

Weatherly: Mr. Chair, for the record, Commissioner Yearsley, was that a nay?

Yearsley: That was a nay.

Weatherly: Thank you, sir.

Seal: Okay. The ayes have it. Motion passes.

MOTION CARRIED: FOUR AYES. ONE NAY. TWO ABSENT.

Seal: We can take a breath. Thanks, everyone. We will go ahead and take a five minute bio break and we will be right back. Thank you.

(Recess: 7:44 p.m. to 7:51 p.m.)

5. Public Hearing for Oaks North Rezone (H-2022-0010) by Toll Southwest, LLC, Generally Located Northwest of 5151 N. Rustic Oak Way

- A. Request: Rezone of 12.02 acres of land from the R-4 to the R-8 zoning district for the purpose of recouping five (5) building lots in a future final plat phase of the Oaks North Subdivision.

Seal: Okay. We will go ahead and call the meeting to order again. Everybody want to take their seats. All right. So, we have Oaks North Rezone, H-2022-0010, and we will begin with the staff report.

Dodson: Thank you, Mr. Chair, Members of the Commission. This, hopefully, will be simpler, but mine never are, so we will go with that. The application before you is for a rezone for a portion of Oaks North. The property, as you can see, is a little bit wonky, because it hasn't been final platted yet or at least not all of it. The property consists of 37.5 acres, but the rezone area is actually only 12 acres. This area of Oaks North only has the original rezoning and preliminary plat from 2013 on it and that existing DA from 2013 is still applicable to this area. Future land use out here is medium density residential, as is the case for all of Oaks North. The request for a rezone of 12 acres of land from the existing R-4 to the R-8 zoning district is for the purpose of including five additional building lots that were lost over the course of the previous 11 final plat phases of the Oaks North Subdivision. Staff has confirmed the addition of five building lots within this phase will keep the project consistent with the approved preliminary plat from 2013. Because of this there is no need for a new plat to be submitted. Code allows for later phases of a project to include lost lots with previous phases, so long as the total number of lots approved with the pre-plat is not increased. However, adding these additional lots within the existing R-4 zoning district is not possible, as the minimum dimensional standards could not be met, meaning street frontages and minimum lot sizes. Therefore, the applicant has requested to upzone from the R-4 to the R-8 for this portion. These 12 acres. A better view would be this. This would be the final phase of Oaks North. This is Oaks 10, I believe, which

has already been -- the final plat's already been approved. It continues to the south as well and this area is already zoned R-8. This is R-4. This is to remain R-4. So, this is the -- what's applicable to this rezone before you tonight. The applicant is not proposing any change to the previously approved road network. The proposed local streets and the stub streets along the north boundary are shown in the same locations as is shown on the approved preliminary plat. The applicant is proposing to increase the open space in this phase of the development compared to the existing approvals in order to meet the current open space standards, which would require a minimum of 15 percent. According to the revised concept plan and narrative, the applicant is showing a little over 180,000 square feet of qualified open space, which accounts for approximately 15 percent. So, they are right there. It does comply with the minimum required within the UDC. There was four pieces of public testimony submitted. There -- there is -- within all four there was a desire for the rezone area to include more open space and include an additional pool for the subdivision. There is additional questions and concerns regarding the HOA and issues there that the city doesn't have any purview over. There is also some very specific discussion about Oak Winds, which is not associated with this site, and this would not be the forum to voice concerns about those build-to-rent things, so I did want to make that clear for both the public and the Commission, that that is going to be on the Council agenda next week, I believe, but it is a final plat. So, that approval's already done. You can voice your opinion to Council in the public forum that's prior to the meeting, but other than that this would not be the avenue to do that, because it's already done and has nothing to do with this rezone application. Staff does recommend approval of the rezone of these 12 acres per the comments in the staff report and I will stand for any questions.

Seal: Thanks, Joe. Would the applicant like to come forward.

Bower: Thank you, Mr. Chair, Commissioners. My name is Jeff Bower. My address is 601 West Bannock in Boise. Here tonight on behalf of the applicant Toll Brothers. Also with me from Toll Brothers tonight is Adam Capell. He can answer any development-related questions at the Oaks North site. Madam Clerk, thank you for pulling my presentation up. Thank you, Joe. We have reviewed Mr. Dodson's staff report, as well as the conditions of approval. We agree with his analysis, as well as all the conditions of approval in the staff report. Real quick some background on Toll Brothers. I know we have been here before you before, but just a quick reminder. Toll Brothers owns and develops Oaks North. They are an award-winning Fortune 500 development company and they have developed a strong connection here in Meridian. They have -- their Idaho division of Toll Brothers is located in the city where they employ about 180 Idahoans locally and they have been developing homes in Meridian since 2017. We are here tonight hopefully on a very simple -- much simpler than item number one on your agenda -- rezone. We are asking to rezone 12 acres of property in the Oaks North project from R-4 to R-8 and on my slide here the red is phase 12 of Oaks North. It's the final phase in the project and the green highlighted area are those 12 acres we are asking to rezone. We are asking for this rezone for -- for two main reasons. The first primarily is to recoup five lots that have been lost over the course of this project. So, obviously, Oaks North is a very large project. For various reasons over the last five, six years we have lost five lots due to open space and engineering issues. We are trying to recoup those now in the

final phase. The -- the second reason we are doing this, as Mr. Dodson mentioned, is to improve -- improve open space, as well as do some density transition to a new project that's been approved to our north. Just, again, to step back briefly. Oaks North as a -- as a whole was approved by the city in 2013. It approved the -- the preliminary plat approved 653 single-family lots. We have gone through 11 phases to date and platted 570 lots. So, again, the final phase 12 plat would bring in 83 as we are proposing, which would get us to the 653 total as originally approved. No increase in overall density. Again, just trying to recoup those five lots. We have put together a concept plan for phase 12 final plat. This is not -- there is no plat application before you tonight, though, just to be clear. This is solely a rezone. That final plat application will come to the Council only as it's in conformity with the preliminary plat. We just need to final plat at this point. We are hoping to file that application shortly. So, phase 12 concept plan, 83 single family lots on 23.5 acres. This is a little overlay map. It gets a little busy, but I wanted to provide this to -- to the Commission to see the changes we are making. The greenish blue lines and numbers are the underlying preliminary plat. The white lines and numbers are the concept plan and the -- the purple is added open space and so you can see down there in the table this area originally approved 78 lots at a density of 3.31. With the rezone and adding the five lots we get 83 units and 3.54 acres. So, only a minor -- modest increase in density of two tenths. And just to put a pin on it, as Mr. Dodson mentioned, no -- no material changes to the lot layout or street network. This is purely a lot size change and -- and real quick, touching on the open space, this rezone and the smaller lot sizes we can offer in the R-8 do allow us to provide the housing originally conceived that's needed in the -- in the city, while still increasing the open space and in our -- our open space plan for -- for phase 12 is the figure towards the bottom of the page and, then, the preliminary plat towards the top of the page. We will match the open space from phase 12 up with phase 10 to create one large approximately 1.78 -- 1.7 acre park there that you are seeing. Lastly, this rezone makes sense. This land is designated in the FLUM as medium density residential. So, the R-8 zoning we are asking for fits within the comp plan and the open space as we mentioned fulfills the comp plan as well, with 15 percent. In addition to the FLUM supporting the rezone here, you can see the -- the portion of phase 12 to the west is already zoned R-8 and in the last couple years the city's annexed the area to the north and zoned it at R-8 as well. So, we have contiguity with R-8 to the -- to the west and north and, finally, the reason makes sense in this case because of that Prescott Ridge project to the north, which is R-8. We are going to be transitioning densities really well here with our R-8 project, with nearly identical lot sizes on that shared border. That's all I have for the Commission. We are asking for your approval on this rezone from R-4 to R-8 of 12 acres and I would stand for any questions.

Seal: Okay. Thank you. Do you have questions for the applicant or our staff? Commissioner Yearsley?

Yearsley: So, with the extra open space are you going to add any amenities in there or is it just grass? I'm just curious to what -- because I have to tell you, R-4 is my holy grail. So, it's going to take a lot for me to go to R -- R-8, so --

Bower: Mr. Chairman, Commissioner Yearsley, to answer the first question, we will provide amenities in there. It will have a tot lot, seating area, and -- and pathways that provide connectivity throughout the project. And R-4 is your holy grail. Our overall density is below four. So, we are right there. Again, this is -- this is more of a design rezone, as opposed to an overall density rezone.

Seal: Commissioner Grove, go ahead.

Grove: Thanks, Mr. Chair. My question is kind of in line with the overall theme of the public testimony. I don't know if you had a chance to read through those or not, but there seems to be a lot of communication questions or concerns or failures that have led to the public comments. Can you address like how -- you know, some of the -- the public concerns and what we can expect with this project as -- as it continues through, I guess, in terms of how -- how are we addressing the concerns that have been addressed and will probably be readdressed tonight?

Bower: Mr. Chairman, Commissioner Grove, that's a great question and -- and, of course, we have read all the public comments and -- and take them very seriously. So, as Mr. Dodson mentioned, I think a lot of those comments were generated from -- well, that's a great slide, actually. We are generated from the Oak Winds project down here at the northeast corner of McMillan and McDermott and if I were to flip back to the preliminary plat for Oaks North approved in 2013, that area was zoned R-15 and designated as multi-family, with a minimum density of R-8. The Council actually wanted R-8 to R-15. So, the Oak Winds project is actually less dense than was originally approved. That piece of property has always been part of The Oaks project and it's always been conceived that the single family uses to the east would have mutually beneficial common area and open space. So, we feel that it's been very clearly communicated since 2013 what areas were in this project and we think our amenities are great and -- and often -- in most cases oversized compared to the market.

Grove: Thank you. Just to make sure that you take the -- you know, to heart, I guess, because their -- perception and reality might be not lining up there.

Bower: Absolutely. And I -- and I could just chime in on that real quick, Chairman and Commissioner Grove. Phase 12 of a nearly 700 unit project -- of course, there is going to be growing pains when you get to the end and I think that's what this is. Teamed with COVID I think we all recognize had an impact on local amenities, whether they be neighborhood pools or parks, people are using them more. So, I think that will -- that will equilibrate as we move forward and we are offering more open space in this space as well, so --

Seal: Okay. Commissioner Wheeler? Commissioner Lorcher? Thank you very much.

Bower: Thank you.

Seal: Madam Clerk?

Weatherly: Mr. Chair, for the public hearing we do have a few people signed up to -- indicating a wish to testify. The first of which is Miranda Kennebrew.

Seal: Good evening. Go ahead and state your name and address for the record and if you could speak directly into the microphone there so everybody can hear well.

Kennebrew: Sure. Good evening. Thank you for letting me speak. My name is Miranda Kennebrew. I live at 5916 West Daphne Drive in Meridian. So, I'm here tonight on behalf of The Oaks homeowners. A little background I think will benefit in your understanding our concerns. It's a very large subdivision. We have -- we have Oaks North. We have Oaks South. We have Oaks West. And we have Oak Creek. And recently in our annual HOA meeting we learned about Oakwind and although I'm not here to argue Oak Wind, it needs to be noted that we just learned that they will be using our amenities and this is on top of the new phase, of course, and also it's not taking into consideration closer to McMillan and Black Cat we have Jump Creek and we have Hayden Homes that were put in. Those -- those areas do not have pools. We have a pool in Oaks South and we have a pool in Oaks North. So, that's kind of the background. Just to put some numbers here. In total between the two pools there would be over 1,200 residences without them expanding to R-8. So, as it stands there would be over 1,200 homes having access to two pools. Then if they move that phase from R-8 to -- or from R-4 to R-8 it basically doubles however many we are supposed to be in that phase of the subdivision. That's residences, not people. So, if you were to average 2.5 persons per household that would mean over 3,000 people would be using two pools and that's without expanding to R-8. Furthermore, allowing the builder to double the number of homes that they add to our community is a big concern for us. The builder has made it clear that they have no intentions to scale the community amenities, such as adding a pool or park to accommodate the additional homes and residents. Our community amenities that we, the residents, pay to maintain are already too crowded and the community is only half complete. While we understand that this meeting is not about the amenities, we can speak up against allowing the builder to add more homes and residents to our community causing further crowding and restrictions in usability of these amenities. There are capacity limits and the community as a whole will absolutely force the HOA to impose restrictions on homeowners ability to use the amenities. So, I think, to summarize, we would like a redesign and we would like a third pool to be considered in this new phase.

Seal: Thank you.

Kennebrew: All right. Thank you.

Weatherly: Mr. Chair, next is Daniel Kwok.

Seal: Good evening. Just state your name and address for the record.

Kwok: Yep. My name is Daniel Kwok. I live at 5100 North Trident Way, Meridian. She said most of what I was planning on saying. I think a lot of it comes down to what we heard in our most recent HOA meeting about the amenities, the lack of kind of ability to

scale it. The Toll Brothers, Coleman Homes, whoever it is at this point, is the -- kind of drives the HOA and have made kind of unilateral decisions about amenities that were planned and presented to us as buyers and over the time that it took for the community to be built some of those were changed, so I am here with a lot of my neighbors to express those concerns that as we kind of see these changes made there may or may not be additional changes that are made that we can't foresee and may or may not have a chance to address. So, having those amenities added here I think would be great, as well as the -- some of the creep that has been happening with the HOA fees and the cost of landscaping and -- and all of that understandably we want the green spaces to look good, but if we are now not only zoning to R-8, adding green space that adds additional cost there, while we also don't get a lot of the benefits from the amenities that we pay for and, then, we run into capacity issues and things like that where if we do add, as we discussed, you know, 1,200 homes, any number of folks to the -- the community, it just adds that type of strain where eventually, you know, we end up with having to sign up to use the pool and -- and things like that and no one wants that, so thank you.

Seal: Okay. Thank you very much. Madam Chair?

Weatherly: Mr. Chair, online we have a Mr. Joe Bongiorno.

Seal: Go ahead, Joe. Go ahead give us your name and address and the floor is yours.

Bongiorno: Sure. Can you guys hear me?

Seal: Yes, sir.

Bongiorno: Awesome. Joe Bongiorno. 5144 North Cunard Way in Meridian, Idaho. And for a little clarity, I am the fire marshal for the city, but at this point I am not acting in that capacity, I'm -- I'm here as a resident of The Oaks to give my testimony on this application. So, I believe one of the commissioners mentioned something -- sorry. Mr. Chair and Commissioners, somebody mentioned the reality versus what's on paper and the reality is is they -- Toll Brothers has created a successful subdivision. It's -- it's very popular. It is -- it is booming here and we are getting to the point -- so, my house backs up to the public open area with the fishing pond and the pool and the pickleball courts and everything and during the summer the pool is packed and we are not even at full build out. So, I just wanted to agree with -- with everything that -- that the two previous people have brought up, that the reality is -- is, yes, this is a successful subdivision and we love what we have here, but we need another pool. So, we would like to see the amenities expand along with the subdivision as things are being built, because the pool is becoming full to where it's concerning and having to kick people out of there, you know, at midnight is not any fun. So, anyway, as it stands the -- the homeowners don't have any say, because the builder is still running the HOA, so this is kind of our only chance to give our two cents worth. So, talking with the people in the neighborhood we all are kind of in agreement that we would like to see another pool added to the next phase if it would be possible. So, that's -- that's all I had. Thank you.

Seal: Thank you, Joe.

Weatherly: Mr. Chair, that's all I show signed up and online with their hands raised.

Seal: If anybody else in chambers would like to testify, please, raise your hand. Sir, come on up. Good evening. Please state your name and address for the record.

Owens: Hi. My name is Brendon Owens. I live at 5800 West Milano Drive in the Oaks North and the biggest thing is is we -- we understand that -- I mean it -- it is truly a great subdivision that we live in. All of us love it and cherish it. But the problem is is when we first moved in my wife and I, when we bought our house, it was originally called Coleman at the time and found out -- and Coleman had a great reputation. It's like, oh, okay. Great. Great. Then I found out that Coleman is being taken over by Toll Brothers, which is wonderful. I worked with Toll Brothers before down in southern California in their great thing they were building up -- forgive me, I'm not good at speaking in front of people. So, I apologize.

Seal: No problem.

Owens: Porter Ranch. I work -- I actually worked side by side with them as an inspector there and they do great work. So, it's just like, okay, yeah, well great. Great. Glad -- glad I'm buying a Coleman slash Toll Brothers and, then, it came to complete Toll Brothers by the time we closed, which is beautiful. The problem with the whole rezoning thing is when we were buying our house we were told -- the models were down in -- they were in The Oaks, not -- the south side of McMillan and the salesman took us to -- and showed us a couple houses being built, because they didn't have our model, so he -- he showed us a couple and there was some construction going on. I said, oh, is that another phase and he says, no, that's a Hayden and I said, oh, okay. So, Hayden is building here, too, and -- and -- which I don't have a problem there either, but what I was told at that point is that's Hayden, they are not even connected to you, you don't even need to worry about any of that and come to find out that those Hayden Homes are part of our amenities, too. So, the thing is -- is -- is every time it gets denser they are throwing more people to use our amenities and that's where the issue is coming up. It's -- we know and understand that, you know, a lot of the building -- and it's -- it's a great wonderful place to live. It really and truly is and that's why we are all there. But every time it gets more dense and every time this -- it's getting worse and worse. The -- the amenities are -- are getting worse and we were told -- I think it was two weeks ago, maybe three, I forget the exact date, at our yearly HOA meeting that had to be held online again this year, which was fine, but we were specifically told by the Toll Brothers people that no more amenities are being built, nothing extra is being done. Live with it, it's already all been passed. If you have a problem with it you should have been at the -- at the meetings before. Guess what, we found out there is a meeting here about the zoning and we found out there is a meeting next week that we are all going to be attending, too, and there is going to be more of us at actually next week's meeting. But the problem is is once again by being able to rezone it they are -- you are going to get -- you are just compiling and compiling more people into

-- more density into it and that's -- that's -- that's where our big problem is and that's what all of us have an issue with.

Seal: Thank you, sir.

Owens: Thank you very much for listening and have a wonderful day. Or evening.

Seal: Okay. If anybody else in Chambers would like to testify, please, raise your hand. Ma'am, go ahead and come up. All right. Go ahead, ma'am, and state your name and address for the record.

Jones: My name is Elaira Jones. Address is 5989 West Avilla Drive in Meridian. I am part of the Oaks North community. My -- my neighbors have all shared our concerns. I just -- the one thing I want to add to it is that there are already four communities here. Like he said, it's only half built and -- and there is no space for those of us who are already here. By the time they are done we are going to have to start taking turns for the pools while paying full HOA -- HOA dues for it and we are going to have to start taking turns, right, like odd houses get on Mondays and Wednesdays and so on and so forth and that that doesn't seem fair. Not only are we paying for these amenities, we are going to have restricted access to them. As it's been stated, Toll Brothers is completely in control of what all is being added at this point and they continue to add and add and add. If this final phase is not through final plat we request that it be redesigned to scale and accommodate the final number of residents that will be part of our community. Thank you.

Seal: Thank you very much.

Weatherly: Mr. Chair, we do have one person with their hand raised online. That's April.

Seal: April, go ahead and give us your name and address for the record.

Bishop: I'm here with Sabrina Johnson. I'm also -- oh. 5261 North Cunard Way, Meridian. In Oaks North. And I'm also here with another neighbor Sabrina Johnson, who will give you hers and we speak together as two people. We are just logged in on her Zoom.

Johnson: So, hi there. I wish I could be there in person, but I had to host dinner at my house tonight for my family and I wanted to mention something that Mr. Owens had said. So, it's really important that big communities like this disclose information to their new potential buyers and in 2020 I became one of those people. I provided a deposit and -- I forgot to mention my address. Sorry about that. 5215 North Cunard Way in Meridian. 83646. Sorry about that.

Seal: That's okay. Thank you.

Johnson: So sorry. Sabrina Johnson. Sorry about that. I couldn't hear from my iPhone and so I went over to my neighbor's house and it was quieter here, so -- just wanted to

mention that it's important that Toll Brothers lets us know about certain changes, information. I remember asking my sales representative about, well, what's going to go on behind over here and they basically, deer in headlights, we just don't know and it turns out that in the purchasing world with that -- I mean sales does know some of that information. Whether or not they purposely don't disclose it to us -- it's just how it is. But I think that when the HOA had told us at our annual meeting, well, you guys need to speak up and -- and go to those annual meetings with the city -- well, if you had disclosed it to us, because we weren't homeowners yet in the community, so we didn't have anything -- we had no idea that there were meetings of these -- so, if the -- if the community that we were potentially moving into had hearings I think that they should have disclosed that to us, so we could have come up in numbers and that builders with mega money just doesn't come in and have an open floor and, you know, get their way in. So, our community is huge. I did not know that prior to moving into it, that -- how big it was going to, essentially, be and how even The Oaks across the street from us, the south, has access to our pool. I was like what do you mean they get access to our pool. That's all they are doing is living it up in the new pool and so we -- we will address our HOA when we can finally get to that point and -- and divide and conquer in that area. But right now I don't think that this rezoning is going to serve our community any justice right now.

Seal: Okay. Thank you. Madam Clark, is there anybody else raising their hand?

Weatherly: Mr. Chair, I don't see anybody.

Seal: Anybody else in Chambers? All right. Oh, sir, go ahead. Come on up.

Dubois: Thank you, Mr. Chairman. My name is Jess Dubois. I'm at 5231 North Cunard Way, Meridian. I pretty much agree with everything that's been said already as far as the -- the density of the housing and the -- the impacts on the -- the pools. I would like to point out, though, that the pool -- it's not just a pool. It's actually a park. There is a recreation area that's incorporated along with the pool. There is -- there is a fishing pond on our side -- on the north side. There is also a basketball court, pickleball courts, whatnot. So, if there is a consideration on placing another pool into the community, then, it needs to be understood that it needs to be a recreation area, like the park that we have -- we have already. That's all I had. Thank you.

Seal: Okay. Thank you, sir. Anybody else in Chambers like to testify?

Dodson: Mr. Chair, before the applicant comes up I would like to respond as well.

Seal: Go ahead, Joe.

Dodson: Thank you. And I apologize to the homeowners if I come off preachy. I do not mean to be a jerk. I promise. I just want to be very clear about the purview of what's before us tonight and I definitely sympathize with you, I really do. Somewhat of what you have heard from Toll Brothers is true. However, the timing was way outside of what you probably could have done. Meaning -- well, I will go ahead and show my screen just to

give you guys a -- what I'm talking about here. The -- what's on the screen here is the approved preliminary plat, which includes all of the open space and amenities and everything that you guys are discussing now. We cannot change any of that at this point. You would have had to be here in 2013 to testify to get those comments into the record to make those changes. We -- with the rezone before you tonight it has absolutely nothing to do with that. We can't require that as a city, because the preliminary plat's already done. I apologize for that, but that is just how it is right now. What's before us tonight is just for an addition of five lots. That would be the end purpose of the rezone of only 12 acres, not the rezone of all of it. That would be preposterous and would require a development agreement modification, which is not part of this, because they are compliant with their preliminary plat with the proposal. Now, again, I sympathize with what you guys are talking about, but the city is handcuffed in this and that these approvals are, you know, eight years old plus. So, with this rezone we can't do that. With the final plat before Council next week they can't do anything about it. I hope Toll Brothers is listening and understands and will take these things into consideration and that's going to be your power there is to discuss it with Toll Brothers and get them to add other things that you may want. But, unfortunately, the city -- we just -- we can't -- we don't have that capacity with the existing approvals and I do want to say that we sympathize with you, but the purview of this application is just for these five lots and I apologize for that, but it is what it is at this point and I -- I hear you.

Seal: Thank you, Joe. Okay. Would the applicant like to come back up?

Bower: Thank you, Mr. Chair. Jeff Bower, 601 West Bannock. Just a few things in rebuttal. Appreciate Mr. Dodson's comments and we are listening. As we mentioned earlier we take these concerns very seriously. I -- I do just want to make a couple things clear. We are not adding density. The re-zone that we are requesting tonight gets us exactly to the 653 lots that were originally proposed, so -- so, no additional density. The comments with respect to the reciprocity of open space, it goes both ways; right? Although the Oaks South folks can come up and use the Oaks North pool, it goes vice-versa as well and we have been talking about Oak Winds down here in the south corner, they have 20 percent open space and great amenities. Those are also available to the Oaks North residents and the Oaks South residents. It's -- it's to create that interconnected environment that I know Meridian likes with the pathways and the different amenities. So, it is all reciprocal. It's not one way. Again, I know we are not here to talk about amenities, but I just want to remind our residents, as well as the Commission, that this amenity package was approved by the City Council in 2013. Toll Brothers always builds its primary -- primary amenity first, so that it's there. That's that pool area. We are going to continue to build more open space, more amenities as these phases build out. As we mentioned tonight, this rezone gets us more open space. So, if we were just to go under the original preliminary plat we would have about one -- I want to say 1.7 acres of open space. With the rezone and -- and getting the density that was approved, we bumped that up to 3.2. So, this is a win-win. It's getting us to the original density number, as well as providing more open space. I don't have anymore comments for the Commission, unless there are questions.

Seal: Questions? Comments? Commissioner Lorcher.

Lorcher: Mr. Chair. So, with the rest of your -- this is the last space, so there is nothing after this?

Owen: Mr. Chair, Commissioner Lorcher, that's correct. Phase 12.

Lorcher: And so there -- and there is -- your plans for amenities are tot lots, extended pathways and sitting areas; correct?

Owen: Mr. Chair, Commissioner Lorcher, that's correct.

Lorcher: Okay. Thank you.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: So, I'm hearing no pool; correct?

Owen: Mr. Chair, Commissioner Yearsley, that's correct. This amenity package, as we mentioned, met and exceeded the city's standards at the time. Toll has voluntarily added more open space to -- to prior phases. I believe a basketball court. The other thing to take into consideration -- and I think we heard it from the majority of -- of the residents tonight are the costs. You know, it's not just the cost on Toll to build a pool, it's -- it's in a -- a large cost as a -- as an ongoing concern -- you mentioned your HOA fees earlier. Those type of amenities are what drive those -- those HOA fees up exponentially. So, no, no additional pool.

Yearsley: So, I will -- I will just let you know my subdivision has four pools and less homes So -- so, I actually have a tendency to side with the homeowners for that, because if you lost --

Seal: Let's not have that anymore, please. Thank you.

Yearsley: -- you lost five lots just because of what happened and now you are asking for more or to get back to what you want. You know, I guess for the homeowners they wanted a fourth -- a third pool, which they are not going to get. I understand that. And I don't know -- I have to think about if the more open space is -- is worth the rezone, so -- and it's my understanding that a rezone is where we are up sizing, so it's -- it's more of a -- we have the option to decide if it's worth it or not, so -- thank you.

Seal: Anyone else? Commissioner Wheeler, do you have anything? Mr. Grove? All right.

Owen: Mr. Chair, if I just could real quick.

Seal: Sure.

Owen: Certainly a rezone -- we are here tonight -- we are, obviously, here asking you something for Mr. -- Mr. Yearsley, but there are criteria to be applied. The staff report applied those. You know, primarily do we comply with the comp plan. We do. And so, you know, I think the reason is appropriate here and the alternative to not rezoning is, yeah, maybe Toll Brothers doesn't get the five lots, but there is less open space and less homes in Meridian, which I think we all agree is needed.

Seal: Thank you.

Owen: Thank you.

Dodson: Mr. Chair? Mr. Chair?

Seal: Joe, go ahead.

Dodson: Sorry. Thank you. I just want to clarify one additional thing with the rezone. Staff cannot condition rezones. We cannot condition rezones. So, my conditions in the staff report are actually just comments. The only way to condition a rezone is with a development agreement and we can't do a DA mod, because they are compliant with the existing DA and they are not changing the layout, they are just meeting the approved density. So, I did want to make that very clear, that any motion or anything we -- that we can't condition something.

Seal: Okay.

Dodson: Or could Council either. It would just be a yes or a no.

Seal: Got you. Okay. Thank you.

Grove: Mr. Chair?

Seal: Go ahead.

Grove: I move to close the public testimony to file number H-2022-0010, Oaks North.

Wheeler: Second.

Lorcher: Second.

Seal: Okay. It's been moved and seconded to close the public hearing for file number H-2022-0010, Oaks North rezone. All in favor? Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I will jump in. So, with the applicant -- I will start off by saying you are not wrong, but it doesn't mean that you are right in terms of some of the -- the ways that you positioned the things tonight. I -- under the code and under our preview I have a hard time finding a way that we can say no, but that doesn't change the feedback that you are hearing very loudly from the people in your subdivision. So, that's just kind of where I'm starting. Don't want to sit up here and lecture, but I have a second to state my opinion, I guess, and I -- I don't see how I can say no for what is in front of us, but that doesn't mean that there shouldn't be some other things that can be addressed on your end that -- that could address the concerns that are not directly related to what was in front of us tonight.

Seal: Anyone else? Commissioner Wheeler, go ahead.

Wheeler: Thank you. Thank you, Mr. Chair. I -- I -- I'm in the similar boat of where Commissioner Grove is at on it. I mean there is no density being added. They are doing an adjustment here on the lots and they are adding more open space to it. So, there is not an increase of -- of homes here than what they have said before. They are just a little bit tighter together in this one phase and it's only just a few lots that that's happening with. The other thing is I see this actually as a -- as a good problem. You have got people that are living in your homes or in your subdivisions -- speaking directly here to the applicant -- that want to enjoy their neighborhoods a lot and they want to have fun in there a lot and they want to enjoy their neighbors a lot and I think that this is something to definitely take forward as you continue to build more and more subdivisions in this area. There is a lot of competing developers -- residential developers, more are coming to this area it seems like a lot and I think one of the factors that will be a determining factor for where people choose to live moving forward will be the amenities offered there and the breadth of those and so that's just something to think in this highly competitive area here in the Treasure Valley and specifically Meridian and at the same time it would be great to have another pool, because the demand is that high and -- but that's -- that's going to add exponentially more cost to HOA fees, too, at the same time. But to me I kind of see it as a little bit of a as a good problem that people are saying we would -- we would like to enjoy our neighborhood more and that's a good thing.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: So, I -- I don't know, I -- I struggle -- you know, like I said, I -- I will admit R-4 is -- we never see it anymore. The problem with this is where we are adding five more lots, we are re -- reducing the number of square footage in the individual lot, which, then, increases the demand for the open space and so, you know, I -- you know, that's -- that's my concern is that the R-4 you have a bigger lot. You actually can put some amenities in your lot to actually not utilize everything else. So, I -- I struggle with approving this just

because the homeowners are already feeling overwhelmed, even though this is only five lots, I mean -- but -- you know. So, I -- I don't know. I -- I like the R-4. I like the bigger lot that the -- the -- those people who are buying those may not use the open space as much as -- as the rest. So, I -- I can't support this based on the homeowners' testimony.

Seal: I -- I mean I'm just looking at this, I mean I -- personally I see there can be some win-win here. So, I mean there has been a lot of testimony that there needs to be more space. I -- I think where the open space is being provided, honestly, isn't going to provide much value compared to the cost. So, there is going to be a lot of, you know, greens that are going to have to be maintained, shrubs, trees, you name it, all that stuff -- pathways that are going to be put in or connectivity and it's not providing a lot of value. I mean I could see eliminating -- on the map that's shown up here in the phase 12 rezone, getting rid of one, two, three and four and opening that all up in five and making something more grand there. There is a reason I hate pools. This is it. Because they cost a lot of money. They break down over time and everybody argues over them. So, maybe a water park, maybe something that doesn't cost a lot of money, maybe something like that could be a great happy medium in there. It's not going to cost you a lot of money to put in there. You regain the amount of homes that you want to put in there. You still get the five. You still get the zoning. You just got to put a little extra money into that great big open space and make it bigger, make it something that more people can go enjoy. Just don't make it a pool. That -- that's -- I mean basically where I stand with it. I mean you -- you have the -- I mean just looking at this and I -- you know, I'm not an -- I'm not a real engineer, I'm an IT engineer, but -- I mean I can look at this and see a lot of opportunity for a win-win here, so -- I mean take that for what you will. To me if you were willing to do something along those lines, then, yeah, let's give you the five homes, have you spend a little additional money in here to make that open space a little bit more usable for everybody.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Based on everything that we have seen tonight and I guess, Joe, this goes back to you, what -- what Commissioner Seal said, can they -- can they sort around the open space and collectively put it in all one space or --

Dodson: Commissioner Lorcher, again, we can't really condition a rezone, so --

Lorcher: Okay.

Dodson: -- it -- it -- unfortunately, it's either we recommend approval or you don't. The applicant has the option to make those revisions if they want. I wanted to make some of those revisions as well in my staff report, but I can't. So, I did make that comment in my analysis about, you know, some of these areas I would prefer to be more consolidated. With the final plat I can't condition it necessarily, but I -- I can work with the applicant on that for sure, so -- Toll Brothers and I have done -- I don't know. This would be I think the seventh phase that I have reviewed for Oaks North. So, I'm pretty consistent with them.

Seal: Okay.

Lorcher: Commissioner Seal?

Seal: Go ahead.

Lorcher: So, based on our restrictions of what we can and cannot do as far as a rezone is concerned, I understand Commissioner Yearsley's concern about changing it from R-4 to R-8, but based on what we see here, even with the five houses we do get more open space at 3.2 versus 1.7. I mean if we don't do it they will find another way to -- to get the five houses that they want to get back. So, if -- hopefully the applicant will work with the city planners and, you know, re-design some of that space so that they can accommodate their current homeowners and be good stewards to their neighborhood, but if we can't condition it our hands are tied.

Seal: I would agree. So, hopefully, everybody that's listening -- this means make sure to show up to the next meeting and, hopefully, there is more meetings to be held and there is a willingness to work with staff in order to improve the -- basically the capacity of the open space that's going to be provided, instead of just these little slices that are out there that are just going to cost more money and not really provide a lot of what the community is asking for. With that I will quit lecturing.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: I would like to make a motion here then.

Seal: Go ahead.

Wheeler: After considering all staff, applicant, and public testimony, I move that we recommend approval to the City Council of file number H-2022-0010 as presenting the staff report for the hearing date of April 7th, 2022.

Grove: Second.

Seal: It's been moved and seconded to approve Item No. H-2022-0010, Oaks North rezone with no modifications. All in favor say aye Any opposed?

Yearsley: Nay.

Seal: Was Commissioner Yearsley.

Weatherly: Thank you.

Seal: Okay. The ayes have it. Motion passes.

MOTION CARRIED: FOUR AYES. ONE NAY. TWO ABSENT.

6. Public Hearing Continued from March 3, 2022 for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Avenue (Parcel #S1210417400)

- A. Request: Annexation and Zoning of 1.22 acres of land with a request for the R-15 zoning district.
- B. Request: A Preliminary Plat for 12 building lots and 2 common lots on 1.22 acres in the requested R-15 zoning district.

Seal: Okay. And so now we have a file number H-2022-0001, Pinedale Subdivision, which was continued from March 3rd. We will begin with the staff report.

Dodson: Thank you, Mr. Chair. Stole my thunder with the March 3rd. Now I can't do it. No. I'm just kidding. The applications before you tonight for this application are annexation, zoning, and a preliminary plat. The site consists of 1.2 acres of land, currently is on RUT. As you can tell on the map on the left it's essentially a county enclave with zoned property all around it. It's located along the railroad corridor west of Ten Mile and is directly at the terminus of West Newland Street at the southeast corner of the Chesterfield No. 2 Subdivision. It does not have any application history with the city. It's -- Comprehensive Plan is mixed-use community for some reason. However, in my analysis I did analyze it against the medium density residential future land use designation to the -- to the west, because that's where its access comes from. The request before you tonight is annexation and zoning of the 1.2 acres, with a request for the R-15 zoning district and a preliminary plat for nine detached single-family building lots and two common lots. The applicant has revised the plat multiple times to address concerns noted within the staff report. The staff report is -- contemplates ten units, because that's what -- at the time prior to the March 3rd hearing that's what was proposed. Since publication of that staff report the applicant and I have worked together to make some revisions and you get the plat before you tonight. I did write a memo based on this new plat to the Commission dated March 24th that has specific recommended revisions to the conditions of approval based on this plat. The applicant is proposing to construct detached single-family dwellings with a gross density of 7.4 units per acre and an average lot size of about 3,200 square feet, with a minimum lot size of about 2,250. The proposed use is a permitted use within the requested R-15 zoning district and although the lots appear to meet UDC dimensional standards. Access is proposed via extension of West Newland Street as noted, which currently terminates on the west boundary of the site. It is required to terminate within the site as a full cul-de-sac per ACHD. The existing access is from a private access that crosses Ten Mile Creek right here and actually goes up to Pine, which we are glad to get rid of that, hopefully. This access will be terminated upon development of this site and with other approvals to the east it's only going to be a pedestrian access. A multi-use pathway on the east side of the creek for -- if you can see my mouse -- ten foot pathway here for Foxcroft and, then, it crosses where the bridge is and, then, continues to be a ten foot pathway here, which is why the applicant proposed a five foot