

concept plan -- the changes weren't super huge and we have already started on them. So, I think that should be enough.

Holland: One question -- one follow-up question for staff. I know that Sonya is not in the room yet, but we -- we just continued the other application to August 20th as well. Can you tell us how many other applications we have?

Weatherly: Commissioner Holland, this would be the third hearing for that evening.

Holland: Okay. Thank you.

Fitzgerald: Any additional questions for the applicant or for staff? Is there any -- anyone in the public that wishes to testify on this application? Please raise your hand on Zoom or if you are in the audience let us know you are there. Seeing Andy's eyes can you tell me no. With that being the case, can I get a motion to --

Seal: Mr. Chair?

Fitzgerald: Go right ahead, sir.

Seal: I move that we continue Prescott Ridge, H-2020-0047, to the date of August 20th, 2020, to allow the applicant to work their concerns pertaining to utility extension, allow more time to get comments from the school district and ACHD.

Holland: Second.

Fitzgerald: I have a motion and a second to continue the hearing for Prescott Ridge, H-2020-0047, until the date of August 20th, 2020. All those in favor say aye. Any opposed?

MOTION CARRIED: SIX AYES. ONE ABSENT.

Fitzgerald: Thanks, Stephanie. We look forward to seeing you on the 20th.

Leonard: Okay. Thank you guys.

2. Public Hearing Continued from June 4, 2020 for Teakwood Place Subdivision (H-2020-0006) by Hesscomm Corp., Located at 1835 E. Victory Rd.

- A. Request: Annexation and Zoning of 7.35 acres of land with an R-8 zoning district.
- B. Request: A Preliminary Plat consisting of 26 single- family residential lots and 2 common lots.

Fitzgerald: Okay. Moving on to our first application for consideration tonight is a public hearing that was continued from June 4th, Teakwood Place Subdivision, file number H-2020-0006, and let's start with the staff report. Joe.

Dodson: Thank you, Mr. Chair. Yes, as Commissioner Fitzgerald stated, this was originally heard on May 7th and it was continued to the date of June 4th. Prior to that meeting staff did a site visit and it was, then, I -- we decided that it was best to continue the project further to continue working through some of the issues presented at that Commission meeting on May 7th and since then staff has received revised plans and it has -- those plans have corrected some of the issues previously discussed. I will try not to rehash everything, but, generally speaking, the plan did change significantly, so I will probably cover everything all over again. The application before you is for annexation and zoning and preliminary plat. The site consists of 7.35 acres of land. Currently, zoned RUT and is located at 1835 East Victory Road. The request for annexation and zoning is with an R-9 zoning designation and the preliminary plat consists of 22 building lots and four common lots. One of the 22 buildings --

Fitzgerald: Joe, do you have your -- sorry to interrupt you, but do you have the slides up that you can -- so everybody has them in front of them.

Dodson: Thank you.

Fitzgerald: There we go. Thank you, sir.

Dodson: Yes. One of the 22 building lots contains the existing home that is to remain. The future land use designation for the subject site is medium density residential, which allows detached single family homes and requires that growth density resides between three and eight dwelling units per acre. The applicant's revised plat has a gross density of 2.99 dwelling units per acre, which can be rounded up to comply with the Comprehensive Plan. In addition, the applicant has reduced the number of lots since the previous Commission hearing from 28 lots to 22 and the proposed project is now proposed as one phase, instead of two. The minimum property size is 4,784 square feet, with an average buildable lot size of 10,318 square feet, which exceeds the 4,000 square foot minimum lot size requirement for the R-8 zoning district. As noted there is a home on the subject site that is intended to remain and reside in one of the proposed building lots. The plan before you is the original plan that showed two different phases and more building lots. This is the new revised preliminary plat. In addition, some of the accessory structures on the property are proposed to remain. Any structures that remain on the property must comply with the dimensional standards of the requested R-8 zoning or they will be removed. Current access to the property is via a driveway connection to East Victory Road and the applicant is requesting that this access remain for the existing home. Keeping this access does not comply with city code or with ACHD policies. However, ACHD has amended their policies and offers their approval of keeping the access on sites and sites the reasoning for this as a low number of vehicle trips that would occur from one home. Staff cannot support this due to code requirements that access be taken from a lesser classified street if it is available. Staff believes that if the existing access is not

closed at the time of this development, it may never be closed. The applicant -- the applicant should be required to close the access to Victory Road and take access from the proposed new local street within the subdivision East Fathom Street. The applicant is requesting a Council waiver to keep this access. The applicant is also proposing to construct an emergency only access that connects the proposed East Fathom Street to Victory Road in the very northwest corner of the site. Staff is recommending a condition of approval that this emergency access be constructed prior to any issuance of certificate of occupancy. Parking for the development is required to be provided in accord with the standards listed in UDC 11-3C-6 for detached single family homes and based on the number of bedrooms per home. The proposed street sections are 33 feet wide, which would also offer on-street parking where no fire hydrants or curb cuts exist for driveways. In addition, the applicant has proposed a larger than normal cul-de-sac at the end -- I should say the south end of the development. This cul-de-sac has a 57 foot radius, which is nine feet wider than the standard requirement -- or standard cul-de-sac of 48 feet. Therefore, allowing on-street parking along the edge of this cul-de-sac as well. The applicant has submitted sample elevations of the single family homes for this project. The single family homes are depicted as mostly single story structures with a variety of finish materials, with stone, stucco, and lap siding combinations. Some homes also depict extra large spaces for RV storage. All single family homes appear to meet design and architectural standards. In the northeast corner of the site, depicted in hatched red along the boundary, the master pathways plan shows a small section of multi-use pathway. The applicant has worked with both Planning and Parks staff to propose a pathway easement in this location, instead of constructing the pathway. The easement is partially located within the irrigation district easement and that portion of the pathway will be obtained by the city. I should say built by the city. The logic behind this is twofold. One, to minimize the impact to the existing homeowner who is to remain, since the pathway would encroach into their back porch if it were entirely on the subject property. And, two, to not construct a pathway that would lead to nowhere for the foreseeable future, since adjacent county property owners have shown little intention on redeveloping in the near future. Staff is supportive of this option to provide an easement that is shared between this property and the irrigation district and to be constructed at a later date. Staff has spoken with the irrigation district and they are also supportive of this easement so long as they have the space for their 18 -- their existing 18 foot wide access road. To ensure this small pathway section is built in the future, staff is recommending a DA provision that the multi-use pathway be constructed by this owner if the existing home is redeveloped or subdivided prior to the city constructing the pathway in the easement. Otherwise, the city will build it via having control over the easement. Five foot detached sidewalks are proposed along all internal local streets in accord with the standards in UDC 11-3A-17. A five foot wide detached sidewalk is required to be constructed with the required frontage improvements along Victory Road. This sidewalk should be constructed within the required 25 foot landscape buffer along Victory Road. A 25 foot wide common lot is depicted on the plat, but is proposed with no new improvements. The applicant states that the existing and mature spruce trees along Victory Road have to be removed in order to construct the frontage improvements with a detached sidewalk. Staff finds that the existing trees do offer a quality landscape buffer between Victory and the proposed -- proposed subdivision, but I'm afraid that if the frontage improvements do not occur now they may

never be installed. The frontage improvements are required by city code and, therefore, the applicant is asking for a Council waiver to require the improvements at a later date when the lot with the existing home is redeveloped or subdivided in the future. A minimum of ten percent qualified open space meeting the standards listed in UDC 11-3G-3B is required. Based on the proposed plat of 7.35 acres, a minimum of .74 acres of common open space should be provided -- of qualified common open space to be specific. According to the applicant's revised open space exhibit, the applicant is proposing approximately 39,888 square feet of open space, .92 acres, which is approximately 12.45 percent, consisting of common lots with open space. The exhibit also labels 32,295 square feet of that 39,000 -- approximately .74 acres as qualifying open space. That's approximately 10.09 percent. Just over the minimum. This is a reduction of approximately 10,000 square feet from the previous plat -- the previous open space exhibit. I apologize. Let me go back to -- from this previous open space exhibit. The open space is primarily proposed as two common open space lots, with one residing in the very southeast corner of the site and one more centralized, but smaller. The common open space lot in the south of the proposed project is also going to be used for storm drainage and meets the minimum 20,000 square feet lot size for that to count as open space by a few feet. The open space is to be available at the time of development, as the project is no longer being phased. All lots appeared to meet -- all common open space lots appear to meet UDC requirements to count towards the qualified open space. The proposed open space meets the minimum UDC requirements by less than 200 square feet. Staff finds that the proposed open space again meets the requirements, but is not premiere. The revised open space exhibit and plat has also presented a couple of issues regarding Lot 19, Block 1, which is the lot containing the temporary turnaround in the center of the development. The revised plat shows some of the nonqualifying -- qualifying open space on this lot, which is the green area around it, which the applicant has deemed this as nonbuildable until the stub street is extended via a plat note and the temporary turnaround is removed. Staff agrees with this designation, but making it nonbuildable and also including any overall open space depicts a potential issue in the future. Will this lot be a future common open space a lot or will it be a future buildable lot? Staff wants to ensure that all of the open space numbers, regardless whether qualifying or nonqualifying -- sorry. And the numbers of the building lots are confirmed prior to this application being developed. In addition, if Lot 19, Block 1, is intended to be a common open space lot in the future, instead of a buildable lot, an additional small pocket of open space is not ideal. If this is the intended purpose of this lot, staff recommends that the applicant revise the plat to have the proposed open space more contiguous to each other. Minimally, the applicant should clarify what the intent of this lot is in the future. With the revised plat and the open space exhibit, the applicant has also not proposed an amenity. The future pathway cannot be counted as an amenity as it is not being provided with this application and development. Staff requested that the landscape plan be revised to show an amenity on one of the common open space lots prior to the Commission hearing, but staff did not receive those updated plans. The city has received a number of written testimony regarding this project dating back to the original public hearing date. Some of them -- we have received I think one or two since the continuance in June as well. I will go over these briefly. Mrs. McLaferty, which is a board member of the Tradewinds Subdivision HOA directly to the west, has concerns

over additional traffic being the only access for this development is through their subdivision -- cites issues of the emergency response times and concerns over the drainage pond and it's correct engineering and in addition height of homes abutting the east side of Tradewinds and the west side of this development. Trisha Garcia-Brown, also a Tradewinds Subdivision resident, concerns over the single access into Teakwood through their subdivision. Mrs. Mary DeChambeau, which is a neighbor to the east, concerns over construction vehicle traffic not utilizing their private road for access -- her private road for access and drainage concerns of Eight Mile Lateral -- or the Eight Mile Canal -- Creek -- whatever word you would like to use there. Mr. Sandy Blaser, Tradewinds President, has concerns over the single access into Teakwood and concerns over building height for those homes directly abutting Tradewinds as well. Mr. Mike McClure, Tuscan Subdivision, which is to the south, concerns over pathway connections from his subdivision into this one. His specific requests were that there would be a connection. Unfortunately, there are not any common open space lots adjacent to this, so there -- there really is no way to do that. And, then, again, Mrs. McLaferty responded a little later and had the same concerns. Hopefully, Commissioners were able to review those pictures of the pond in Tradewinds. My understanding is that there is no pond proposed here, but they are going to be using the -- again, the open space lot in the south of the development as their storm drainage lot. Despite these issues and the plat being of a minimum standard, staff does recommend approval. Staff notes that the Commission should determine if this is an appropriate time for this annexation and -- and appropriateness of its quality. Staff will stand for questions. Thank you.

Fitzgerald: Thanks, Joe. Are there questions for staff? Commissioner Holland.

Holland: Mr. Chair. Just to clarify, Joe, the -- the open space lot that's on the right side of our picture off of the cul-de-sac is the one that they are looking for a drainage pond?

Dodson: Commissioner Holland, that is correct. At least -- well, let's clarify --

Holland: And I thought I remember seeing something, but did -- did you have discussions with the applicant about ways to reconfigure the open space, so it could be all a little bit more central and bigger, instead of having the two smaller chunks. Did they have any comments back on that?

Dodson: Commissioner Holland, Members of the Commission, I have not received any comments back about my staff report. No, ma'am. That is something that has been discussed more than a few times along different lines and for different reasons, but this is what they have revised and proposed.

Holland: Okay. Thank you, Joe.

Dodson: You're welcome.

Fitzgerald: Thank you, Commissioner Holland. Any additional questions for staff? Not hearing any at this time, would the applicant like to come forward and do a presentation on the application?

Lardie: Good evening, Mr. Chairman, Commissioners. Dan Lardie, Leavitt & Associates. 1324 1st Street South, Nampa. 83651. So, first of all, let me -- let me say thank you to Joe and to staff for -- for helping out with this. We -- we have been working hard at trying to make things more palatable for everyone involved. Joe, did -- did actually meet us on site and that was -- that was very nice to meet him. I actually put a name to the face, which was nice. For that -- do I need to access my PowerPoint from here or is it on your guys --

Weatherly: Mr. Lardie, you have the ability to share your screen, so you can pull it up on your computer.

Lardie: Okay. Okay. So, if I just pull it up, then, I can share my screen?

Weatherly: Yes. And you will click the green button at the bottom of the Zoom that says share screen and, then, choose the screen shot that you want to share and that should be your presentation.

Lardie: Okay. Can you guys see it? Oh, share screen.

Fitzgerald: It shares what picture you -- or the actual screen you want to show.

Lardie: Do we see the annexation and rezone for proposed Teakwood Subdivision? Blue screen?

Fitzgerald: Not yet.

Lardie: Not yet. Okay. Let's see here. Apologize.

Weatherly: Mr. Lardie, did you press the green share screen button at the bottom of the Zoom window?

Lardie: No, I have not. Let's see.

Weatherly: If you hover over the bottom of the Zoom window there should be a green share screen icon right in the middle. There you go. Correct.

Lardie: Are we there?

Weatherly: Yes.

Lardie: Sorry about that. So, I won't restate it, but I will try and just hit a few of the highlights. So, we reduced the density -- okay. So, the density was reduced and so now

we are down at 4.23 dwelling units per acre, if -- it meets the future land use representation of medium density R-8. So, it's located on the south -- on the southeast corner. Here is the outlined property. You have seen that in the staff report. So, in this -- in this slide we see -- oops. Too far. Sorry. So, here we see the fact that there are no sidewalks adjacent to the -- adjacent to the site. So, the property due west doesn't -- is actually -- I believe it's an enclave. There are no sidewalks in front of it. And there -- there is no sidewalk in front of this portion of Sagewood -- or Sageland. It does have a detached pathway and it meanders back and forth and actually feeds everybody back into their subdivision and, then, to the east we have -- we have irrigation property, which owns this -- this access to their -- to their path or to their -- so, they can service the -- the canal and, then, there is no -- there is no other pathway or sidewalk to our east. There is a sidewalk across the street on the north side of Victory. With -- with this -- and that's one of the reasons why we are asking for is not to -- to build the detached sidewalk along Victory, which would just create the fact that people would go out there and attempt to cross the -- cross the road here and possibly creating a public nuisance or a public safety hazard, which is -- which is problematic. The Richardsons, who live in -- who live in the existing home, they have been there since the '90s and they watched the ground develop and they are just trying to exercise their private property right in order to get to where they need to be for -- to develop their ground and -- utilize their home -- stay in their home without being uprooted and, then, still not have to care for the 7.35 acres that they own. They -- they have gotten used to the traffic out on -- out on Victory Road. They are used to going out there. They have watched it develop around and they have dealt with it. So, the traffic isn't a problem for the homeowner, which is the reason why we are asking for the existing driveway access to remain. They also still have some large vehicles, including a gooseneck trailer that they still like to be able to access off of Victory in order to get into their -- into their site, which they don't have quite the same access as coming in off of East Fathom. The city -- let's see. Apologize. So, currently Victory Road is actually -- is actually at its full width across our frontage. It's built out to its full width as far as three lanes and it does have existing curb, gutter. It's only missing the detached sidewalk. There are -- there are some mature trees in this location, which I will show you later, and, then, there are some large irrigation boxes that run along Victory Road, which are problematic to -- to be relocated. They can be, but that's the only -- that's the reason why we are not asking -- or why we are requesting not to build a detached sidewalk. One, it's a sidewalk to nowhere and, two, there are a lot of obstructions that could possibly wait to -- to be developed when the area around -- and it's more conducive to develop those particular items. So, the access and the future sidewalk should be addressed in a development agreement and noted on the plat, which my client is willing to do, that it could be done -- those things could be provided for at a later date when the Richardsons leave their home or that Lot 2, Block 2, develops. So, this is -- this slide is the development as a whole. You have seen this one. The eastern stub is in the common lot. It's intended to be a common lot in the future. Even when this cul-de-sac decides to -- or can be abandoned, it will remain as open space, which will provide -- which could provide a segue into open space into the future development of this property when it's -- when it gets -- when it gets abandoned. So, we moved the large open space to the cul-de-sac to allow for safe play and -- and additional parking around the cul-de-sac, which was achieved by a larger cul-de-sac. This area can be accessed through the internal

sidewalks of the -- of the project, which are a requirement and can get you there safely. The green space -- let's see. The open space on Lot 7 provides a respite -- a buffer to the homeowners, a respite stop area that might be more serene for someone to use versus the large play area in the back, which may have a large gathering or such. The green space around the curve, which helps the buffer, Lot 2, Block 2, from the subdivision and allows -- or prevents double fronted access, if they -- which -- being that we are asking for the existing access out to Victory to remain, we don't want them to take access off of Fathom until this lot redevelops. So, the next slide is the open space summary. You have seen this. It's -- it's the same thing that -- that Joe has shown and a picnic table was proposed meeting UDC requirements, both in -- in the large open space and in the small pocket space, Lot 7, and at the end of the cul-de-sac. This is a blow up area of the cul-de-sac. So, last time I was before you Commissioner Holland had stated that she would like to see some way to handle some parking, because this is an issue that the city faces constantly is parking jammed up in a cul-de-sac. Originally we had tried park -- putting a parking island in the middle and we submitted that to the Fire Department and the Fire Department came back and said, no, they wouldn't allow anything in the middle. They suggested a larger -- a larger cul-de-sac to provide access -- or parking around the side -- or along the outside and, then, still providing their safe access and turn around in the middle. So, here -- this is a photograph of Victory Road and it -- and this is looking east towards our site. Those large evergreens are on our site that you see off to the -- to the left -- or to the right. Excuse me. There is a large irrigation structure there that I had mentioned earlier, which is one of the drawbacks of -- or not drawbacks, but one of the deterrents for providing that detached sidewalk. More photographs of the -- the existing mature trees. Again this is the existing mature trees looking -- looking westward. These power poles also exist in the -- in the -- within that same area where we are trying to put that sidewalk and this is our property -- the subject property and, then, the slope down from the existing Victory Road. It -- it comes right off the curb, it's a foot flat, and, then, it starts dropping into our site and there is a large irrigation structure here, which is another deterrent for putting that -- or installing that existing sidewalk -- or not existing sidewalk -- the proposed detached sidewalk. Pardon me. I won't bore you with the same thing. And, then, this is the sidewalk across the road. This is on the north side of Victory and this actually attaches to the city's multi-use pathway to the east along the Eight Mile Lateral, which to our thought on our side doesn't exist and probably won't exist for quite some time due to the neighboring develops -- or our neighbors -- neighboring -- neighboring landowners. So, some modifications to the staff report or at least trying to make -- make -- if we apply for a waiver on those I don't want to be held up by some of the staff report modifications -- portions 8-A-1-F, all -- all dealing with the access to Victory and the -- the publication -- or, excuse me, the construction of the detached sidewalk and I believe that's 8-A-1-F and, then, 8-2 -- 8-A-2-B and that has to do with access to Victory. Victory Road. We would like -- we would like that to say that it's subject to a development agreement and that Lot 2, Block 2, is allowed access and 8-3-F. That includes -- that -- that is concerning the frontage improvements along Victory Road also being made subject to a development agreement. With that I will stand for any questions. Thank you.

Fitzgerald: Thank you. One quick question for you. So, the amenity -- just to be clear -- is the two picnic tables; is that correct?

Lardie: Yes. Meeting UDC's requirements. I believe there is a shelter structure or some shade structure -- whether that be from trees or an actual structure will be proposed on those.

Fitzgerald: Okay. And, then, the second question is how much of that chunk in the back of the south side open space are you using for drainage? Because I -- being that the water table is as high as it -- it seems to be out there, I -- I mean you and I both know that we have seen the open spaces turn into marshes real fast, so what are -- I mean I -- usable open space for the neighborhood versus a -- you know, a swale, give me your thoughts there.

Lardie: We have not done a -- we have not done a preliminary calc on that. I was hoping to go underground and use a side -- a side sand filter. So, we infiltrate into one side -- or we go into one side, be cleaned, and, then, transfer over the other side and percolate in, which is usable for shallow groundwater. You have something like that up on the storage units on McMillan and -- I can't think of the side street. I believe it's near Goddard Creek. Something similar to that situation -- or to that system to function here, which should allow most of that space to be usable above surface and below surface for drainage. We are not making a marsh out of it.

Fitzgerald: Additional questions for the applicant? Anyone? Thoughts? I will ask one more while you guys are discussing -- thinking about it. Dan, what about that the -- the -- I guess it's the cul-de-sac that the turnaround for the firetruck -- how do you calculate in that -- that common space or the open space behind that? Is that part of your calculation? Is it not? Just to clarify that.

Lardie: Mr. Commissioner, it is in our open space. It is not qualified in our open -- it's not qualified open space.

Fitzgerald: And, then, in regards to taking access off, is there a real reason -- I understand the -- the ease of use and with their trailer, but I -- kind of when you develop you develop; right? So, if -- I understand that ACHD was giving a waiver here, but it seems that it's really easy to access that back road from their property. Give me the -- the real reason besides the trailer to close that access off.

Lardie: Mr. Commissioner -- or excuse me. Mr. Chair, the -- on the site plan, if we can -- if we can go back to the site plan real quick. Let's see. So, in order to -- if we were to get access off of -- off of Victory to get the gooseneck -- and they actually take -- they actually take access off of here. They have an agreement with the irrigation district to provide this access and they utilize this access to get back and around into their -- into their larger area where they bring the trailer in -- again, it's just -- they are very used to this access and they didn't want to have to take access through and I know the neighbors are already complaining about 22 -- or 21 homes. If they start bringing their gooseneck through here -- well, of course -- I don't believe that they can get the gooseneck in through -- off of Fathom and around to their shop back here. At one point in time we had talked about putting an easement here and that just wasn't working for them, because they

would have to drag that all the way through. It was easier for them to keep their access off of Victory and that's really the only reason. The neighboring -- property -- and part of the problem with -- with some of the thoughts or suggestions with the property to the -- to the west of this was allowed to keep their access off of Victory and I know -- we mentioned this to Joe and Joe -- Joe was very right. He said, you know, two wrongs don't make a right and so -- and we agree. But the Richardsons are very used to this access and they -- they needed to -- to actually access this building in the rear.

Fitzgerald: Any additional questions for the applicant? Commissioner Cassinelli or Commissioner Grove?

Grove: Mr. Chair?

Fitzgerald: Go right ahead, sir.

Grove: I have a question for you regarding the -- the future plans for this site and how it relates to it being laid out now in terms of when the owner of the residence decides to have their current house developed, how does that impact this current layout in terms of making it doable by extending Fathom in and -- it -- I'm just having a hard time seeing how that -- it looks like we might have future problems is what I'm trying to get at I guess. So, what's the plan?

Lardie: Mr. Chair, Commissioner Grove, so future development of this lot -- I would have to leave it to the future development, but I believe that you could pull a common drive off of Fathom and supply -- I believe six -- six lots back that way and still provide a -- and, then, do away with the access off of Victory.

Fitzgerald: So, do you have a follow up?

Grove: Not necessarily. Just kind of thinking out loud. I don't -- I think the common drive is maxed out at four. Is that -- that might be a question for staff, but -- that's a future question. But I'm just having a hard time with this layout knowing that something else will have to happen at some point.

Dodson: Commissioner Grove. Or Mr. Chair? This is staff.

Fitzgerald: Go right ahead, Joe.

Dodson: The max in our code is actually six off of a common drive. How a common drive would work here staff does question exactly where they would pull that off of, because it couldn't be off of that emergency access, unless there is an easement across it and so I wanted to clarify that.

Fitzgerald: Commissioner Grove, did that help?

Grove: Yeah.

Fitzgerald: Any additional questions for the applicant at this time?

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli.

Cassinelli: Dan, what did the Fire Department -- I have got several concerns with this and one of -- one of which is the -- the -- what came up before, the parking on the cul-de-sac. The Fire Department -- you said the Fire Department said you couldn't put a parking island in there. What was their -- what was their reasoning on that? Did they want it even larger to be able to do that or what?

Lardie: Mr. Chairman, Commissioner Cassinelli, when I spoke with the assistant chief, the fire chief, he said that he wouldn't allow anything in the middle of that cul-de-sac, no matter its size, and I stated the fact that there are some of these that already exist. We actually had elongated the cul-de-sac and widened it and provided that parking in the middle and I sent that over to the Fire Department and he just absolutely said no.

Cassinelli: He didn't give you anything if it was another ten feet wider he would allow it, he just -- it was a flat out denial.

Lardie: If it -- it was a flat out denial and his suggestion was to make the cul-de-sac larger, the 57 foot, and that way he could have his turnaround, his safe turning distance inside of that.

Cassinelli: Okay. Thank you.

Fitzgerald: Commissioner Cassinelli, did you have any additional -- did you have additional questions?

Cassinelli: Not right now.

Fitzgerald: Okay.

Dodson: Mr. Chair?

Fitzgerald: Commissioner Seal? Oh, Joe. Go right ahead.

Dodson: No. The other guy in here. The -- from my understanding Mr. Bongiorno had said that it doesn't meet fire code. He did not state what fire code that is, but he said it does not meet fire code to have parking in the center of the cul-de-sac.

Fitzgerald: Okay. Thank you for that. And if there are no additional questions at this time, Mr. Lardie, we will get back to you and let you close after we take public testimony. Does that work, sir?

Lardie: Mr. Chairman, thank you.

Fitzgerald: Thank you, sir. Madam Clerk, do we have folks who would like to testify -- that signed up to testify?

Weatherly: Mr. Chair, we have several people signed up, two of which have exhibited a wish to testify. The first is Pat Thacker joining us via Zoom. Pat, you should have the ability to unmute yourself.

Thacker: Okay. Did that do it?

Fitzgerald: Yes, Mr. Thacker. Welcome to the Commission. Please state your name and your address for the record and the floor is yours, sir.

Thacker: Pat Thacker. 1033 West Newfield Drive, Eagle, Idaho. I represent the landowners. We are very in favor of the plat as proposed. We have worked for about 15 months now with the developer. Very hard. Joe was gracious enough to meet us on site to -- a picture's worth a thousand words and when you meet on site you kind of get a -- a reality check on how these things need to work. But we are very much in favor of the way it's proposed. I would like to address a couple of issues. One would be the sidewalk on Victory Road. In our conversations with ACHD they are going to do some future developments to the intersection of Locust Grove and Victory Road and they are -- they are -- they are very fine with us keeping our driveway, the entrance onto Victory Road, and when they finish the intersection of Locust Grove and Victory, at that time they are proposing that they will complete the sidewalks and at that -- and they have -- when they did the bridge a few years ago they did a small taking of property for a better easement in front of the Richardson's property and so I think it would be logical, plus much safer for the public, if ACHD continued those sidewalks at that time. At this time if you go there and stand on it, traffic gets rolling pretty fast by the time it gets in front of this property here and the bridge and it would really be a dangerous spot if we had children or cyclists and stuff trying to cross the road there, as opposed to the crosswalks that are over at Victory and Locust Grove right now. The buffer in front of there is a virtual forest of blue spruce, et cetera. So, it's really a nice buffer for the subdivision. Another issue I bring up is that this does create a second emergency access. The one that's proposed for Teakwood also gives a second one for Tradewinds. So, that doubles the amount of emergency access for Tradewinds, which I think is a great benefit to the public. And another thing is -- as far as them keeping their access, they do still have a couple of old horses that they would like to keep and part of the property that is going to be abutting the subdivision is where their small pasture will be, so they can finish out keeping those horses, which have been part of their family for decades. And, then, they do have an agreement with the irrigation district and that's where they come in with their trucks and trailers and they use that shop out back. So, taking their access off of Fathom would be difficult. If you haul trailers very much you would see it would be pretty hard and it would take away any opportunity for them to continue to use their shop and their pastures. So, those would really be difficult for them. And, then, the open space -- they have given up about 25 percent of what they had wanted to keep in order to help the developer meet

the open space requirements and where those open spaces are I think are already quite nice for people in both subdivisions to use and it creates more walking space and, then, on the back of that pasture, since I'm familiar with the land -- I have known the owners for about 30 years. On the open space to the south there is already -- on the very southern edge I believe that's where some of the irrigation currently travels through, there is a very low spot at the very very south edge and so I think that -- the proposed drainage that Mr. Lardie was proposing I think would work quite well. I think the majority of that would be very usable open space. Is there any questions?

Fitzgerald: So, I do have one question. So, you just said something that caught my attention. So, you said they are currently using access that the ditch rider has, not their own access, to get that trailer out. So, they don't need their main access to get their trailer out if they -- the shop's in the back if they are already using the ditch rider road. What's the reason to have the additional road access if you have that right there?

Thacker: Well, you -- you couldn't get to their house from that backside. They -- that driveway goes right into their house and into their shop out front and so they wouldn't have any way to get in there, because that all --

Fitzgerald: I understand that piece, but the argument is that you can't get the gooseneck trailer out through the neighborhood and if they are using the ditch rider's road, then, that in my mind negates that argument, because if they are accessing the shop through that road off to the north -- or I'm sorry -- off to the east, they are not accessing the -- they are accessing their house through the access off of Victory, but not to their shop; correct?

Thacker: That's correct.

Fitzgerald: Okay. I just want to make sure I'm clear.

Thacker: Yeah. But I don't understand how that negates --

Fitzgerald: The access to -- I mean if they are -- they can take that road right onto Fathom.

Thacker: Take which road right onto Fathom?

Fitzgerald: Their -- their -- their driveway. Instead of accessing Victory they can spin a road right onto Fathom and access their house.

Thacker: That would go right through their shop. It would go right through their pump house. They wouldn't be able to get to their house that way.

Fitzgerald: Okay. I appreciate that.

Thacker: They have got a garage and a -- and a pump house and what have you back there.

Fitzgerald: Okay.

Thacker: Then the shop's on the other end. So, the way the property is laid out they -- they wouldn't be able to do that.

Fitzgerald: Okay. And the layout -- the layout that's in front of us right now there looks to be quite a bit of room around that house. I just -- just walking through the different components of this thing -- because we have seen the thing -- I think this is the third time and I -- I'm having concerns, like where we -- we go to develop, we kind of got to either jump in or not and so I understand the need to keep the house and they want to keep the house and so I'm just having some challenges finding the balance, if you will, so -- but I will let my -- I will pop out of the mix and let my other Commissioners comment or ask questions if they have them.

Thacker: All right.

Fitzgerald: Are there additional questions for Mr. Thacker? Okay. Sir, thank you very much for your time. Thanks for being here tonight.

Thacker: Thank you very much.

Fitzgerald: Madam Clerk, who do we have next?

Weatherly: Thank you, Mr. Chair. That would be Sandy Blaser joining us in person. Madam -- Mr. Blaser, I think the clerk is waiting for you in the other room, so -- hopefully you will be joining us in a second.

Blaser: This is Sandy Blaser. My residence is 3370 South Como Avenue in Meridian. We are on the -- just on the -- we are the houses abutting the development to the east. I guess I can't get my head around the way ACHD interlocks different subdivisions. I mean I'm looking at this property and I'm looking at it from the standpoint that each subdivision should be self -- if -- I mean it should be -- should have its own access and not depend on another subdivision, because we have got 40 -- 41 homes there that are going to be impacted by another 22 plus homes and if that other lot is developed maybe five or six more and it's going to substantially change the -- the traffic and in our opinion, most of the homeowners, the quality of life there. Also as I'm sure you are aware, Locust Grove is a north-south street and I think the load on -- the traffic load on Locust Grove right now exceeds the east-west traffic load on -- on Victory and I just -- looking at this property I just can't see why we can't accommodate this road to go through directly to Victory. I know ACHD is saying Victory is a major arterial. Well, I think Locust Grove is also a major arterial and the other -- the other situation is emergency services having to go -- have to go to Victory, then, having to make a -- go south on Locust Grove and, then, to go east into our entrance on Coastline and, then, we go through over to Fathom and, then, back to that -- to the development, it's just going to take more time for emergency services to get to a situation. So, I just think as one of the homeowners it's just a bad -- a bad plan and most of the homeowners, again, are -- are against the traffic load being increased at

Tradewinds. And the other concern I have, which I have already stated before, is that although we can't force the developer to do this, but to try to balance the homes that are going to be constructed right adjacent to our homes on the west that basically we don't have higher elevation homes facing lower elevation homes on Como. If they can mix that properly so it -- it looks sort of continuous as far as the heights of the various structures that would be appreciated. And that's -- that's really all I have and I thank you for considering my testimony.

Fitzgerald: Any questions for Mr. Blaser? Thank you so much, sir.

Blaser: Thank you.

Fitzgerald: Madam Clerk, do we have additional testimony?

Weatherly: Mr. Chair, that's all who signed up.

Fitzgerald: Okay. Is there anyone who would like to testify on this application that is here virtually or in the audience? Please raise your hand either via Zoom or in person and Commissioner Seal and the clerk will point you out and we can get you squared away. So, not seeing anyone raise their hand on the attendees -- okay. Mr. Lardie, would you like to come back up and join us, sir? Or join us virtually I guess it would be.

Lardie: Mr. Chair, I'm here.

Fitzgerald: Would you like to close, sir? Any additional comments and I will open it for questions.

Lardie: Additional comments. Mr. Blaser's -- Mr. Blaser's concerns about traffic -- I understand his concerns. I'm not sure what to tell him about traffic concerns and ACHD is -- is the controlling factor on -- ACHD and the city control how we access our property. So, I don't have anything else more to say to him about it -- at least traffic. I can't help that. The home sites, you know, we have -- we have proposed homes, we have provided elevations on those, and they are mostly single stories, with maybe a buffer -- or a bonus room above, which will be like one and a half stories, but they all meet -- they will all meet the zoning ordinance as far as height. With that I can stand for questions, Mr. Chair.

Fitzgerald: Dan, would you be willing to match their -- their lot to lot for -- you know, one story to one story?

Lardie: Mr. Chair, I don't know that I can commit to that. You know, it -- it's zoned a certain way and the zoning has their own height restrictions and I'm willing to comply with those or state that we will comply with those.

Fitzgerald: Okay. Appreciate that. Additional questions for the applicant? Hearing none -- none at this time.

Holland: Mr. Chair? I do have a question.

Fitzgerald: Commissioner Holland, go ahead.

Holland: So, I know -- I know we have already talked about this a little bit, but one of my biggest pet peeves in looking at this is, again, the open space -- having the piece on the south be kind of a drainage field slash open space, but just the ability to have usable open space for those in there. Was there any other configuration we could look at on how to combine those two sizes of open space to make it more usable for -- for the neighborhood and make kind of a bigger green spot? I still keep going back to that and I just wanted to get your thoughts on it.

Lardie: Mr. Chairman, Commissioner Holland, there is a chance that we could possibly swap some for some. There is a chance that we could look at that and try and maybe utilize a little bit of space in Lot 18 and lot -- maybe Lot 15, that way it's at least contiguous across. So -- let me see if I can grab my -- can you guys see my pointer? Probably not, so --

Holland: I don't think we can.

Lardie: Okay. So, Lot 19 there is -- oh.

Holland: Now we can. Yeah. We are with you.

Lardie: Okay. So -- and this is kind of what Joe had suggested was Lot -- Lot 19 and maybe creating a pathway through on Lot 19 and maybe squaring this lot and, then, trading Lot 7 for Lot 15 and, then, this becomes open -- Lot 19 becomes open space, connected to Lot 15, and, then, that way at least provides a pathway from future when -- when the roundabout -- or, excuse me, the turnaround gets -- gets abandoned or even -- even still it provides a pathway to -- from one road to the other, aside from the sidewalk. But, then, Lot 7 wouldn't become a buildable lot.

Holland: Okay. And, then, one follow-up question. I -- I apologize if I missed this. Did you already talk about an amenity -- a site amenity that you could add into the open space?

Lardie: Mr. Chair, Commissioner Holland, so if we were to reconfigure this open space we would provide a pathway from one road to the other, that would -- that would count as an amenity, but, then, we would also -- what we are currently proposing is a picnic table on both open space areas, along -- meeting the UDC code, which -- if that means it needs a shelter or some additional trees for shade, we would do that.

Holland: Thank you. Appreciate it.

Fitzgerald: Additional questions for the applicant?

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli.

Cassinelli: Dan, did you guys ever provide a -- some concepts for -- for the additional development of the existing home there and what that might look like?

Lardie: Mr. Chair, Commissioner Cassinelli, we did at one point in time have that lotted out for a future phase and everyone was against the phase development, so we took it off.

Cassinelli: Not phase, but just future -- you know, once that house is sold it becomes part of this -- you mentioned I think four or five lots --

Lardie: That would be phased development in my -- in my opinion and we did show that as lotted as -- as -- as a future phase, which would be when that lot became available and it was -- it was frowned upon from both staff and from the Commission. Well, I don't know about the Commission. I won't put words in your mouth. But it was frowned upon from staff.

Cassinelli: Joe, can you speak to that?

Dodson: Commissioner Cassinelli, Mr. Chair, yes. That is correct. Originally they did show some phasing. This one -- here you go. This is what they did have. Staff was not supportive of phasing it, mostly because of the request to keep the access to Victory and not do any frontage improvements. We were showing a concept plan of how this large lot with the existing home could redevelop is perfectly fine. They -- I'm sure Dan can make that exhibit relatively with ease with his expertise. But in general phasing the project was not something I was in support of, because I wanted to ensure that the -- as much of the site got developed now rather than later, because there is no guarantee we will get that existing home. Part of that phase two was, again, keeping that access to Victory. We wanted to make sure that we had that now closed.

Fitzgerald: Questions?

Cassinelli: Okay.

Fitzgerald: Commissioner Cassinelli, do you have follow up?

Cassinelli: For -- for Joe when we are done with the applicant.

Fitzgerald: Okay. Perfect. Additional questions for the applicant? With that can I get a motion to close the public hearing?

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal.

Seal: I move that we close the public hearing for Teakwood Place Subdivision, File No. H-2020-0006.

McCarvel: Second.

Weatherly: Mr. Chair?

Fitzgerald: I have a motion -- oh. Yes, ma'am.

Weatherly: I apologize. We have a newcomer in the audience online that has their hand raised. I don't know how you want to handle that.

Fitzgerald: Let's bring them on and, then, we will let Mr. Lardie respond if he needs to.

Weatherly: Tony, you should have the ability to unmute yourself.

Johnson: Madam Clerk, Tony can verify, but I believe he is speaking on another application this evening.

Fitzgerald: Oh. Okay. Perfect. So, I have a -- I have a motion. We want to restate that motion, please, motion maker.

Seal: Move to close the public hearing for Teakwood Place Subdivision, File No. H-2020-0006.

McCarvel: Second.

Fitzgerald: I have a motion and a second to close the public hearing on H-2020-0006, Teakwood Subdivision. All those in favor say aye. Any opposed?

MOTION CARRIED: SIX AYES. ONE ABSENT.

Fitzgerald: Okay. The application is properly before you all. Anybody want to kick it off?

Seal: Mr. Chair?

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli.

Cassinelli: I had a couple of questions for Joe. First of all, access from the -- I can't see the name of the street that goes -- the stub street to the east, but assuming that property develops to the east and that's the -- that's the big if is -- I mean that could be beyond our lifetimes. I mean it -- or it could be in five years. I guess it's Richardson Street. Who

would be responsible -- would it be the -- because I think the -- the property adjacent has the lateral running through it, so it would be that -- it would be their responsibility to bridge that, because -- and would that be a requirement to eventually have access -- cross-access go out Richardson and, then, assuming to a mid mile connector or something up to Victory? Is that going to make that assumption?

Dodson: Mr. Chair, Commissioner Cassinelli, yes, that is correct. It would be up to the HOA at the time after this is developed to remove that temporary turnaround off of Lot 19 and, then, the subdivision, if there were one -- the property to the east would, then, redevelop and likely construct their portion of the pathway along the lateral, as well as extend that street within their subdivision and continue that on through the site and stub it to Mrs. DeChambeau's property, which is further to the east on the other side of the lateral.

Cassinelli: Would that be a requirement of any future development directly to the east that -- that Richardson be extended all the way, so that there would be full cross-access in a -- and, basically, access to Victory out that direction or would we find ourselves with that being -- somehow being closed off forever?

Dodson: Commissioner Cassinelli, the short answer is, yes, that is a standard requirement that we want a local street plan infrastructure layout, for lack of a better term, to connect and, then, eventually get to a mid mile mark. However, the site directly abutting this to the east is landlocked somewhat by the lateral, so their only access is over the lateral. If that property were to redevelop it would be -- it would, then, be stubbed to the property to its east and north, which is Mrs. DeChambeau's, which is a larger property. But until such time that that property develops there would not be an access out to Victory.

Holland: Commissioner Cassinelli --

Fitzgerald: Follow up -- oh, go ahead, Commissioner Holland.

Holland: I was just going to make a comment. I believe we heard from that property owner directly to the east last time we heard this application. I think Commissioner Cassinelli was absent, but they had indicated that they didn't have a desire to redevelop at anytime in the near future and they planned to stay where they were. So, it's unlikely we would see something come through in the near future at least.

Cassinelli: I -- I remember this, but I don't remember the -- I don't remember that -- that neighbor's testimony on that and that's certainly a concern to me that that could be -- Richardson could -- could not have cross-access for what could be a very long time.

Fitzgerald: Additional comments? Commissioner Holland, did you have anything additional while you are off mute?

Holland: Sure. I think -- I could go next. You know, the -- the open space I agree with staff that it's -- it's okay, it meets the minimum standards, but it's not premier and I think

we try really hard to make sure that we prioritize open space in all of the subdivisions that come through and if we are not doing a good job of being premier, I'm wondering if there is still something that they could do to make it a little bit better before it goes to Council and I was open to the applicant's idea of reconfiguring the green space to be kind of between that cul-de-sac and that -- the other stub road and be a little bit more central and a little bit more usable. Having a pathway to me doesn't seem like enough of an amenity, because it's such a short distance through there. I think I would at least want to see a picnic table and shade structure there at a minimum, in addition to their pathway. I struggle with the roadway improvements on Victory. I understand what the applicant is saying on why that's difficult until that property redeveloped, but at the same time we don't get sidewalks on major roads until things like this come through. So, if we were to allow them to wait to do that I would want to see some sort of condition that said they could wait until redevelopment or until one of the neighboring properties to the east or west of them redeveloped at some point in the future and put in sidewalks and maybe have that be part of a development agreement and I'm not sure if that's even possible, but that's one thought I had. Let's see what else I have.

Fitzgerald: The only comment to that, Commissioner Holland, is if that's the case, then, I would probably look for a bond for it, because if -- if they are going to have -- like that's my concern is we never get another shot at the deal.

Holland: Right. I agree. I think it would be reasonable to ask them to have it in the development agreement and bond for that future improvements, so that they could move forward on it when the neighboring property comes in and does sidewalks on there. The third thing I wanted to say is I still would prefer to also see access off of Victory removed and have them access the neighborhood. It's a little cleaner, because there is not a lot of opportunity to redo that again in the future either. Those are my three comments right now.

Dodson: Mr. Chair?

Fitzgerald: Go right ahead.

Dodson: Thank you, Mr. Chair. Commissioner Holland, just wanted to clarify that the pathway -- they are not proposing a pathway with this. It's just an easement. So, that is not an amenity and I believe Mr. Lardie said that their amenities that they are proposing are a couple picnic tables. I did not see that on any of the landscape plans, so that's -- I appreciate him presenting that tonight though.

Holland: Yeah. And, Joe, just to clarify, when he was talking about reconfiguring the open space and moving it a little more central, I asked what amenity could be in there and he said if they put it more central they would have a pathway that would connect the two areas, the cul-de-sac basically to that stub street and that could be counted as an amenity and I would agree with you that that doesn't seem like enough of an amenity to me.

Dodson: Understood. Thank you.

Holland: Unless I misunderstood what he said.

Seal: Mr. Chair?

Fitzgerald: Other comments? Yeah, go ahead, Commissioner Seal.

Seal: I really struggle with this one. So, I understand what the occupants are trying to do. I guess the problem that I have with it is they are -- they want to keep everything -- they are not willing to -- to -- you know, they -- they don't want to do anything that is, essentially, required by code, but at the same time they want, you know, the Commission or the -- you know, the planning bodies to -- you know, to kind of work around all of that. So, I mean to me this -- you know, you use the term it's -- they are trying to be a little bit pregnant here. So, I just don't -- I don't understand, you know, the layout as it exists. I mean the answer to this is to develop all of it, so -- in my mind. You know, I sympathize for the -- for the couple that are trying to stay there, but, you know, at this point the -- the open space is -- you know, again, it's just big grassy areas and a water catch. I mean in order to make the emergency access count as open space they added, you know, shrubbery and things like that. So, that's another expense of the subdivision that's going to have to deal with -- you know, it doesn't help them, it doesn't beautify their space, but, you know, it counts as open space. So, you know, that's another expense that they are going to have to deal with. You know, I mean basically I agree with everything that the staff report says and has to offer, with the exception that I -- I wouldn't approve this. I just don't think it fits and I think that it's -- you know, it needs to all develop or not develop at all.

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: I kind of echo some of that. I have -- I don't know that I have seen this before, so it's new to me -- or at least if it was not new to me it feels new to me, but I'm just struggling with it. It feels forced and it feels like we are going to have problems down the road with it developing after the fact. I don't like the access onto Victory. I think if we do move forward that that driveway does need to go in, especially after, you know, hearing the back and forth that you had, Mr. Chair, with Mr. Thacker on the -- the trailer situation and whatnot. It also feels like that we are just hitting the bare minimums on absolutely everything for this project and it doesn't feel -- you know, if we don't add in certain pieces like the sidewalks or removing access, it feels like we are not extending the urban and suburban fabric of our community and we are just kind of popping in houses without strategy almost and I don't -- I don't know. I have a really hard time with this one. I don't quite see it yet.

Fitzgerald: Thank you, Commissioner Grove. Commissioner McCarvel.

McCarvel: Yeah. I have got notes written all over here. But pretty much echo what's been going on and I know it is -- the subdivision will access the subdivision to the west, there is just -- there is no doubt about it and I see in the future where it won't have any access to Victory, that it will have to depend on, obviously, the sub -- whatever develops in the future to the east and I have got comments written here -- you know, they want min -- they want to just barely meet minimum code on everything, but, then, they want -- they are going to turn around and when -- when and if that other piece of land where the original house sits gets developed, then, they want to use the maximum of put six lots on a common driveway. I mean it just -- I agree, it is just either all -- it's just that piece of land that either just all needs to get developed or not, because it is just in between other things and, I agree, it makes -- I don't like having -- leaving that access off of Victory. I mean I can kind of see where it makes sense to leave some of that frontage improvement until either the time that Locust Grove and Victory gets improved or as the neighbors develop, because I know that -- that irrigation situation out there and just the way that land sits is probably difficult to even envision having a sidewalk on it, but -- but, yeah, the money would have to -- I just -- I think it's just not the right time. I mean you can't have your cake and eat it, too. That's kind of where I'm at with it. Because of the way it's been chopped up and the open space here and there, I just think it could be -- it -- it's in between stuff anyway and it's going to be hard to connect with everything, but trying to keep the original house and all that property there is making the design that much harder and that much more chopped up. I don't --

Fitzgerald: I'm in agreement with what you just outlined. I think -- we always -- we try to do the best we can. I think my -- there are two big concerns I have. One is that big open space is going to be used as a drainage swell and/or a drainage bed and we have seen where we have attempted to -- the technology is getting better about the transitioning of water under -- under the -- underground, but based on the picture we saw from the public there is a high water table out there, I think the test report that they got back where the water table was pretty high. That's going to be unusable space. So, the common area becomes nonfunctional and, then, we are -- we have limited access to go to public parks that are across the street. I think we are -- we are shoehorning this thing in here and I understand -- I agree with Commissioner Seal's comments about being a little bit pregnant. I -- I understand and I totally sympathize with the landowner about wanting to do the development in the back and maintain their life in the front, which I understand that, but kind of got -- when you develop you kind of got to jump in and do it and so you got to choose and -- and if they are -- they want to do the development that's great, but we need a different tact in taking it on and so I'm just -- I'm having trouble as well. Commissioner Cassinelli, did you have thoughts, sir?

Cassinelli: I'm going to -- I'm going to echo a lot of these thoughts. I think there is just -- a question, Joe. Would -- given that to the south is R-4 does this fit under -- if this were to develop as R-4, would that be -- would that be within the future of the comp plan future land use map designation? And, then, maybe -- and my thought there is that maybe some of these concerns -- if this were developed as an R-4, maybe -- maybe it can be configured as that. Just a -- just a thought there. Joe, would that -- is that -- is R-4 acceptable?

Dodson: Commissioner Seal, thank you for your question, sir. It -- yes and no. The zoning is not what ties it to the density, the density is low. It's on the very low end of the medium density residential, so it's probably already less density than the subdivision to the south that is R-4, they are just requesting R-8 to make sure they have a couple lots that can go below the 8,000. But like I said in my staff report, it is -- the average lot size is 10,000 square feet, which is over the minimum lot size for the R-4. So, it -- the density is the key there and they are right at the bottom at three dwelling units per acre.

Cassinelli: So, they are -- they are almost into the R-4 anyway, is that what you are saying?

Dodson: Yes, sir. Yeah.

Cassinelli: Okay. So, I guess continuing on with my thoughts, I'm -- one of my biggest concerns -- and this is an ACHD thing -- is that we may never see access on -- onto Victory, which I don't get, because, you know, to the north of Victory there you have got two access points to the development to the north coming in on Victory. Why they wouldn't allow one to the eastern-most portion -- in the future, granted, the house is there right now. I -- I get that they want to develop it. I fully get the property rights. But all these concerns, the common area, the -- a big concern to me is the amount of -- is the amount of number of homes that will take access only off -- off of one point, off of Locust Grove, and yet ACHD's report -- we only get traffic counts for Victory. We get nothing from Locust Grove. I was perplexed by that. I think they could adjust the driveway and bring it in off Fathom and still take the access from -- from the irrigation district's -- from that -- from their access point over there and not have to worry about that. But, yeah, I have got -- I have got all these concerns myself and I just don't think -- I don't think it's the right layout. I don't -- not necessarily not the right time, it's just -- I think the whole layout has to be just completely rethought.

Dodson: Mr. Chair?

Seal: I think you are muted, Mr. Chair.

Fitzgerald: Oh. Okay. Additional thoughts? I think we have some -- motions are always in order, but do you guys have any thoughts additional?

Dodson: Mr. Chair, this is Joe.

Fitzgerald: Joe, go right ahead.

Dodson: I had just one last comment on the ACHD staff report and this is also related to what Mr. Thacker had said. The ACHD staff report does state that they are requiring -- or they were -- one of their site conditions of approval are to construct the detached sidewalk along Victory. So, just wanted to clarify that.

Fitzgerald: So, Joe, to follow up on that, he did mention -- Mr. Thacker also mentioned that in that report or in their comments work with them, they said they would be -- they would construct everything -- when they did Victory and Locust Grove that would be completely done by -- by ACHD; is that correct? Just to make sure we are clear.

Dodson: Mr. Chair, that is the conversation that I was not a part of and it is not in the staff report that I am aware of. That was I think a sidebar discussion that I was not a part of. So, I would say that I -- no, I'm not aware that they would be constructing this when they can get it through development as is the norm.

Fitzgerald: Okay. Thank you, sir. Additional thoughts? Commissioner McCarvel.

McCarvel: Yeah. Mr. Chair. I think, you know, we have spent a lot of time on this one a couple of times. I think we are unfortunately -- I'm guessing from all of the thoughts that we have heard tonight I think we are just at the point of about recommending denial and let City Council figure -- you know, take our recommendation and go from there, because I don't think -- I mean the layout isn't going to change all that much as long as that -- the original house and all that property stays up front.

Fitzgerald: And I appreciate the comments about maneuvering through the common area into the middle, but that was the feedback we gave them the first time -- or the second time that we had a conversation and we are still back to a similar layout. So, I'm -- I'm concerned we are going down the same road and not meeting the goals we were trying to lay out and get to. So, I'm -- I'm of a similar mind.

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal, did I cut you off? Sorry. Go ahead.

Seal: That's okay. I will -- I will throw a motion out there, unless anybody else has --

Fitzgerald: Good.

Seal: -- more to contribute. After considering all staff, applicant, and public testimony, I move to recommend denial to the City Council of file number H-2020-0006 as presented during the hearing on July 16, 2020, for the following reasons: It does not fit well into the city's vision for annexation and premier properties, as well as -- or concerning minimal and unusable space -- open space, as well as the undeveloped property takes too much away from the developed property.

McCarvel: Second.

Fitzgerald: I have a motion and a second to recommend denial of file number H-2020-0006 to City Council. Any additional comments?

Holland: Mr. Chair?

Fitzgerald: Commissioner Holland, go right ahead.

Holland: Just to put it on the record, I think when Council looks at this, if they decide to go a different route than the denial route from our recommendation, if they were going to consider still approving it, I would say they would need to see a different plat with more significant open space, more centralized, that shows at least that usability and, then, resolve some of these issues that we have been chatting with tonight if they wanted a chance to have Council look at another option there.

Fitzgerald: And I agree. That said, all those in favor of recommending denial of H-2020-0006 say aye. Any opposed? Motion passes. Thank you very much.

MOTION CARRIED: SIX AYES. ONE ABSENT.

4. Public Hearing Continued from June 4, 2020 for Landing South (H-2020-0005) by Jim Jewett, Located at 660 S. Linder Rd.

- A. Request: Rezone of 2.43 acres of land from the R-4 to the R-8 zoning district.
- B. Request: Preliminary Plat consisting of 11 building lots and 2 common lots on 2.27 acres of land in the proposed R-8 zoning district.

Fitzgerald: Thanks, Joe. We appreciate it. Moving on to the next item on our agenda, which is the public hearing for Landing South, file number H-2020-0005, and let's start with the staff report.

Allen: Thank you, Mr. Chair. This application was before you a while back. The Commission continued this project in order for the applicant to work with ACHD to facilitate a construction entrance off of Linder Road until initial occupancy and reconfigure the plans to include a pathway between Lots 58 and 59 that complies with UDC standards and specifically fencing standards, possibly reduce the density or modify the design to improve parking and internal circulation and revise the east lots to more of an R-4 size. So, the plan there on your left is the original plat that was submitted. The applicant has submitted a revised plat shown on the right that depicts two fewer buildable lots for the Commission's consideration in response to their direction at the hearing on June 4th. They plan to retain the existing 50 inch silver maple tree on the site, which will reduce their mitigation requirements to 17 inches and that is in regard to condition number 3-B. ACHD will allow a temporary construction entrance off of Linder Road during development of the subdivision, but not during home construction. There are two on-street parking spaces and two additional spaces at the end of each of the two common driveways for a total of six spaces, in addition to those provided on individual lots and garages and parking pads. Private sidewalks are proposed to each of the lots from the sidewalk along Linder Road. A common lot with a pathway from Spoonbill to Linder Road is not proposed and the lots on the east side of the development were increased to have an R-4 size, 8,000