

3. Public Hearing for Keep West Subdivision No. 2 (H-2023-0047) by Jarron Langston, located at 2625 E. Lake Hazel Rd. and 6519 S. Raap Ranch Ln.

- A. Request: Annexation and zoning of 16.25 acres of land from RUT to R-2 (low density residential) zoning district
- B. Request: Preliminary Plat consisting of 22 buildable lots, one existing home and 5 common lots on (16.25 acres of land) in the R-2 zoning district

Seal: All right. With that I would like to open File No. H-2023-0047 for the Keep West Subdivision No. 2. We will begin with the staff report.

Garrett: Mr. Chairman, I will recuse myself from this discussion.

Seal: All right. Thank you, Commissioner. I appreciate it.

Starman: Yeah. I will just mention for the record that Commissioner Garrett is recusing because he owns a home in close proximity to the proposed project. So, he is recusing for that reason.

Seal: Thank you, Kurt. Bill, the floor is yours.

Parsons: Thank you, Mr. Chair. I hope all of these residents aren't here for an R-2 development, because we don't get many R-2 developments. But the next item on your agenda is the Keep West Subdivision. The applications before you -- there is a request for annexation and preliminary plat. The site consists of 16.25 acres of land currently zoned RUT in Ada county and the property is located on the south side of Lake Hazel Road, west of South Eagle Road. In 2013 this property did receive an approval through Ada county for a subdivision -- a two lot subdivision and the applicant is here tonight to, again, further subdivide the two lots that were approved with that plat. You can see here on your screen that the future land use map designation on this property is -- it has two designations. It's low density -- low density -- density and medium density designation and just for the -- the audience and the Commission, in the Comprehensive Plan when there is -- actually it's a dual land use designation on a property, the applicant gets the ability to request which one they want to take advantage of. The more dominant I would say controls, because a comp plan is not parcel specific, it's basically a color on the map and sometimes they don't always line up like a typical zone will. So, in this particular case the applicant has elected to float the -- the lesser of the two -- or at least the less intenser of the two land use designations of the LDR designation. So, that's why you see this project tonight coming in with an R-2 zoning request and also at a density of 1.46 dwelling units to the acre, which it falls well below the three or fewer that's allowed in that zone -- in that land use designation. So, again, the -- the plat itself contains 15.76 acres of land. Again, the applicant is proposing an R-2 zone density at 1.46 consistent with that LDR designation as I mentioned. Lot size range anywhere from 12,000 square feet up to

approximately 30,000 square feet. So, the plat before you has 22 new lots and, then, one existing home will stay on the site that's located here in -- in the middle of the -- the project and that's some of the discussion tonight that I will have with you with the extended block lengths and the cul-de-sac lengths, because keeping that home does kind of impact how this is laid out and, of course, the irregular shape of the property doesn't help either. But this really is meant to be an extension of the existing subdivision to the east, which is also called The Keep and that's why we have called it The Keep West and that's the intent of the applicant to do that as well. So, as I mentioned to you there is an existing residence. It's fairly new on the property that will remain. They will need to connect to city utilities within 60 days of it becoming available and, then, also the future homeowner will also have to re-address the property and have to align with whatever street it takes access from. So, the city will handle that with the final plat to make sure that that happens. I will mention to you that all of the lots do meet the R-2 dimensional standards, so no issues there. But in the UDC we do have subdivision standards that the applicant has to comply with and that has to deal with basically dedication of streets, block faces and the length of cul-de-sacs. You can see here in the preliminary plat there is only one stub street that is stubbed to this property. That is from the existing Keep Subdivision to the east and because this property does front an arterial we do not want them to have a primary access to that -- that arterial, because Lake Hazel will be a mobility corridor. The applicant is proposing an emergency access, though, to meet fire department requirements, which is located here in the general location of the existing home. So, that drive will remain. So, just by nature of the -- and there is also an existing irrigation facility that runs along the east boundary and one that runs along the west boundary. So, when you combine all of those impediments on the -- on this particular property it's pretty tough to meet some of those subdivision improvement standards. They took -- the code does give the applicant flexibility however. In this particular case if I were to -- if you can see my cursor here, if I were to measure this block face on the west side of this north-south street segment, that exceeds 750 feet, but since there is an existing pathway -- or proposed pathway that connects to open space and there is additional open space here to the south, that counts as granting the applicant a waiver to exceed 750. So, that one will be over 900 plus feet and that meets -- so, therefore, they are meeting the intent and we can give them that -- grant them that exception. Where it gets a little more difficult is the dead end street or the dead end cul-de-sac. So, this particular cul-de-sac is well over 750 feet and the code is very specific that the Council can grant a waiver up to 750 -- the maximum of 750 feet and this does not meet current code and the applicant has been conditioned to submit a revised plat 15 days prior to City Council to correct that deficiency. Now, certainly as you have the ability if you think that you want to see that change before you move it on to City Council, it's certainly within your purview tonight to ask for the applicant to continue and then -- or you could ask -- you could continue the project and ask for that revision to come before you before you move it on to City Council. Either way I think staff has it covered, but we will leave it up to you in the discussions as you work here with the applicant -- what the applicant intends to do to correct the deficiency. As I mentioned to you access is -- is from a local street, which is consistent with -- with the code. The unique feature - - the applicant's also asking for a City Council waiver to leave -- leave the Farr Lateral open and that's the one -- the -- the big canal that runs along the west boundary of the site. The development to the west was also granted that same waiver. So, it's -- it's not

uncommon for the Farr to stay open. It's a pretty big facility. So, I -- again, it's pretty consistent with other city approvals and, then, we have the Grimmet Lateral along the east boundary and some sections have been covered and some have been left over. In our communication with the applicant they have indicated that the irrigation district would prefer to have it tiled and, then, that whole 40 foot easement would be gravel and I -- we just don't think that's going to be very attractive for this development. So, staff is recommending that the applicant work with the irrigation district to see if we can leave that open and try to minimize the disturbance of that area, so we can keep it more natural. When The Keep Subdivision to the east was developed the gravel road ended up behind -- the maintenance road ended up behind those larger lots. So, I know they have access from one side of that waterway. So, I'm hoping that the irrigation district will allow the applicant to leave that open and keep it more natural and make it look like a creek rather than a gravel ditch. Do have a road -- 44 foot wide gravel road behind somebody's lot, but the applicant has complied with code. They are in common lots, so they have to be owned and maintained by the homeowners association. But, again, we are trying to just improve this for the -- the future residents and those existing out there. Because this is an R-2 development UDC requires a minimum of eight percent open space for this development. The plan before you is proposing 9.1 percent. So, they exceed the minimum requirement of the code and because it's 15 acres in size they have to provide amenity points totaling three points. So, this particular project the applicant is proposing a covered picnic shelter and a pickle ball court, which totals six points. So, they are exceeding the amenity point total by three -- doubling it. So, six points provided, so -- and again as I mentioned to you, I would imagine these residents will have access to the adjacent subdivision's amenities and vice-versa here. So, I'm -- I'm hoping that's the case, because I think it really is a continuation of that. Again, here is the landscape plan. As I mentioned to you complies with -- with UDC standards. Exceeds UDC standards actually. And, then, here is some of the sample elevations here. So, again, single family homes don't require any formal approval from us to design review process. But given the size of the lots and what has currently developed to the east I imagine there will be more of the same. I had a chance to look at the public record before the hearing tonight, noticed that someone -- there was one -- a letter in support of the project from Jeff Lucky. Again he had -- didn't have any concerns with the density. Was actually supportive of the R-2. But his only concern was the extension of the stub street into the adjacent subdivision, because he would like to have -- he doesn't want to connect into that subdivision there to get to the -- wants to leave neighbors from cutting through the subdivision since there is limited access here. I think this Commission is aware that we really encourage interconnectivity between our subdivisions. So, I -- I would certainly hope that we would keep with those stub streets and keep -- and meet the -- the requirements of the code and comp plan. Other than that staff is, again, recommending approval of both the annexation and the plat with the modification to the cul-de-sac and with that I will stand for any questions you may have.

Seal: All right. Thanks, Bill. Would the applicant like to come forward? Good evening, sir. Need your name and address for the record, please.

Lakey: Thank you, Mr. Chairman. Todd Lakey. Borton Lakey Law. Address 141 East Carlton Avenue, Meridian, Idaho. 83642. Thank you, Mr. Chairman, Commissioners.

Here on behalf of the applicant Jarron Langston. I will be brief. Bill always does a great job on your staff reports and so I will just kind hit some of the high points. We do appreciate the recommendation of approval. We have our engineer here if you do have any technical questions on our preliminary plat, but as noted in the staff report we comply with the Comprehensive Plan and the zoning ordinance. This is phase two as was described of the Keep Subdivision. That's a really nice subdivision the City of Meridian can really be proud of and we will kind of create that enduring quality and -- and legacy in the area and my clients in this phase two also collaborated with the neighbors and those in that phase and the neighbor -- and the neighborhood to make sure that it was designed and they understand this is a continuation of that phase one and we will keep that same type of quality low density project. As was noted we are requesting an R-2, which is low density. It's the same as other R-2 zoning in the area, but there is also some R-4, R-8, R-5. So, we are creating some variety, but really a lower density variety, higher quality project. As Bill described, it's consistent with our future land use designation. We do get to spread that lower density over the project and, again, that helps us stay consistent with phase one at 1.46 dwelling units per acre and the nine -- over nine percent open space, we are in compliance with the city standards. In addition to the, you know, large lots that individuals have -- kind of their own open space on their lots; right? Twenty-three lots. Sixteen plus acres. There is the existing home that was shown and that home will connect to the city services as noted in the staff report. The three accesses that we have we will be closing those, with the exception of the one emergency access on Lake Hazel and including the 25 foot landscape strip on Lake Hazel and our open space will include pathways, the pickle ball court, sport court, a covered pavilion and the grassy areas. We are -- we do agree with and accept the proposed conditions in the development agreement. I think we would like some flexibility to at least discuss with staff that condition seven dealing with that cul-de-sac on the northern road that runs parallel to Lake Hazel and see if there isn't a potential for an alternate compliance. We understand what the recommended condition is currently. That would be cheaper for us, frankly, to pull that cul-de-sac back, but we do think it's kind of an inferior design in the overall look and design of the project and don't feel that with that 80 degree turn that's close to a 90 turn that might let us recalculate, that it's not detrimental to the public health, safety or welfare. So, with that, Mr. Chairman, we would ask for your approval. Again appreciate staff's work on this and be happy to answer questions if you have them.

Seal: Any questions for the applicant or staff?

Smith: Mr. Chairman?

Seal: Commissioner Smith, go ahead.

Smith: I do have one -- there we go. All right. So, I do have one question just because you expressed some desire for discussing alternate compliance, just to frame some of the other questions I might have. If the two outcomes that I kind of have in my head tonight are either we continue so you and staff can discuss alternate compliance or we were to perhaps approve the application with that required kind of redesign, would a continuance be preferable to your opinion between the two?

Lakey: Mr. Chairman and Commissioner Smith, I think we would prefer to let you approve it, understanding that that's your recommendation, if that's your recommendation and, then, give us the opportunity to see if we can find some alternate compliance. If we can't, then, you know, it is what it is, but I think we would prefer to have action by the Commission tonight.

Smith: Okay. Thank you.

Lakey: Thank you.

Seal: In that vein do you have a rendering of what that might look like if you were going to need to comply with staff's request or --

Lakey: Mr. Chairman, I -- I have one. It just pulls that cul-de-sac slightly to the east and would require kind of an extended single flag lot drive aisle to that lot that's in the corner. The one that I have -- I don't know if I have a -- I don't have a paper rendering. It's an electronic one.

Seal: Understood. Okay. Just trying to get a better understanding of that just in my hand as we -- as we are taking a look at it here. But that's okay. All right. Thank you very much.

Lakey: Thank you, Mr. Chairman, Commissioners.

Seal: Madam Clerk, do you have anybody signed up to testify?

Lomeli: Mr. Chair, I have a Jeff Lucky online if he would like to speak.

Lucky: Hi. Can you hear me?

Seal: Yes, sir. We will just need your name and address for the record and the floor is yours.

Lucky: Sure. Mr. Chair and Commissioners, my name is Jeff Lucky. I currently live at 4355 South Langdon Street in Meridian. I am a future Keep resident. I would like to thank you for the opportunity to express my concerns and in the interest of time I will just be clear. I have no concern with a developer that's willing to help facilitate your mission and that's to establish a community with diversity in home sizes and incomes that support different levels. Jerron Langston has proven his ability to deliver a low density solution and he is willing to do it again. The only issue I have has to do with the likely traffic flow impact coming from Eagle Road and Discovery Park right through The Keep. Now, I heard you even just a few minutes ago talk about connectivity between the neighborhoods. I get that. I agree with it. But I do have to ask at what cost. So, let me just drill down and try and be specific here. To my knowledge there is no planned solution for the traffic jam that's going to exist at the intersection of Eagle Road and Bingley, which

is the second entrance and exit from The Keep and it's directly across from Skybreak. Can you imagine Eagle Road in each direction being just one lane and one south facing turn into Skybreak. Now, when cars are constantly coming from the freeway going down Eagle Road passing -- excuse me -- the new beautiful intersection that will be in place at Lake Hazel and Eagle, if you transit a couple hundred yards further the road necks down to one lane in each direction. So, now it's almost impossible to get out of The Keep while you have a turn lane going into Skybreak. Then you add Riva Ridge to this equation, which is to the south, which we recall was on last month's docket, a community with increased density, now the situation gets even a little more impossible. So, at this point we are feeling pretty disadvantaged I have to say. But now it gets really challenging when you think about the connectivity between Eagle to Bingley to Wickham into the Brighton community and now directly into the regional park. Why would we facilitate that potential and at what cost? Jarron Langston, the developer, has offered a compromise solution. A pedestrian footbridge and a -- something wide enough to accommodate I guess four wheel off-road vehicles or whatever -- and he will explain that. But it's a viable solution. Last month you kind of took the time at the end of the community meeting at the Riva Ridge docket and explain to us to kind of comfort us that it doesn't always turn out the way we want it to, but the schools don't listen and ACHD has publicly said that the roads will not support the growth pace. But their shortcomings surely shouldn't get in the way of responsible decision making, especially when the consequences are clear. One lane in each direction. People are going to avoid the large streets at the intersection and they are going to cut through The Keep and so that's -- that's a problem. You know, last month's minutes on the docket -- I just read page 23, it says conforming -- the plat is in conformance with scheduled public improvements and concurs with the city's capital improvement program. Staff finds the proposed plat is in conformance with scheduled public improvements. Well, I'm telling you that I don't think there is one. One lane in each direction. And, secondly, the development will not be detrimental to the public health, safety or general welfare. I'm going to go out there a little bit and just disagree with that, because delivery trucks, transit vehicles in the neighborhood do impact safety and welfare of the people and we shouldn't compromise. So, I ask you to pump the brakes a bit and really consider the potential of connectivity through a footbridge. Thank you very much.

Seal: Thank you, Jeff. Appreciate it. Madam Clerk, do we have anybody else?

Lomeli: Mr. Chair, I have Ted Burke. I'm sorry. Jeff Brown marked wanted to testify.

Brown: Mr. Chair, Commissioners, thank you for your time tonight. My name is Jeffrey Brown. I live at 6585 South Pemberley Way in Meridian. It is one of -- it is one address in the current Keep Subdivision. To save time I will say I agree with everything that Jeff Lucky just said in great detail. My specific points are two. Number one the proposed vehicular bridge across the Farr Lateral, I would strongly ask that that be considered to be a pedestrian bridge and that we need that, because we are currently experiencing some high traffic -- people trying to figure out a way to cut through based on the high volumes on Lake Hazel and Eagle at that intersection and I personally experienced an incident where a car was transitioning from -- was driving west -- westbound on Darcy

and made the turn -- almost made the turn to southbound Pemberley Way and the only thing that stopped it was the curb. The car slid. It was a slushy morning, so the person was driving fast. It was not a resident's vehicle. There are many residents on Darcy who have children and they love to play in the street and have friends down the street. The additional traffic is just going to create, in my opinion, a significant danger to those children and to the residents of the community. I have a number of -- there are a number of other residents who are here with me tonight who declined to speak, but they agree and -- and support that position. I also want to thank staff's report on the lateral on the east side of the current subdivision, the smaller one, that it -- to remain open. I think that's a very important part, because one of the attractions to Idaho is the open spaces and the birds and trees and flowers and all that stuff that we get and if we just cap that off and cover it with gravel we lose all of that. So, with that thank you.

Seal: Thank you, sir. Appreciate it. Madam Clerk, next?

Lomeli: Mr. Chair, I have Andrew Williams.

Williams: Can you hear me okay?

Seal: Yep. And poke right into that microphone there.

Williams: Andrew Williams. 2889 East Darcy Drive. Just want to tell a little story. First I want to echo everything Mr. Lucky said. It was flawless. Part of me wants to just say whatever he said and walk back down, but I have got a little story I want to tell. Five years ago my family purchased a home down the street from The Keep in a subdivision called White Bark. It was a beautiful home surrounded mostly by cornfields at the time and we knew one day those cornfields would slowly disappear and ultimately be developed. We were hoping for a park or two, but we took the risk, we made the leap, but little did we know our property was about to be developed from all sides within just two years. Meridian was booming. Along with this rapid development came an extremely heavy flow of automobile traffic through our neighborhood and our once quiet home became dangerous for our children to play in the front yard. After a close call with one of my boys being sideswiped by a construction truck from an adjacent community, we knew the neighborhood was no longer what we desired to be considered safe for our family. That was when we found The Keep. What is a keep? Keeps were built within castles during middle age -- during the Middle Ages and they were used as a refuge of last resort should the rest of the castle fall to enemies. Now, it seems a little extreme, but -- but the name seemed too perfect and with the -- with the rendering we saw of the development this was going to be a small enclosed community with large and spacious lots and it's exactly what we were looking for and my enemy of traffic was to be defeated. I would secure the safety that my family and I desired for my family. I found the victory. So, once again we made the leap, only this time it was calculated and this time I left no room for error. Or so I thought. The Keep is growing. I can't stop that and I don't wish to. I think The Keep is the premier neighborhood of south Meridian and I'm excited to see it grow, but The Keep needs to stay a keep. We cannot allow additional automobile traffic outside of The Keep as it will surely grow traffic to a level that is unsafe for our children and community we so

adamantly desire to protect. I urge the community to approve a pedestrian path in its stead. Please do not break The Keep. Thank you.

Seal: Thank you, sir. Appreciate it. Madam Clerk?

Lomeli: No one else has signed up.

Seal: Anybody else in the audience like to come up and give their words on this? Oh, I have a gentleman coming up already. We will get to you, ma'am. And walk up to the mic. There we go. Name and address, please.

Blau: Danny Blau. 2890 East Wickham Court, Meridian. 83642. So, I apologize for the appearance. I just found out about this and this -- I'm brand new to Idaho and we are the newest residents of The Keep and my wife and my eight year old twins at the time moved here and coming from far away we looked at all the other cities and tried to find exactly what we found on The Keep, somewhere with big lots, somewhere safe, somewhere private and as much as we heard Eagle was the place to be, we fell in love with Meridian. We fell in love with -- with the neighborhood and we made the leap. We had come from a very populated neighborhood. Saw some just not great things in our neighborhood because of the growth and saw some very tragic happen in our old neighborhood regarding a kid on his bike and a speeding teenager. So, ever since then we have really tried to find somewhere safe for our kids and that's where we came to The Keep and we were welcomed with open arms and just -- it's been a great place. Found out what's going on now and really just -- like everyone said -- I have agreed with everything that everyone said here -- love The Keep, love the growth, love what Jarron's doing with The Keep, keeping it very similar to what it already is. Larger lots. It's a great community filled with great people and we would just like to ask if we keep it there and exactly what everyone else has said is that bridge -- we just don't see it necessary to have that traffic coming through that area, just for the amount of safety, the type of kids -- the teenagers that are ripping through that neighborhood trying to get to the park, it's just when they can just head down Lake Hazel and pull in there. We -- like I said we had eight year old twins when we moved in. They are nine. And they -- we let them walk to their friends house. We let them cross the street. But we always say be careful. Be careful. You know. And everyone in The Keep, we all get together, we all know each other, it's like a family in there and we want to keep it that way and so I -- I beg this committee to really consider just some type of cart path, some type of walking path, some type of walking bridge to get over to that area and not let those kind of cars come through. So, appreciate your time

Seal: Thank you, sir. Okay. Madam Clerk -- no. Just asking for people out of the audience. That's right. Ma'am, go ahead and come on up. Just used to asking you before. Good evening.

Newell: Melina Newell. 6751 South Rosings Place, Meridian. 83642. I am also a resident in The Keep. Love the subdivision. Love everything around there. I can just say ditto on what Mr. Lucky said. He's got it down. My concern is you have got Skybreak right across from our subdivision direct through, 300 -- how many lots over there going to

be going in. We have two entrances. That's it. And people will cut through there. It will bring that much more traffic and my kids are older, but there are a ton of little kids and, of course, a park. So, yes, we want them to have access, walking through, riding your bike, on a golf cart, whatever it may be. But if we can cut the traffic and cars, which people cut through, that's all we are looking to do. So, that's all I have to say.

Seal: Thank you very much.

Newell: Thank you.

Seal: Is there anybody else in the audience that would like to come up? Going once. Twice. All right. With that would the applicant light to come back forward.

Lakey: Thank you, Mr. Chairman. Again for the record Todd Lakey. Borton Lakey Law. 141 East Carlton Avenue, Meridian, Idaho. 83642. Mr. Chairman, we -- we appreciate our neighbors and their testimony. You don't always see neighbors this supportive of the project developer. So, I think that speaks volumes and -- and they support Mr. Langston's goals and his approach to this project and, of course, we designed that connectivity as part of the city's goals and objectives for connectivity with the streets, but we are very supportive of that proposed compromise if the city would allow us to utilize a pedestrian bridge instead of a full vehicular access that could be used for connectivity and used by things like golf carts to provide that connectivity between individuals in the two projects. And, then, we have the emergency access. So, it's not a secondary access issue for first responders. But with that, Mr. Chairman, again, we would be supportive of that request from our neighbors and ask for your approval. Happy to stand for questions.

Seal: Okay. Commissioners, do we have questions for the applicant or staff? Seeing nothing.

Lorcher: Mr. Chair?

Seal: Go right ahead.

Lorcher: Mr. Chair, I don't know if we can answer this question tonight. So, it's going -- the road that you are -- that is being proposed for connectivity goes over the lateral. So, that's either -- what, Nampa Irrigation or Settlers or whoever irrigation company. It's very rare that they actually allow any kind of streets to go above them, whether they are pedestrian or regular. Do we know from ACHD is that a requirement to have that street go through? Is that a requirement from ACHD?

Parsons: Mr. Chairman, Members of the Commission, yes, it's going to be a requirement to extend the stub street -- just like we had Apex east to -- which is the property to the west -- stub it here. That's what it was for -- intended for. I did want to at least share with the neighbors a little bit more context than -- about connectivity, because Riva Ridge was here last hearing and adjacent to the park -- the park is surrounded with collective streets all the way around it where the master street map that is adopted by -- which is endorsed

by the city, adopted by ACHD, and so this is the local street connections, but there will be -- when these properties come online and develop there will be other roads -- there are roads planned to alleviate traffic and dispersing traffic throughout this area at the mid mile and there will also be a light on Lake Hazel that allows these folks to get out to Lake Hazel through that light using the collector system, too. So, they are not stuck just going out to two access points from their subdivision. So, it's meant to work both ways and help disperse traffic throughout a neighborhood. So, I can't sit here and say are people -- is more traffic going to go through this neighborhood? Probably will. But I think once you look at how the other developments come in and develop around this and you look at this -- the street system that's planned, I -- I don't know if people are going to cut -- jog through all these neighborhoods to get out to go south on Eagle Road when there is going to be a pretty robust collector system in the future to handle and collect all that traffic. But someone will try it as you know. But the way it's designed and looking at my map here, it's -- it's not a straight shot and you are going to have to really weigh driving clear out the neighborhood before you -- you can get to that. So, that's what we try to do, too. We don't want the straight streets going through neighborhoods because that's where you do increase people cutting through, but I think -- I think things are planned and -- and, yes, there are -- there is -- Lake Hazel's going to be built. It's going to be widened and the intersection is going to be widened. There is going to be some congestion in that area until all of those road improvements are done and that's probably the next couple years. So, it will -- it will get a little dicey in that area and a little slower moving.

Lorcher: So, just to reiterate to the -- to the people from The Keep here, the City of Meridian Planning and Zoning, City Council, we know we don't own the roads. It's part of ACHD. It's part of their plan. It's possible that you could petition ACHD to turn it into a pedestrian bridge, but that's not within our ability to be able to make those decisions. So, we can move it on to City Council and you can consult with ACHD to see if that can be adjusted to a pedestrian bridge versus a collector -- or not a collector street, but a connectivity street. My guess is that they have already made their decision and, you know, whether it's for emergency vehicles or safety or whatever the case might be and that -- and when I say safety, I'm -- I'm talking about moving emergency vehicles from one place to another, as opposed to going around the whole thing. In some cases they might have to work their way through. So, I -- I don't -- we are really not in a position here to be able to make a decision about the streets. So, we appreciate you being open to both kinds -- both solutions, whether it's a pedestrian or a connectivity street, but that would be -- have to be a conversation with ACHD and it really wouldn't affect our decision here on approving or disapproving the annexation recommendation to City Council.

Seal: Okay. Anyone else?

Sandoval: Mr. Chair?

Seal: Go right ahead.

Sandoval: Just a follow up for staff. Is the ACHD requirement to have that open to all traffic or emergency only? Do we know?

Seal: Just basically talking about the -- the bridge over the lateral?

Sandoval: Yes.

Seal: Go ahead, Bill. I think I know the answer, but I will let you answer.

Parsons: You do. Mr. Chair, Members of the Commission, Commissioner Sandoval, it's -- yeah, it's public -- it's open to the public. It's vehicle and pedestrian. So, it's -- it's a public street, so -- it's going to be dedicated right of way. But the residents are correct, the lateral companies do like to limit the number of crossings over their waterways and usually you get one, but you are not going to get any more. They are very particular about that. Certainly -- I mean, again, Council could take this under consideration. I can't speak on what the Council is going to do. If the road was not to be extended there is going to have to be a turn around, it's going to take some redesign down there, too. So, there is a lot of implications to just turning this to a pedestrian bridge. The other thing I wanted to mention, too, is -- I want you residents to enjoy the park, too. I don't want you to have to go out onto Eagle Road and, then, turn onto Lake Hazel just to get to a community park that you pay taxes for and get the benefit of using and this will give you a better access and a safer access to get you to that facility, because it will be something special when it's built out and we want you to have access to those parks as well.

Seal: Thank you. Commissioners, anybody else? Thank you.

Lakey: Thank you, Mr. Chairman, Commissioners.

Seal: If there is no further questions I will take a motion to close the public hearing -- hearing for File No. H-2023-0047.

Smith: So moved.

Lorcher: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0047. All in favor please say aye. Opposed nay? The public hearing is closed.

MOTION CARRIED: FIVE AYES. ONE RECUSE. ONE ABSENT.

Seal: I will kind of start out with this one. So, I'm -- I always lean more towards I would like all the information before we send something to -- to City Council. With something that's kind of as cut and dry as code, I can see that -- I mean it's -- it's going to have to be taken care of. This is -- this isn't open to interpretation, like -- like a lot of other things are that are out there. We have a community that's in support of it, obviously. You know, I mean there is -- and, again, to reiterate, we have very little, if any, control over the road systems that are there. So, unfortunately, if -- you know, a lot of folks come in here and one of their immediate concerns is -- is the traffic and the roads and if you are coming

into Planning and Zoning to voice those concerns we hear you, but ACHD is -- that's the place to have -- you know, the -- the conversations with them, because they own the roads. So, that's unfortunate in a lot of ways, but that's just kind of where we are. So, for me I like -- you know, I -- I like the fact that it's a -- it's -- it's a well-designed piece of land. I mean the parcel itself is -- is very -- you know, I mean to me this -- if it weren't kind of phase two this would just be in-fill. So, that's the way that I look at it. So, it's an extension that's on there. Hopefully we can get something on the -- on the east lateral that will help them to -- you know, help keep that beautified and not just turn it into a large gravel, you know, pit or -- pit or road or -- I mean 40 feet, that's -- that's a lot of gravel. So, hopefully, something can be done about that. But, again, that's really not -- I mean that's something that they are going to have to work with others in order to come up with. So, for me I'm -- you know, I'm happy to support this moving forward to -- to City Council. I don't know that continuing it's going to give us more information as -- as we move forward with it. But I don't make the motions, so more than happy to listen to anything you guys have to say on that.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Yeah. I would -- I would like to -- I mean shortly -- echo -- especially about continuing forward and moving this on to Council, it seems like if there is a change that needs to be made it also doesn't -- doesn't appear to drastically change the -- the layout of the development. So, I don't -- I don't think there is anything that would -- yeah, I'm not -- I don't think I'm going to lose any sleep over, you know, whether this cul-de-sac is shifted a little bit around, you know, the -- the angles are shifted slightly. I think in terms -- you know, when you really think of the safety aspect, my -- my initial read was -- was looking at this kind of long straight-ish path and the speeds that are kind of implied when you have that -- that long interrupted -- long uninterrupted roadway. But I trust staff with their analysis and so, yeah, I -- I think I'm fully supportive of this moving forward to Council as is.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: I also agree that the city planners and the developer can work on the cul-de-sac measurement issues and as regard to the -- the connectivity, it would be up to the developer, you know, to talk with the neighbors in The Keep of possibly putting some speed bumps or rumble strips or something else like that in there. That -- that's at their discretion or the -- the ACHD's discretion to be able to slow things down. I know it seems like there is just two lane traffic right now around Lake Hazel and Eagle, but, you know, three or four years from now as our community continues to grow, those will be five lanes minimum, if not greater, and so moving around there, even though it seems like it's congested right now, it will improve. I live in the Highway 16 impact area, I'm in there for the long haul, I know it's going to be three or four years before everything gets built out and things quiet down again without construction equipment, but that's my choice,

because I choose to live there. So, it's just part of it. Your subdivision is growing, your community is growing, especially south of the freeway and, unfortunately, there is only so much ACHD can do with the resources they have and prioritizing things and it will happen. So, the most important thing is, you know, if the developer wants to -- between now and City Council go back to ACHD and see if they can put some safety measures in there to kind of slow things down or even propose that it becomes a pedestrian bridge that would be their discretion and, again, it's not really in our -- we are here to approve -- we are here to recommend -- make a recommendation for the subdivision as a whole to City Council and I'm also in support of the design.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: Thank you. Just -- Commissioner Lorcher, just spurred a thought to my head also and I just want to make sure it's on record and for anyone in attendance that's interested in those traffic control devices and things like that, I don't know where it is in the process, but to my knowledge I believe ACHD is also revising their standards for traffic control devices, like speed bumps, speed humps, whatever they call them, the different varieties these days and I do believe they are loosening those requirements to be able to offer traffic calming measures to more communities and so I absolutely want to echo and support it. If -- if that is a concern ACHD seems like they are becoming more and more approachable on -- on those specific issues, whether they are willing to -- to help out with putting speed bumps or whatever other device in that is helpful in calming traffic. So, I just wanted to make sure that's hopefully an asset for the community as well.

Seal: Okay. Anything further?

Rivera: Mr. Chair?

Seal: Go ahead.

Rivera: Just the same understanding and I appreciate the -- the information and I also appreciate the residents coming in and -- and testifying and giving their -- their feedback. But, yeah, I am also in agreement with fellow Chair's, fellow Commissioners that I support this to make the recommendation to push it forward to City Council and, you know, look forward to -- you know, it's part of this growth. It just sounds like a really great community and people that live together are great neighbors with each other, so I stand to move it forward as well.

Seal: Okay. Anything to add?

Sandoval: Mr. Chair. So, my only concern with not continuing this is the open space requirements within that one percent. So, it's pretty close, but I think if you pull that cul-de-sac back it's just going to create more of it. So, yeah, I would -- I would be in support of pushing it forward, too.

Seal: Okay. Thank you very much. Before anybody does make -- make a motion here if you want to, I would -- if it so behooves you I should say, you can mention something on the cul-de-sac length as far as -- you know, I mean I don't know if we want to make a recommendation, but, you know, generally wording of, you know, work with staff to provide for, you know, adherence to or something along those lines would -- would be good and, then, you know, we are -- also it isn't within our purview to, you know, ask the applicant to possibly work with ACHD for traffic calming measures or, you know, to provide the -- the bridge to be a pedestrian only. Just if -- if -- if anybody feels that that needs to go on record please make sure to put it in the motion. I will take a motion by the way.

Smith: Mr. Chair?

Seal: Commissioner Smith, go ahead.

Smith: After considering all staff, applicant and public testimony, I move to recommend approval to the City Council of File No. H-2023-0047 as presented in the staff report for the hearing date of March 7th, 2023, with one small modification. As a general requirement for the applicant to work with staff to resolve measurement and placement concerns over that northeast cul-de-sac.

Lorcher: Second.

Seal: Okay. It's been moved and seconded to recommend approval of File No. H-2023-0047 with one modification. All in favor, please, say aye. Opposed nay? Motion passes. Thank you very much.

MOTION CARRIED: FIVE AYES. ONE RECUSE. ONE ABSENT.