening that up we could probably solve a lot of that sight distance problems. But that would come at the preliminary plat stage, not this stage.

Womer: And we could bring an exhibit in with us that demonstrates what the -- the sight distance is and what -- if there is a problem what we can do to mitigate that.

McCarvel: Okay. Any other questions for the applicant at this time?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I just have a clarification with staff. We got rid of step up in zoning; correct? So, I mean I think there was one -- there was one concern earlier of this being a foot in the door to go potentially from R-15 to R-40. If we -- if we approve the -- this request tonight, I mean we are -- we are locked into the -- to the R-15; is that correct?

Allen: Madam Chair, Commissioner Cassinelli. If you approve the land use change to medium high density residential, that's what it will be. The development agreement will lock in the concept development plan with the density proposed.

Cassinelli: Okay.

McCarvel: Any other questions for the applicant? All right. If you have no further comments we are read --

Womer: Thank you. Good evening.

McCarvel: Could I get a motion to close the public testimony on H-2021-0015.

Grove: So moved.

Lorcher: Second.

McCarvel: It has been moved and seconded to close public hearing on H-2021-0015. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I remember -- I can't believe that was 2017, but I do remember that and I think the first person that gave testimony said this would be the second best option going in there. It doesn't sound like it's ever going to be perfect and, again, this is one of these in-fills that's difficult. I think this is probably the best -- and I think if it comes -- you know, once the -- once this comes back to us again we can address the site issues. That's the concern is what it seems like and what -- what the applicant stated was that actually a traffic count would be 65 percent of -- if it's -- if it's office buildings in there, something, that, you know, you are going to see it at peak hours. So, I do definitely want to see some changes in here. Commissioner Yearsley brought up kind of the layout there and I hope that -- and maybe we can make some recommendations in a motion, depending on how this goes, but I would like to see -- maybe if we can shift them around, maybe a little bit of a redesign in that to allow for site changes going out onto Hickory and -- and whatnot. But I think that can all be accomplished maybe moving some of the buildings around or doing something. But all in all I think this is going to be the best -- really, the best plan for this land and the owner has -- certainly has a right to do something with this and be able to sell it. So, those are -- and, again, I just -- it's -- I think it's probably the best that they are ever going to see on this.

McCarvel: Okay.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I have a question for staff real quick. Hickory is considered a collector; is that right?

Allen: That is correct.

Grove: And just kind of looking at this overall area, if this were to redevelop -- or was to develop now versus in the past, most of those -- or that business complex would take primary access off of Hickory versus Fairview; is that how most of that would work? I mean if this were coming in without any of those businesses there, it seems like there is a lot of access off of Fairview that wouldn't necessarily be granted today.

Allen: Yeah. Madam Chair, Commissioner Grove, typically access is taken from the lesser street classification. So, a collector street versus an arterial, yes.

Grove: Okay. So, the reason I'm bringing that up is this could easily have more accurate -- or more traffic on Hickory if it were redone and so just kind of keeping that in mind when we are looking at -- at this project in particular is that -- it's not increasing it as much as this area could potentially take, based on standards of how access is taken off of the arterial, Fairview, versus the collector street. So, keeping that in mind as we kind of discuss some of this. Overall I think, you know, in-fill projects are always going to be difficult. This seems to be a good compromise as to where it goes. I'm never a huge fan of losing commercial, but as it is kind of tucked back there I -- I see commercial being a difficult -- difficult ask for this property based on the size and location. So, with that I'm more or less in favor of how this is moving forward.

McCarvel: Okay. Thank you.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: You know, on my first blush with this, without reviewing the -- the site that they were proposing, my initial one was like no, because I was concerned about losing the commercial and in that respect, but -- but given -- to look at the site, what they are proposing, it's not -- it's an R-15, but it's not considered high dense -- you know, not -- not as high density as they could have. I like the layout and at this point all we are doing is approving the rezone and the land use map. So, we are not actually approving what's going on there yet and we get another shot at this to make sure we do it right. I do appreciate the neighbors talking about the access on that and the sight distance problems with that, which is I believe there is problems that need to be addressed, but we can address that as the -- through the preliminary plat review. As for a parking issue, I don't believe this site has the parking issue. I think it's the Solterra Subdivision that has the parking problems and it's not this owner's responsibility to fix that problem. It sounds kind of harsh, but that's -- that's my opinion. I think he has -- he has got -- he has got good parking with that. He's actually added extra spaces on this property for more parking, if he has more guests coming over and stuff like that. So, I think he's done a decent job looking at that and I guess with Commissioner Cassinelli's comment, I am concerned about the four units facing the -- or backing up against the homes. It's a lot of density or bulk right behind those homes. If we could limit those to three or two, I would be a lot

more comfortable when you come forward with the preliminary plat. So, with that I actually would be in favor of this rezone.

McCarvel: Okay. I will jump in, unless you want to go, Commissioner Lorcher. Okay. Yeah. I agree. I think this is as good as what we have seen on this back here and I think it would be a tough sell on commercial. I, as well, can hear the voice of former Commissioners in not wanting to let commercial go for high density, but I think this particular spot is a tough one and it is in-fill and it would definitely be better than the fire hazard that probably exists there right now. And, I agree, I think there could be some minor changes that would make it better as far as the traffic and the mass of the building behind the other homes. So, yeah, certainly address that in the future. But I think as far as this concept plan is concerned and it's tied to this approval, I'm comfortable with this moving forward and agree the traffic issues are not this owner's responsibility. There is no -- there is no fixing those traffic issues with anything we do on this property, especially now that it's less than half of what was proposed several years ago, so --

Yearsley: Madam Chair? Or Commissioner Lorcher. I was up for a motion if --

McCarvel: Commissioner Lorcher.

Lorcher: I actually don't have anything else to add. I bank at D.L. Evans every day, so I'm actually swinging around these entrances and -- and driveways on a -- on a regular basis and it's -- it's manageable. I mean I can go out any times of the day, 8:00, 9:00, 10:00, 2:00 -- I mean it's -- it's -- Eagle Road is right down the street, so it is what it is.

McCarvel: Yeah. Commissioner Yearsley.

Yearsley: Madam Chair, after considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number H-2021-0015 as presented in the staff report for the hearing date of July 1st, 2021, with no modifications.

Grove: Second.

McCarvel: It has been moved and seconded to recommend approval on H-2021-0015, Woodcrest Townhomes. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: One more motion, please.

Cassinelli: Madam Chair, I move we adjourn.

Yearsley: Second.

McCarvel: It has been moved and seconded to adjourn. All those in favor say aye. Opposed? Motion carries. Have a great holiday weekend.