

**Public Hearing continued from January 18, 2024 for Rosalyn
Subdivision (H-2023-0056) by Givens Pursley, LLP., located at 200 E.
Rosalyn Dr.**

- A. Request: Annexation of a 0.014-acre of land from RUT in Ada County to the R-8 zoning district including the remaining portion of E. Rosalyn Street cul-de-sac right-of-way.
- B. Request: Combined Preliminary/Final Plat consisting of 7 residential building lots and 1 common lot on 0.733 acres in the R-8 zoning district.
- C. Request: Alternative Compliance to deviate from the common driveway standards in the UDC 11-6C-3D1.

Seal: All right. With that we will continue Item No. H-2023-0056 for Rosalyn Subdivision and we will begin with the staff report.

Hersh: Good evening, Mr. Chair and Commission Members. The applicant has submitted applications for annexation, combined preliminary/final plat and alternative compliance and staff would like to state that the applicant has officially withdrawn the alternative compliance application. They have revised their plan so it's no longer needed at this time. This site consists of 0.733 acres of land. A small portion of right of way zoned RUT and the larger piece of property is currently zoned R-8 and it is located at 200 East Rosalyn Drive. History on the property is there was a short plat that was approved and a right of way vacation. The comprehensive FLUM designation is low density residential. This property was annexed into the city in 2005 with an R-8 zoning district. The applicant proposes to annex 0.14 of an acre of land with an R-8 zoning district, which includes the remaining portion of East Rosalyn Street cul-de-sac right of way. A legal description exhibit map for the annexation area is included in the application. The property is within the city's area of city impact boundary. The applicant proposes a six lot subdivision for six single family residential detached homes. Since a majority of the property is already annexed and zoned with an R-8 district, staff must analyze the project based on the merits of this governing zoning district. The proposed preliminary plan consists of six building lots, one common lot, with an existing R-8 zoning district -- district. The proposed lots range in size from 4,060 to 5,219 square feet. The subdivision is proposed to develop in one phase. There is an existing home on the property that is proposed to be removed from the site. Any outbuildings located on the site should be removed with development of the property. The proposed plat and subsequent development are required to comply with the dimensional standards listed in the UDC table for the R-8 zoning district and the plat appears to comply with the dimensional standards of this district. Lots taking access from the common -- common drive do not require street frontage. Access is proposed from East Rosalyn Drive, a common drive on Lot 6, Block 1. The interior Lots 3, 4, 5 and 7, Block 1, are proposed to take access via a common drive to East Rosalyn Drive, meeting the street access requirements of the UDC. Common driveways shall serve a maximum of four dwelling units. In no case shall

more than three dwelling units be located on one side of the driveway. The applicant is proposing six dwelling units with four taking access off the common driveway. Three dwelling units are located on one side of the driveway in accordance with the UDC. Off-street parking is required to be provided in accordance with the UDC for single family dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permits for each residence. There are no street buffers required along local streets per the UDC table. The applicant has provided a landscape plan, but that is actually not required per the UDC. East Rosalyn Drive is improved with an existing five foot wide sidewalk -- attached sidewalk abutting the site in accordance with the UDC. All fencing is required to comply with the UDC standards. According to the submitting plans the applicant is not proposing fencing for this project at this time and two building -- conceptual building elevations were submitted that demonstrate what future homes in the development would look like. Variations appear to be single story, two-story detached homes with a two car garage are proposed. The submitted elevations depict several different architectural and design styles with field materials of lap siding, different coloring, accent roof profiles, stone and front porches. Written testimony. We have received many letters of public testimony for this application and they are uploaded to the record. Concern center around the proposed number of homes on the lot, the potential increase in traffic and accessibility for emergency access to the private drive to the east. Since then the applicant has revised their plan, so they will not be asking or proposing to take access off the private -- private drive to the east. That's actually part of another subdivision. Staff does recommend approval of the proposed annexation and preliminary plat subject to the conditions in the staff report and this concludes staff's presentation and I stand for any questions.

Seal: All right. Thank you very much. Would the applicant like to come forward? Good evening.

Koeckeritz: Good evening. My name is Elizabeth Koeckeritz. I'm with Givens Pursley. 601 Bannock, Boise, Idaho. I'm here on behalf of the applicant team, which is a husband-wife combo of not professional developers -- actually a veterinarian, Brett and Julie Bingham, and they are the owners of the property. I need to start by first saying thank you to Stacy and Bill. For this being a small in-fill development. There have been a lot of iterations. This has gone back and forth. There has been -- the annexation came up at the last minute that there was a portion that hadn't been annexed yet into the city and so this has just gone around a few times, but I do believe in working with them and really listening to a lot of the neighbors' concerns we have ended up with a really good quality project on this smaller size in-fill lot. Rosalyn Subdivision, as Stacy said, will be a -- well, went way too far. One. It will be a single family community with six single family residential lots on an in-fill. It's really an in-fill lot. It's located within the City of Meridian and the property currently does have that one single family home on it. Wow, this goes quickly. Rosalyn Subdivision is a replat of a portion of the San Gorgonio Subdivision, which was approved by the Meridian City Council in 2020. So, most of the surrounding homes have only been in existence since 2020, 2022, around then. The area here highlighted in yellow is the .01 acres of land that was former ACHD right of way that had never been vacated when the stub street was ultimately pushed through. So, the owners

went through the vacation process with ACHD. They do now own that piece of property, but, then, it was discovered that that piece of property, as well as the rest of the cul-de-sac had never been annexed into the city of Meridian and so that is a large part of the annexation application is really just helping clean up those lot lines and get the small sliver into the city. Here in red you can really see the tiny portion on the top that is part of the Rosalyn Subdivision, as well as the bigger area that's being annexed in. The zoning is -- it is designated medium density residential, except for the small portion of right of way. The main property was annexed in 2005. This -- as I mentioned a lot of it was -- that small portion was not included at that point in time. We are requesting medium density residential zoning. It matches all of the zoning that is around it to the north, to the east, to the south. The only area that is not the R-8 zoning is directly to the west and that is still in unincorporated Ada county. It has not yet been annexed into the city. The lot sizes are between 4,060 square feet and 5,200 square feet, which is really comparable to all of the surrounding lot sizes as well and the home size is proposed to be between about 1,500 and 1,800 square feet. This is an in-fill lot. It's ideally situated for a small housing development. Based on feedback from the neighborhood originally that we proposed seven lots with several of them being townhome style with connected walls between them, as well as there was access going off through another portion of the San Gorgonio -- not sure how you pronounce it -- Subdivision directly to the east. However, due to some questions that came up with the city about what rights were allowed for that access, what weren't, we went back and forth for a while, finally decided it was easier just to not even worry about that. It's currently fenced and it is proposed to remain fenced. There will be no driving through this subdivision to the adjacent properties. This hammerhead style driveway does meet the fire requirements. Additionally, it was mentioned that they were -- one and two-story homes are actually all proposed to be one and a half story homes right now. The preliminary plat, if I can stop on it, it looks very similar to the final plat, because this is a combined. It does qualify for preliminary -- the combined preliminary and final plat process. The dimensions do meet all of the city code standards for the medium density residential R-8 zoning district in the UDC. The application contains all of the requirements for both a preliminary plat and the final plat and it really provides much needed housing in a critical area of Meridian that's easy access to I-84, it's two miles to downtown Meridian and within five miles of the majority of Meridian's employment centers. This is the sort of development that will have smaller sized homes than the last ones that you just saw, but that's by design. The Bingham's have children who they are hoping will be able to move into this sort of neighborhood in the future. There is all the public financial capability to support the project. It will not be a burden on the city. The traffic impacts they are so low that the -- they were not even required to do a traffic impact study with ACHD for a development of this size and it really does help the city attain its housing goals in a very quiet small subdivision. Here you can just sort of see a -- the elevations, the one and a half story homes they are proposing to -- homes that will be designed to complement the surrounding neighborhoods. A Craftsman style home, covered French front porch areas, complementary landscape design. There are smaller more manageable home sizes and it will have attractive landscaping. As an in-fill lot all the public services are available to the property and are able to accommodate the proposed development. Sewer and water are located within Rosalyn Drive. There is sufficient surface water rights for irrigation. It's within the West

Ada School District. Children will attend Sienna Elementary School, Victory Middle School, and Mountain View High School. It is served by the Meridian Fire Department. All other services and utilities are currently available. And with that we are in agreement with all of the conditions of approval and we request a recommendation of approval for the annexation and the combined preliminary and final plat. Stand for questions.

Seal: Okay. Thank you very much. Do we have any questions for the applicant or staff?

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Thank you, Mr. Chair. Question for staff. Just understanding that a lot of the surrounding development was somewhat recent, looking at these kind of two dead-end east-west streets, I'm assuming -- are those stubs intended for future development with this currently unannexed property? I'm talking to the -- not within this plat, but to the north and south -- I think it's Amalie Drive and I don't know what the other one is. The north. Blue Lark and Amalie.

Hersh: Mr. Chair, Commissioner Smith, I am actually trying to I guess locate those streets. Is that the one -- I see East Rosalyn Drive.

Smith: Yes. So, if you look at it immediately north and south. So, Blue Lark Court looks like it's to the north and Amalie Drive to the south. They both dead end up against that yellow dotted boundary. I'm just curious if -- I don't know that you know for certain, but based on kind of your expertise or your knowledge of this previous development, do you imagine that those are intended to continue on to the rest of this property and eventual annexation and development?

Hersh: East Blue Lark Court looks like it would go to the property west of it eventually, but isn't a part of this application.

Smith: Okay.

Hersh: And I do see where you are talking about the other drive. Neither one of those are proposed to stub to this property.

Smith: Yeah. I was just asking for context within --

Hersh: Oh.

Smith: -- the broader development. Does that --

Parsons: Mr. Chair, Members of the Commission, yes, those two streets are stub streets that were provided with the Larkspur development and they will serve those Ada county parcels when they come in for annexation and subdivide the property and, then, also I

would mention that Rosalyn Drive is also a local street, so you can see here in this -- this aerial it's -- it's unimproved at this time. So, the curb, gutter, sidewalk will be added to that roadway as well when that -- when those properties annex.

Smith: Thank you.

Seal: I just have a quick question on the -- since these are common drives, there is -- like the trash services and mail services and stuff like that -- I know trash service they -- they don't -- there is no requirement that they service common driveways. So, is that something that's going to be addressed? And for the mailboxes can we just make a common -- one common place to have the mailboxes that everybody comes to?

Hersh: Yes, Chairman Seal, I believe that it has been addressed on the final plat. I would have to confirm. Let's pull it up here. I know we have had multiple conversations with trash to date and that they are working on either having them come in here or being able to just pull these trash bins out onto the street. I believe the most recent discussions were that they would do it within this development. As far as the -- as far as the mail, we can certainly look at providing a mail kiosk location if that's not currently on here.

Seal: Okay. Because common drives are -- they are a necessary evil I guess. So, they are -- and this is an interesting layout. I mean it's -- it's very creative for this piece of property. So, kind of creates a little island in there for your -- you know, a really small set of community, but there are issues with common drives, so -- and those are two of the most common where you have, you know, a couple cars and a common drive and a -- and a trash truck, they don't mix. Makes it difficult for everybody.

Hersh: Commissioner, there will be no parking on the Common Drive.

Seal: Okay. And for clarification, what you mean by one -- one and a half story is basically no more than a bonus room upstairs?

Hersh: That is correct.

Seal: Okay. I have heard it a lot and it's had a couple different meanings, so I just wanted to make sure that's where we are at with it. Any other questions? No? All right. Thank you very much. Madam Clerk.

Lomeli: Mr. Chair, I have a Jan Larrea.

Seal: Good evening, ma'am. I need your name and address for the record, please.

Larrea: Is that working? There. Jan Larrea. 100 East Rosalyn, Meridian. I am the RUT next to it, the five acres, and it -- the development does not really fit that many houses in that smaller place. There is going to be too many cars and they are going to be parking all up and down the street. I don't have sidewalks or gutters, because I'm not in the county, which I -- I mean the city and I won't be until my kids inherit the property and I

have been there since 1975. One of the first ones. And I have seen this go and go and go and it's just -- there is too many. I don't mind them doing something with the property. Three houses would be plenty. They would have a good driveway, good access for fire and everything else, but six is just too many and if you do this you are kind of setting the precedence for me and my children to build 30 houses on my property in the future or the next door across the street. So, it's kind of -- it's just too many. I don't mind people doing with the property what they have, but six is too many and it doesn't fit into the neighborhood and I have cows, so -- and they are going to stink, let me tell you. So, I don't want a bunch of complaining. And that's it. Thank you.

Seal: Thank you very much. Madam Clerk.

Lomeli: Mr. Chair, Paul Pelletier.

Seal: Evening, sir. We need your name and address for the record, please.

Pelletier: Paul Pelletier. 264 East Blue Lark Court. We are on a dead end in the cross-street going out. We have an over amount of cars that are using it and adding that many homes, an average of two cars per home, that's going to put about eight homes and as it is right now people are parking on the street and as far as garbage wise and stuff like that, there is no way they are going to get in there, so it's just too many. Should be probably about three or four. Thank you.

Seal: Thank you very much. Madam Clerk.

Lomeli: Okay. Mr. Chair, Ken Freeze.

Seal: Good evening, sir. I need your name and address.

Freeze: Good evening. My name's Ken Freeze. I live at 195 East Rosalyn and I brought a little presentation for you all.

Seal: All right.

Freeze: And what I'm going to talk about -- and I'm -- I'm speaking for the San Gregorio -- Gregorian -- however you want to pronounce it. I wish they would come up with names that were easy to spell and pronounce, but it is what it is. I do the slides this way. How do I advance? Hit the key? That works. Okay. So, I'm going to talk about why this development needs some changes. First of all, I don't believe that the development is in line with Meridian's own Comprehensive Plan, especially the future land map use map. Too many units in this current R-8 zoning and I will explain why I feel that way and, again, it's out of character for the -- for the street and the neighborhood. One of the things that was said was that the homes in the area were rather recent. Well, actually, homes in the area go back to -- I think 1972. So, there -- it's a -- some of the homes that have been in the area for quite a while, some of them are a little bit more recent, but on average I would say probably the homes are at least ten to 12 years old in that neighborhood. On the

Comprehensive Plan -- I'm sure you are all familiar with, which came about in 2019, as an effective vision and source document for the general public, developers, decision makers. So, you can make reference to utilize to ensure that Meridian is a premier place that we all want to live and that's what I want it to stay. I'm sure that's what you all want to maintain. And, then, we have Idaho Code 67-6511 requires that the zoning district shall be in accordance with the adopted plans. Okay. So, we have a Comprehensive Plan that's been adopted and we have an Idaho Code that says you are supposed to follow it. Mapping future land use is a key component to the Comprehensive Plan. It's right out of the plan. So, that development occurs in the direction and manner most desired by the community. Well, this is what the future land use plan has for this area. Low density. The X there is right in the middle of where this piece of property is. The property to the west, eventually, when it's annexed will be R-2 and the lots directly across the street are essentially R-2 right now. Note that the area outlined in green is already in effect on R-2, which is what I said. Allowing the project to go ahead as planned would just invite developers to come in here and use their R-8 and, basically, really kind of screw up the whole place and it would be a step backwards in the city's own plan. Medium residential. R-8. What does that mean? Well -- and I did a little research and I found out that, you know, most cities for R-8 it's 5,000 square feet for a lot. However, in their wisdom Meridian chose to make it 4,000. But I have it on good authority as to why. The smaller lots may give developers more options in large developments, but the average must still be eight units per acre. So, as we have seen with just the project today, we have got laterals, we have got canals, we have got all sorts of things running all over the place and by giving the developers this -- this 4,000 square foot lot for large projects, mind you, it gives them a lot more versatility. Here is an example of one that was just approved last September. If you look at the fine print down here on area calculations, the smallest lot, a little over 4,000 square feet. However, the average lot size is over 6,000. This is where this was appropriate, the 4,000 lot -- 4,000 square foot lot was appropriate. Oops. However, with six units they are only getting them in here by using the four -- some -- some of the lots will be the 4,000 square foot -- feet. The use of the smaller than 5,000 square foot is I believe an abuse of the intent of the 4,000 foot -- square foot lot size that Meridian Code has set and we -- in this particular case we have four lots that are just a little over 4,000 square feet. Lots of less than 5,000 square feet should not be used in a -- in a development this small when you are talking less than an acre. Again, that -- again, I have it on good authority that the whole purpose of that 4,000 square foot was to give large developments some versatility that's necessary when they are dealing with all sorts of weird shapes, laterals, canals and whatnot. I came across another problem, too, when I was looking at this. I did -- pulled out my calculator did a little math and I found out that what they have for their lots is different than the total amount of square footage in the -- in the area. Now, granted, it's only 21 square feet difference, but it kind of makes me wonder where else are the numbers not quite right in this proposal. So, the neighborhood is all single family homes. Average lot size is over 5,000 square feet. Homes directly across the street are on lots -- the smallest is just under 12,000 square feet to over -- to over 16,000 square feet. That's the -- that's the lots right directly across the street. Three lots to the east, which is the -- the most recent development. There is three lots there. The smallest one is almost 5,500 square feet. Again, I'm saying that the lots inside this particular development are just smaller than they should be. So, the HOA doesn't have

any problems with development of the lot, it's just that six lots -- six homes in this small lot is just too dense for the neighborhood. Not opposed to -- to fewer -- four or fewer single family homes in the lot. Two homes would be great, because that would be right in keeping with the -- with the future land use map, in keeping with the Comprehensive Plan. Fewer homes would fit with the surrounding homes and could actually be a nice addition to the neighborhood. Thank you. Do you have any questions?

Seal: Any questions?

Freeze: Thank you.

Seal: Okay. Madam Clerk.

Lomeli: Mr. Chair, Nick Noslov. Yeah. Sorry.

Seal: Good evening, sir. Need your name and address, please.

Nauslar: Yeah. Good evening, Mr. Chair and Commissioners. My name is Nick Nauslar. I live at 215 East Blue Lark Court in Meridian. I share a fence line on the north part of the proposed property. While I applaud the Bingham's for reducing, you know, the seven duplexes or townhomes that they initially designed for this, it still in my opinion violates the R-8 zoning. If you need eight units per acre you only have .733 acres or if they get this .747 acres, that means at most you could build would be five units. If that's the way it works, I am naive and ignorant how all this works. This is my first planning and zoning meeting. So, if I interpreted that wrong I apologize. And as Ken said, you know, the future zoning is R-2. So, I don't know how much weight that carries in a decision, what the current zoning is versus future zoning, but, obviously, wanted to bring that up. I understand the Bingham's wanting a return on their investment with this property. When we saw them move in and have all their trailers and everything like that and the family, we are like, oh, good, someone is not going to develop that. But, then, we soon found that they were and we get that. There is a need for housing and I one hundred percent respect property rights and people trying to get return on their investment. So, I don't want to impinge on that whatsoever. But like Ken said, five houses would be -- and, you know, the way I interpret the zoning and law would be appropriate. Four would be better. We enjoy our view right now. We have a nice clear view behind us. Less noise. Less cars. Less chance for noisy dogs. But we understand the need for housing in the valley and I think you would have much less resistance if the plan became four houses. And, honestly, if it was five or less I wouldn't feel like I would have much of a leg to stand on for being against it, other than just personal reasons. So, Mr. Chair and the Commissioners, thank you for the time. I would ask you to reject the current plan and ask them to revise it slightly to be in accordance with current zoning or in future zoning. Thank you.

Seal: Thank you very much. Madam Clerk.

Lomeli: Mr. Chair, no one else has signed up.

Seal: Anybody else like to come up and testify? Going once. Going twice. Would the applicant like to come back up.

Koeckeritz: Elizabeth Koeckeritz. 601 Bannock. Givens Pursley. On behalf of the applicant. As we have discussed this subdivision is in absolute conformity with every single requirement of the R-8 zoning district. We are not asking for any deviations. We are not asking for alternative compliance. This subdivision, quite honestly, it fits what was intended for an R-8 development per the code. If you look at this map right here, all of -- it's difficult to read, but all of those homes in green are on lots that are smaller than 5,000 square feet. This is not out of the ordinary for this area. This is absolutely consistent with how the area has been developing. We think that this is a good development. It's a quality development and it takes really good account of this lot size and provides a really nice in-fill location and with that I believe -- make sure -- we -- I mean I guess we could go over -- we do meet numerous goals of the Comprehensive Plan, including all of the goals about -- I have them written down here -- about in-fill development providing a diversity of housing for individuals. Let's go through these. Maximizing public services by prioritizing in-fill development encouraging diverse housing options. This does provide a nice housing option for people. It is going to be a beautiful and high quality development. The list of support from the Comprehensive Plan -- it really does go on and on and so with that we would just ask for a recommendation of approval.

Seal: Okay. Thank you very much. Commissioners, do we have questions, comments?

Smith: Mr. Chair?

Seal: Commissioner Smith.

Smith: Question for the staff and/or applicant. Just curious, again, for context. Do you know what the density of the development -- developed properties, especially to the north of this, whether that's just Blue Lark itself or kind of that entire meandering segment?

Hersh: Chairman Seal, Commissioner Smith, that is an R-8 development. Everything -- if you look on this map here you can see the red is this property and, then, it is surrounded by the R-8 development.

Smith: Specifically I think -- I think, for example, you are also an R-8 and I think the gross per acre is 6.87 I think I saw. Do we have any rough estimate on what the per acre kind of gross is in -- in that R-8 section to the north?

Hersh: Mr. Chair, Commissioner -- Commissioner Smith, Bill is looking that up at this time. I do not know that off the top of my head. But staff would also like to say and reiterate that density doesn't equal zoning. It is what meets the lot sizes for the zone that the applicant is requesting.

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: While -- while Bill is looking at that up, I just -- for context I'm just kind of thumb in the wind looking at this and it -- it generally doesn't seem to me that this deviates too much in terms of density from this property in the north. I mean if you look to the south and to the east there is some deviation for sure. I'm just trying to get a rough estimate of -- obviously the zoning is what the zoning is, but in terms of just getting a better understanding and -- and better context for myself and for every -- the other -- other Commissioners, that's specifically why I'm asking. It looks -- at first glance that this looks kind of in line to me and so I'm trying to square my visual assessment with what the members of the community are saying is why I asked that.

Hersh: Mr. Chair, Members of the Commission, so the -- all of Larkspur is determined to be 4.75 units an acre.

Smith: And you said that's for all of Larkspur, that entire section?

Hersh: That's north.

Smith: Thank you.

Hersh: You are welcome.

Seal: Yeah. I mean the way I kind of square that in my head -- especially with this picture right here -- is if you move that red box up to encompass this -- you know, the homes that are above it, you have got six to eight homes that are going to be within that square. So, you know, I mean that's -- you know, it's -- it's no more or less than that. I mean the only strange thing to it is really the layout. So, I mean it's -- it's either really creative or it's really crowded. You know, I don't know how to explain it any other way. So, I can -- you know -- and, again, common drives, if -- if you have been listening to these as long as I have been here you know I'm not a big fan of them. So, there is -- there are some that have been done very creatively that are -- that are really a good addition to -- to most -- to the subdivisions they are in, but common drives just seem to cause problems in other places, so -- and that is why I brought up the trash service, because it's kind of an afterthought and, then, all of a sudden, you know, people move in and have no way to have that serviced or creates a dangerous situation in doing so. But I will get off that soapbox for certain.

Parsons: Mr. Chair?

Seal: Go ahead.

Parsons: I could just tell this gentleman in the audience his math is right. You did it right. The -- the difficulty that we have here is that when Larkspur -- or this R-8 zoning came into place it was a different plan. It's a different vision. At the time that that

Comprehensive Plan was in effect it allowed for a developer to request a step up in density and so, yes, you see green on a map that says three or less to the acre, but at the time that they received zoning for this property that developer received an approval from City Council that allowed them to come in with the 4,000 square foot lots with an R-8 zone and so once we annex a property and assign it a zone all staff can do is analyze the project based on the dimensional standards of the current zoning designation, which is R-8, and this particular property checks all the boxes. So, that's really our purview tonight. It's not to discuss density. We all consider and say the density is way out of whack from what it is, but what it is is what it is. It's R-8 zoning. The plat conforms to the dimensional standards and the subdivision ordinance. Therefore, we have to recommend approval.

Seal: Okay. Staff. Not us.

Parsons: I just want to clarify that to the audience. It's -- it's -- we hear you. We understand. We hear your argument, but -- so, don't -- we try to get people away from correlating zoning with the zone with the comp plan, because a few years ago when we changed our zoning code we did have maximum density allowances -- requirements in the code and we -- we removed those to allow some -- developer request different zones, but still develop the property in content -- context of the Comprehensive Plan. So, if this were to come in today -- if this was an annexation today we could not be supporting it, because it did not align with the comp plan. But because we have already had previous actions that have set the zoning in place for this property, again, we have to stay -- we just -- all we can do is regulate it based on zoning -- the current zone, not necessarily what the current comp plan is.

Seal: Okay. Appreciate the explanation on that, Bill. Any other questions? All right. Thank you very much. And with that I will take a motion to close the public hearing for File No. H-2023-0056.

Lorcher: So moved.

Rivera: Second.

Seal: It's been moved -- excuse me. Been moved and seconded to close the public hearing for File No. H-2023-0056 for Rosalyn Subdivision. All in favor say aye. Opposed nay? The public hearing is closed.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: Anybody want to go first?

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: Yeah. Some of the -- the reasoning behind some of the questions that I asked specifically, because -- because of the zoning, because of what the developer is entitled to, I wanted to also make sure that, you know, I -- I can personally understand that -- you know, and -- and see how this can be a good fit for the community as well beyond just the -- the zoning and the -- the legal allowance and that being said, looking at all the numbers and things like that, you know, we can say it's -- the zoning is what the zoning is, but I also am of the personal opinion that I think in a context of this RUT eventually at some point in time being developed, that's what those dead-end streets are likely stubbed to be connected to. With all this kind of development that's happening around it, as far as in-fill projects go, some of it's a little creative I think is the word you said, but I think this is relative to other in-fill developments we have seen in similar circumstances I think this is generally a pretty good development and so I understand some of the -- some of the opposition and I get some of the concerns, but I -- I -- again, comparing this to other -- other developments and other proposals, this seems like it's, you know, a -- a decent fit for the community in terms of the rough density, the -- the rough lot sizes and things like that and, yeah, they -- they have to get a little creative with that common drive and why while I share the same animus necessarily -- I don't know if animus is the right word. I am a little common drive skeptical sometimes, but I think this is well done creatively. I think it's done well. I think that's all I will say.

Seal: Okay. Any other comments?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: In regard to the design, I actually like that two parcels have their drives on Rosalyn Drive and, then, it's a perfect description from Elizabeth as that hammerhead street, which only would service four of them. There is six houses, 12 cars maximum. There is no parking in the streets. The houses are between 1,500 and 1,800 square feet, which would allow a married couple, single -- you know, single people maybe with small children to be in a new starter home, close to the schools, close to downtown. And I like how you made that analogy. If you take that red box and you put it directly north it would be exactly the same six houses. So, I know change is hard and especially with the owner to the parcel to the west who has the cows and her acreage, as well as the ones that we really can't see on this picture of being R-2, it's actually a good transition and I know that's not what you want to hear, but it does actually fit into the Black Spur Way and the Blue Lark Court of what's already happening there. City Council's the ultimate decision maker, so you will be able to have your voice heard again with your concerns, but as we look at the layout of the houses and how it fits into this in-fill project it is a good design based on what is there and what can be put there for an in-fill project.

Seal: Okay. Anything further? I will take a motion. I would entertain any and all.

Lorcher: Mr. Chair?

Seal: Go right ahead.

Lorcher: After considering staff, applicant and public testimony, I move to recommend approval to City Council of File No. H-2023-0056 as presented in the staff report of the hearing date of March 7th, 2024, with no modifications.

Smith: Second.

Seal: It's been moved and seconded to recommend approval of File No. H-2023-0056 for Rosalyn Subdivision with no modifications. All in favor, please, say aye. Opposed nay? Motion passes. Thank you very much.

MOTION CARRIED: SIX AYES. ONE ABSENT