

neighbors. Please take that -- that three minutes time, because we will not have an opportunity to hear a second round of testimony from a single person. So, please, use that wisely and, again, after all testimony is heard we will let the applicant close and, then, we will close the public hearing and the Commissioners will have a chance to deliberate.

## **ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]**

### **ACTION ITEMS**

- 2. Public Hearing Continued from September 17, 2020 for Horse Meadows Subdivision (H-2020-0060) by Riley Planning Services, Located at 710 N. Black Cat Rd.**
  - A. Request: Rezone of 4.71 acres of land from the R-4 zoning district (Medium Low Density Residential) to the R-8 zoning district (Medium-Density Residential).
  - B. Request: Preliminary Plat consisting of 26 single-family residential lots and 5 common lots on 4.71 acres of land in the proposed R-8 zoning district.

Fitzgerald: So, with that we move to the first item on our agenda, which is the continued hearing for Horse Meadows, which is H-2020-0060, continued from September 17th, and I will turn it over to Joe and we will start with the staff report.

Dodson: Thank you, Mr. Chair, Members of the Commission. Good evening. All right. Here we go. So, as stated, this application was continued from the September 17th Planning and Zoning Commission hearing. The site consists of 4.71 acres of land, currently zoned R-4 and is located at the southeast corner of Black Cat and Pine. There is existing City of Meridian zoning directly to the west and north, with lower density residential to the west and, then, there is RUT county residential to the east and south as seen in the center picture. There is -- or there was, I should say, an annexation, a preliminary plat, final plat and a variance in 2006 regarding this parcel. The plat has since expired and, therefore, this applicant is proposing a preliminary plat with this rezone. So, the applications before you are a rezone to rezone the existing R-4 to R-8 and a preliminary plat consisting of 26 single family residential lots and four common lots on 4.71 acres. The gross density of the project is 5.52 acres -- or dwelling units per acre, which is in the middle of the allowed density for the future land use designation of medium density residential, which is three to eight dwelling units per acre. The average lot size within the development is around 4,100 square feet and the minimum lot size in the R-8 zone -- the requested R-8 zone is 4,000 square feet. Because the lots are so close to the minimum lot size and the look -- and with the look of this submitted elevations, staff was concerned with the proposed homes being able to fit on the lots. So, staff requested that the applicant provide an exhibit showing how these will fit on the lots. The applicant has provided that exhibit and it should be incorporated into the staff report following this meeting, meaning that I received this after I did my staff report and, therefore, they are

not in the staff report currently. As noted, the submitted elevations, combined with the proposed lot sizes, gave staff some pause. The sample elevations of the detached single family homes for this project show a combination of single and two story single family homes. The elevations also show different architectural elements and finish materials. Because the lot sizes and the submitted elevations, staff understands that these are conceptual, but the applicant will be tied to the overall design and look at these elevations, even if they are eventually smaller sizes. Because the subject site is less than five acres in size, the UDC minimum requirement of ten percent qualified open space and at least one site amenity is not required to be met. However, the applicant is requesting to rezone to a zoning district that allows higher density than the existing R-4. Therefore, staff finds it appropriate that usable open space and an amenity be provided. In response the applicant has proposed approximately 35,000 square feet of open space, which amounts to approximately 17 percent of the site. This open space consists mostly of the street buffers along the west and north boundaries of the site and also includes the common lot that holds the micro path and tot lot, which is the proposed amenity in the northeast corner of the site. However, it is staff's opinion that more usable open space should be made available within the site to accommodate those who cannot so easily walk to Fuller Park -- walk or bike to Fuller Park, which is almost a mile away by foot. In order to meet the purpose statement in the UDC 11-3-G and the subdivision regulations, the applicant should lose a buildable lot and convert it to open space. That is staff's recommendation to lose the center lot here and instead be a common open space lot, instead of a buildable lot. Access into this development is proposed via a new local street connection to Pine Avenue. All internal local streets within the proposed development are shown as 33 foot wide street sections with five foot attached sidewalks. The street section accommodates on-street parking where no driveways exist. Originally access was proposed to Black Cat by way of converting West Quarter Horse Lane, which is the ingress-egress -- existing ingress-egress easement along the southern boundary. However, ACHD denied that access, because the adjacent Pine Avenue is a lesser classified street and, therefore, access must be taken from Pine. The UDC also supports this requirement. West Quarter Horse Lane is currently an ingress-egress private access easement with four servient sites, including this site. Without the consent of all easement holders, the access must remain until the remainder of the property is annexed or redeveloped. Therefore, the easement will remain as a nonbuildable lot until such time that it can be included as part of a future development. As noted, staff has received an exhibit from the applicant for the Commission that demonstrates how this area of the property could redevelop with the required street frontage improvements and be incorporated into a future plat when the properties to the southeast redeveloped in the future. The applicant should relinquish their right of the use of said easement as part of the rezone request. Likely the remaining easement area is best suited for future right of way once properties to the southeast redevelop and direct vehicular access to Black Cat can be -- and direct vehicular access to Black Cat can be removed. In this exhibit it is showing the existing gravel road that will have to be maintained because of the easement and, then, the remaining area is slated to be natural vegetation and grass in order to accommodate green space and make this lot nonbuildable. The applicant is proposing to continue the frontage improvements to the edge of the gravel road, as they cannot cross the easement at this time. The two stub streets to the easement area are less than 150 feet, so no temporary turnarounds are

required and there will be signage at the east end noting that these roads will be extended in the future. After submittal of this application the city did receive 20 pieces of testimony all in opposition of the application. The three main points -- or I guess three main points of opposition are regarding the increase of traffic on Black Cat and stating that at the time 27 lots were proposed, so 26 lots would add more traffic and only make it worse. Their issues with the proposed density in comparison to the R-4 lots nearby and I guess the county lots and, then, for some reason there is a number of them that had discussed that this was -- that they were against apartments and townhomes, which, frankly, I don't -- I don't know where that came up, because this was never proposed of that, so I just for the record want to say that these are all detached single family and there are no apartments or, quote, unquote, high density being proposed here. Staff does recommend approval of the rezoning and preliminary plat request, with the conditions noted in the staff report and I will stand for questions after that. Thank you.

Fitzgerald: Thanks, Joe. Appreciate that. Are there questions for staff?

Seal: Mr. Chair?

Fitzgerald: Go right ahead.

Seal: Quick question on the gravel road there as far as the maintenance and care of that. Is that something that will land on the HOA to help maintain? Do they have to maintain their part of it or is that something that the -- the other residents that use that road will have to maintain in the future?

Dodson: Commissioner Seal, Members of the Commission, because it's an existing private easement it will be on the -- all the servient sites will be taking care of that, not this site.

Seal: Thank you.

Fitzgerald: Any additional questions for Joe at this time?

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli.

Cassinelli: Joe, how -- in the -- in the previous approval on this how many lots were -- do you know?

Dodson: Commissioner Cassinelli, I meant to look at that today and I did not. It was R-4, which is minimum lot sizes of 8,000 square feet, so it's going to be approximately half. So, I would assume ten to 12 lots. I apologize for not knowing that directly.

Cassinelli: Okay. And maybe when the applicant gets up if they are aware of that they could share that.

Fitzgerald: Any follow-up, Commissioner Cassinelli?

Cassinelli: Pardon? No.

Fitzgerald: Do you have follow up? Okay. Anyone else at this point? Okay. Is the applicant in the chambers -- Penelope with us online or in chambers?

Dodson: The applicant is here, Mr. Chair.

Fitzgerald: Perfect. Penelope, please, state your name and your address for the record and the floor is yours, ma'am. We can't hear you.

Constantikes: Thank you, Mr. Chairman. For the record Penelope Constantikes representing the applicant. Post Office Box 405, Boise, Idaho. 83701. I would like to start by thanking the Planning and Zoning Commission for continuing our application. We did go through five different iterations of the plat and I think we are ready for you now. So, thank you for helping us with that. So, just a little bit of backstory and discussion about the easement history. We have read the staff report and we are generally in concurrence with it. There are a couple items that we differ with staff and I will get to those. So, it is an unusual site with lots of constraints. We had the historic easement area that we had to deal with. ACHD requirements for connectivity for future development in the vicinity and the fire department all were items that we had to work through. As I said, this is the fifth iteration of the plat. If you would put that up that would be great. Thanks, Joe. So, the easement was established for this -- for the parcel to the east and the two parcels to the southeast in 1999. One of those parcels has no option for connectivity to the public road, other than the easement that they use to get out to Black Cat. The easternmost parcel does have a stub street that touches shared property line with Chesterfield, but until their parcel redevelops they can't use that. The site was, as Joe mentioned, approved in -- around 2006. They were within shouting distance of recording their plat when the economy turned down and so that was not completed. So, we started originally with showing our access to Black Cat with -- with Quarter Horse Lane, which was originally approved as a public street, but staff -- both Meridian and ACHD directed us over to Pine Avenue, which is fine. A little bit of history. I worked on Creekstone, which is at the northwest corner of the Ten Mile Creek and at this time there are two developments that have trusted bridge money for crossing across the Ten Mile and so when those other two pieces on the other side develop a bridge will go in and I don't imagine that it will be a long time, but that's up ahead of us not too far in the distance. So, we are surrounded on three sides with well developed subdivisions, both on the north, east, and the west side of the site. All these homes are generally in the 20 year old range, so they have been around for a while. The land use designation for the site is medium density residential, which is three to eight units per acre. Horse Meadows, of course, their density falls right exactly in the middle of that at 5.5 units per acre. The subdivision does meet the UDC code for lot area and frontage. We have 4,000 minimum square foot lots and the frontage standard is 40 feet. If you would show it, there is a file called vicinity map and lot sizes. Thanks. You are fine. So, what Joe is bringing up is an exhibit that I put together and if you can size that down a little bit. There we go. And just the top page

there is great. Thank you. So, I just wanted to provide some context. I looked at the original plats and the original approvals for both Chesterfield and Castlebrook. Castlebrook was approved with a minimum lot size of 6,500 square feet. Chesterfield has two lot sizes. They have got lots that are in the 5,500 square foot and greater size and they also have some patio homes that have lots in -- at about 3,100 square feet. So, what we have got with Horse Meadows is something that falls right in between that range. Our largest lot is 5,700 and our smallest lot is 4,000. So, it provides some diversity in lot size for the -- for the vicinity, which the comp plan does call for and so I just -- the site's fronted with an arterial and a collector roadway, which keeps new traffic off -- off local streets and out of established neighborhoods. As a former transportation planner I think that's a good thing. So, the next exhibit is just that final -- the -- our preliminary plat again. Joe covered this to some extent. The green area that's shown on the preliminary plat is literally green area, but I did some tinkering today and I will be able to show you some exhibits. We actually can meet the UDC code for ten -- a minimum ten percent square footage of open space without losing our Lot 6. So, the first thing is this -- is the one that says interim and permanent open space. So, what we would like to do is we would like to convert the area of the easement that's not being used for driving into an interim open space area. We will sod it and we will plumb it with pressurized irrigation, so that it's usable as open space. After the parcel to the south and east of us develops -- and I know there has been a lot of activity over there. The bottom exhibit shows you what kind of open space we will be able to provide as permanent open space once the road goes in and that's the lower one. Thank you, Joe. So, what we have is a slight change to common Lot 10, which the name of that file is common lot expansion. Very good. So, this afternoon I started looking at our common lot up in the northeast corner and realized that we could add some more square footage. So, I found another 900 square feet by squaring off those -- those corner lots a little bit and so according to UDC we can take this area, which ends up being a little larger than the 10,590 square feet, we can claim one hundred percent of the Pine Avenue buffer. We can claim one half of the Black Cat buffer. And the permanent open space that's southwest corner after Quarter Horse Lane is closed will give us 21,030 square feet of -- of qualified open space per UDC code and that doesn't -- that doesn't include discounting the easement area, that's the full 4.71 acres. So, I was really pleased that we could -- we could meet that ten percent without losing a lot and so that's what we are asking for is for that lot to remain a buildable lot, instead of becoming open space. The site is less than five acres and so we are excited about that. I did want to mention the neighborhood complaints about traffic and density. Black Cat Road is nowhere near capacity for an arterial roadway and -- and Pine Avenue is also under capacity. So, while I appreciate traffic -- and if you are a farmer and you live out in the middle of nowhere, 150 vehicle trips in a 24 hour period seems like a crowded road, but it's really not. So, I understand, but those -- both of those classified roadways are under capacity at this time and Black Cat is substantially under capacity. So, I would like to talk to you about why Horse Meadows is a great idea for Meridian. First of all, we are in close proximity to schools and parks. If you would show the park and pathway exhibit. I did some -- a little bit of mapping and discovered that it's actually half a mile to the Fuller Park when you travel through Creek -- Creek Brook -- Brook -- whatever it is. The -- the top illustration shows you the path to the park and it's 2,667 feet, which is .51 percent of a mile. I also want -- I was interested to know what the distance

was to the Ten Mile pathway and it's just a pinch under six tenths of a mile. So, we are within close proximity and not too far away from both of those amenities in the City of Meridian. So, the site has two schools. There is a traditional school and a charter school to the south of us. There is great proximity to shopping and services, such as groceries, gas, pharmacy, banks and dining. A short trip on classified roads is always good. Because there is a Albertsons and a pharmacy and a bank not too far away, just at the corner of Ten Mile and Cherry. There is a lot of jobs in the south end of the -- or the west end of the valley. Amazon, as most people know, is looking for 2,000 new employees. So, this is a great location. It's easy access to the interstate. Employees can go down to Franklin and hang a right and be in Nampa in no time. There is jobs at Ten Mile at the office and commercial area. Excuse me. And that area is not even close to being filled out in terms of office and commercial development. So, the site is also great, because sewer and water and pressurized -- pressurized irrigation pump station are all in place. We are not dragging any utilities to the site. Everything is -- is there now. It provides public road access and utilities to the two larger parcels that are undeveloped to our southeast. It provides housing diversity in the neighborhood and you saw the exhibit that I did with the lot sizes, so we can bring that back up if you need it. Finally, it sets the stage for connectivity between subdivisions on the south side of Pine and east of Black Cat Road, as well as providing local network -- road network between this subdivision and Chesterfield to the east and probably the most important thing is that it provides a workforce housing. It's not affordable housing, but it's for modest income working families and -- and the other side of that is there is a lot of empty nesters now and retired people who don't want a big yard, so this subdivision fills the bill for an up growing -- or an upcoming demographic that is happening now all over the country, but in Meridian as well. So, in conclusion, just real quickly I want to go through the conditions. The developer is fine with doing a development agreement. We will be consistent with the submitted plans. Direct lot access, of course, to Black Cat is prohibited. The Lot 10, which is the easement area, will be a nonbuildable lot and it will be owned and maintained by the HOA until something occurs as to the southeast. We will show the plat with a detached sidewalk. We will revise the plat note as requested. We would ask that the Planning and Zoning Commission delete condition of approval 2-D, which indicates eliminating Lot 6 as a buildable lot, primarily because we have provided a ten percent open space with our development, even though we are not required to do so. The landscape plan will be updated. I did submit the setback compliance illustration that you have seen. There is not a lot of other things. We will construct all the proposed fencing as required. There aren't any trees on the site, so there is no mitigation, but I will talk to the tree arborist for the city and make sure that that happens. The abandonment of the existing water vein is shown on the plat up in the top right -- or left-hand corner. It's just a little hard to see. The MTI report was submitted and we provided updated water monitoring information in the last couple of weeks. So, with that I would also like to mention that Joe has -- has been really persistent and consistent and -- and stayed with us and helped us work through all this and we really appreciate it. With that I would be happy to answer questions.

Fitzgerald: Thanks, ma'am. We appreciate it. Are there any questions for Penelope?

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal, go right ahead.

Seal: Just on the open space, if you take away the -- that nonbuildable lot, the southwest corner, you take that out of the open space calculations you did, what does that leave you with?

Constantikes: We would probably be slightly under ten percent. That -- the piece in the southwest corner -- so, sewer and water are coming in through there and so it can't be developed. It's going to have a sewer main and a water main in it. So, it's a great location for open space and it meets the 50 by 100 grassy space UDC requirement -- or one of the open space amenities that can be offered. So, it's going to drop us -- I don't know. Without the -- of course you would ask me a question about it. Without that we would lose 3,120 square feet I think, which probably puts us slightly below ten percent.

Seal: A follow-up question?

Fitzgerald: Yeah. Go right ahead.

Seal: Just -- how would access be provided to that? I mean since the streets are going to be marked at the very end, how -- how are people going to get in and out of this?

Constantikes: How would they access that corner open space?

Seal: Correct.

Constantikes: Well, the sidewalk that will run along Black Cat will be -- will run along the western side of that open space. That sidewalk will be extended all the way down to the -- to the southern property line once the easement area ceases to provide access.

Seal: There is no way for them to access it from within the subdivision?

Constantikes: And then -- well, there will be sidewalk along -- the -- the section of the easement that runs from our east property line all the way to the west side of our western stub street is going to be public road and so there will be sidewalk along it. So, anyone can walk south to the new right of way area and be able to use a sidewalk to get to that open space. And maybe I haven't been clear enough. With the exception of the area that's west of our western stub street, that will be converted to public road when either of the parcels to the southwest -- or southeast of us develop, because they will need to be able to get public road access to the network of public roads that we are constructing with our subdivision. So, there will be sidewalk that leads to the open space.

Seal: But only when the others develop; correct?

Constantikes: I beg your pardon?

Seal: Only when the other is developed. I guess what I'm getting at is it seems -- that chunk of land down there for open space -- I mean there is going to be a sign at the end of the road and the -- the sidewalk will end where that road ends, so there won't be a sidewalk that actually goes out into that lot; correct?

Constantikes: That is correct.

Seal: Okay.

Constantikes: Mr. Chairman -- I apologize, Commissioner. But that area, as I explained in my presentation, we are actually going to upgrade that -- that strip that says plant fescue. That's all going to get sodded and irrigated. So, anyone who lives in Horse Meadows will be able to walk down south -- all the way south to the end of the public street and be in open space and, then, when the road goes in there will be sidewalk along both sides of that road and they will be able to use a sidewalk to get to the open space that's in between our western stub street and Black Cat Road. So, in both instances there will be access that's available.

Seal: Okay. Thank you.

Constantikes: Thank you.

Fitzgerald: Follow-up questions or additional questions? Commissioner Cassinelli, I saw you come off mute. Did you have something?

Cassinelli: Yeah. The -- Penelope, the -- the lots along Black Cat, are all those going to be single story? I notice they are single story depictions in the elevations. Can you address that for me, please?

Constantikes: I can. So, I don't know specifically -- I did ask the architect for elevations of the models that are referenced in the -- on this exhibit, but I did not receive them. Some of them appear to be based on their square footage that they will be two story and the City of Meridian likes to have some wall plain modulation whenever there are houses that back up to public streets. So, we will incorporate that modulation into the rear elevations. There is probably going to be a mixture of single and two story houses along Black Cat.

Cassinelli: Okay. And a follow up and Joe may have mentioned this, but is there -- is there a requirement for a berm at all along Black Cat?

Constantikes: Not that I'm aware of.

Cassinelli: Okay. Thank you.

Fitzgerald: Commissioner Yearsley, go right ahead, sir.



Yearsley: So, I'm really concerned. You know, the pictures that they give you for the houses don't even reflect what they are going to be able to build there, which really kind of makes me a little upset that they are trying to show that bait and switch, because if you look at those lots they are 45 feet wide. By the time you get your offsets and a garage you have got just barely enough room for a door and that's what your photos aren't showing. I -- I would actually like to see what these actually look like before City Council for their -- their -- their homes, so they can get a better feel of what the style of home will be -- actually be on the site, just -- I don't know if it was a question, but just that's my concern.

Constantikes: Mr. Chairman?

Fitzgerald: Yeah, Penelope, go right ahead.

Constantikes: Thank you. Commissioner, these -- let's take, for example, the house that's on the right-hand side, the illustration top right-hand corner. A garage is going to be 20 feet wide, which means that the other side of it is hypothetically going to be 25 -- 20 feet wide. I understand that the visuals that we provided initially with our application are -- are not specifically dialed in directly to meet the width of the lots. With the exhibit that we provided that shows the footprints, which came from the architect, it wasn't something that I generated, there -- they will be able to meet those setbacks and five yards setbacks -- side yard setbacks are required. So, I don't -- there was no intent to bait and switch, we just needed some conceptual elevations that showed what kind of roof lines and wall plains were expected with -- with these houses. So, that's what we have provided. I can certainly try to get some specific model images between now and City Council. I would be happy to take a good run at that.

Yearsley: Thank you.

Fitzgerald: Penelope, question on the open space. I had a similar concern that Commissioner Seal does. I know that staff is talking about an interior lot, turning that into open space. Was there a consideration of the orange lots that are kind of showing up right now, like moving your open space, combining it? I have a tough time thinking kids are going to be playing along the frontage of -- of Black Cat Road or using that, as Commissioner Seal said, accessing that -- that additional open space down at the southwest corner. So, will there be a desire to -- I know you said to carve off the corners of those two bigger lots, but I almost feel like we need to carve one of those lots up and make it all -- make it open space. We are talking about 25 homes without any open space and -- I mean in all actuality Fuller Park is a long ways away. It's a mile walking. I know you could cut through the neighborhood, but that's not an easy access. So, I'm -- we went from an R-4 to an R-8 and now we are -- we are really not wanting to give open space or a usable functioning amenity that in my mind -- I know the tot lot is there, which is great. But somebody's got to have somewhere to go to have some open space to play on. Do you have a thought around that?

Constantikes: Mr. Chairman, could I share -- the route that I show for access to Fuller Park through the neighboring subdivision to the north, there is a bridge that's right at the north boundary of that open space, so that is a legitimate pathway to the park. I mean most people don't enter a park at the main building, they enter the park at the closest access point. So, that's what I -- what I mapped out. We are trying to -- to develop a subdivision that is intended for people of modest income, because right now it's 200 dollars a square foot for a house in Meridian and there are a lot of families that would like to have homes, but they can't afford giant lots, big lots, and access to the -- the common space that we are proposing at -- where Quarter Horse Lane currently is adjacent to Black Cat Road, that will be fenced and so children won't be running out into the street I don't believe and there will be access. There will be sidewalk access now down to a common area that's going to be on the north side of that easement area. That will all be sodded, just -- it will be grassy open space, plumbed for irrigation, so it will be irrigated, kept green, and when the public road goes in there is going to be sidewalk along the north boundary of that new public road, which will lead directly to the new open space adjacent to Black Cat Road. So, I guess I don't understand the concern about access to that. A lot of stub --

Fitzgerald: For me it's -- literally it's on a -- it's on a major arterial road, that -- and we need to design open space so it's functional for the families in there and I'm all about workforce housing. I totally agree that we need more of it and -- and so I'm not -- I'm with you on that, but it feels like we are shoehorning more lots into -- and somewhat it is not designed around having the space for this to be a functional neighborhood for the people living in it, not having to leave to go to Fuller Park. That's not -- in my mind you cannot use that as your open space. It has to be inside the neighborhood and it has to be functional and open space along arterials is not my favorite thing. So, I just -- I think we are going to have -- and I don't want to speak for my fellow Commissioners, but there is going to be some -- some concerns here where we are packing too many lots in there without giving people a space to move around. Additional questions for --

Yearsley: Mr. Chair?

Fitzgerald: Yeah. Go right ahead.

Yearsley: So, on the -- that -- that open space where the tot lot is, is there going to be a fence along there for access, so you can limit access to Pine? Or is that just going to be open up to Pine?

Constantikes: Mr. Chairman, Commissioner, with that path there the whole point was to -- to provide a pedestrian route up to Pine Avenue from the center of the subdivision. So, we would be happy to fence it in any way you would like. Obviously, the path shouldn't be fenced off, but --

Yearsley: Right.

Constantikes: -- like an open vision four foot fence is usually what is along parcels that are next to open space and that seems to be an appropriate kind of fence that keeps crowd control down or it keeps people in the open space, if that's where you want them to stay. But it's -- it's still -- you can see through it and it's not an impediment division.

Yearsley: And I think that's good, because if I had a -- you know, if I had a young child playing on the tot lot I would always be concerned that they would run out into the street, you know, being that close to Pine. So, I -- I like the idea of the fence.

Constantikes: Mr. Chairman.

Fitzgerald: Go right ahead, ma'am.

Constantikes: I think that there was a plan to put a couple of benches in there, too. My daughter is 36 now, but I -- I didn't let her wander off and go play someplace that I couldn't see her, especially when she was younger. So, some benches for parents to come and sit on while their children are playing is always a good idea.

Yearsley: Okay.

Fitzgerald: Commissioner Cassinelli, go right ahead, sir.

Cassinelli: Yes. Penelope, you mentioned -- you used the word interim for the open space to the south. That's until that road goes through to the south, Quarter Horse Lane.

Constantikes: That is correct.

Cassinelli: Okay. So, I mean your -- your competition for open space that you have right now, you're using that lot number ten I think is -- well, you are going to lose part of that eventually permanently, so you are -- what is that future number is my question?

Constantikes: Mr. Chairman, Commissioner, that open space number that I gave you in terms of the square footage does not include the entire interim. It doesn't include the interim open space. It's just -- it's weeds right now and puncture vines. Originally -- we -- we have been trying to navigate everyone's concerns from staff and the district, making sure that we are getting everyone's requirements met and so, obviously, we can't block access. The interim open space is just a way to put that area to work and provide an amenity that's temporary. We understand that until a public road is constructed in at least two-thirds of that area that number -- that total area is not included in my open space calculation, just the 3,290 square feet that would be that final piece of open space that would be between Black Cat Road and our western stub street. I didn't include the entire area.

Cassinelli: Okay. Thank you.

Fitzgerald: Any additional questions for Penelope at this time? Okay. Thank you, ma'am.

Constantikes: Thank you.

Fitzgerald: We will have -- let you come back and close once we have public testimony.

Constantikes: Thank you.

Fitzgerald: Madam Clerk, do we have public testimony on this?

Weatherly: Mr. Chair, we have no one signed up.

Fitzgerald: Okay. Is there anyone on Zoom or in the audience in chambers that would like to testify? Please raise your hand and Commissioner Seal will look for me in the chambers and you raise your hand via Zoom by clicking in your name and the raise your hand button at the bottom of the screen.

Seal: There is no one in chambers.

Fitzgerald: Okay. Commissioner Seal, you said there were none in chambers?

Seal: They are none in chambers. Is there anybody online?

Fitzgerald: Not that I see.

Seal: You can come on up. If you would, please. Thank you.

Fitzgerald: Please state your name and address for there record and the floor is yours.

Morgan: Okay. My name is Drew Morgan. My address is 4600 West Quarter Horse Lane and I own the piece of property just east of this. I don't really have necessarily objections. I was a little confused with the description along Quarter Horse. That is our access to our property and I heard it -- I thought I heard her say when Quarter Horse is closed once. Okay. Is this -- does this work? Okay. I thought I heard her say when Quarter Horse is closed. What -- what was that a reference to?

Fitzgerald: And, sir, I think we will have her answer that question when she comes back up.

Morgan: I would just -- I would like a description of what the plan for Quarter Horse is to the future. That's our only access to our property and, you know, I'm not against -- I mean I have seven and a half acres immediately east of this lot. It's a weed patch. It's been that way ever since I have lived there and I'm not against the development. I actually think that it's a good idea. I think it's a little bit too dense, but that's my personal preference and I have a lot of faith in all of you that you will get it right. So, I'm just going to leave that there. I was just a little concerned about my access. Thank you.

Fitzgerald: And we will make sure she answers that. I don't think it's -- we would be changing it just -- if you decide to develop in the future. But I will have her answer that before she closes.

Morgan: Thank you.

Fitzgerald: Is there anyone -- anyone else in chambers? Please raise your hand if you would like to testify on this application or online. Please raise your hand, either virtually or in person.

Seal: Nobody else in chambers.

Fitzgerald: Okay. Going once. Going twice. Penelope, would you like to come back and join us and close and hopefully answer a couple questions?

Constantikes: Would you like me to state my name again?

Fitzgerald: I think we are good, ma'am. Go right ahead.

Constantikes: Okay. Very good. So, we had a -- I sent out a postcard, it was hot pink, and invited all the easement holders to come. Mr. Morgan's son came to that meeting and -- and we understand very clearly that we can't just close off Quarter Horse Lane. The Morgan property does have access to Pine Avenue also. There is an access point on Pine for the Morgan parcel. But having said that, I don't -- I'm not an attorney and I haven't worked at the highway district for 20 years, but -- but I know that they are -- they are pretty set on getting Quarter Horse closed. So, it will happen and it won't be something that we decide, it will be something that the district decides. It's -- we don't have a lot of control over that, so -- and the key is when the parcels -- when all three parcels have access to a public roadway, then, the -- my understanding -- and I'm just -- this is based on conversations I have had with Stacey Yarrington that at some point in time in the not too distant future, whenever that might be, Quarter Horse Lane will cease to connect to Black Cat Road. But while we are developing our parcel nothing is going to change with regard to access for the Casey parcel, the Alexander parcel, or the Morgan parcel. We are not -- we are not going to do anything to impede that and we -- of course, the developer in this instance will have to relinquish their corresponding right to use the easement and they will. So, who knows when development will occur. For the time being nothing is going to change with regard to Quarter Horse Lane and its access to Black Cat Road. So, I don't know how else to answer that, other than it's there and it doesn't have a sunset. It's a very clean document. It just says these people have access via this easement to Black Cat Road. So, until the district mandates otherwise, we won't be changing that.

Fitzgerald: And, then, Penelope, did you have any other closing comments? I think we understand that your application is not impacting that lane, so that's good. Do you have any other closing comments for us?

Constantikes: Just one if I might. I will visit with Mr. Morgan on the way out and --

Fitzgerald: Okay.

Constantikes: -- and the reason we had that meeting was specifically for the three easement holders is so that we could have a one-on-one conversation with them separate from a neighborhood meeting and -- and just chat with them about it and Mr. Casey came and Mr. Morgan's son came. No one came from the Alexander household, so -- but we did make an effort to have a one-on-one conversation with them about that and thank you.

Fitzgerald: Thank you, ma'am. Are there any further questions for Penelope at this time?

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal, go right ahead.

Seal: Just trying to understand a little what -- what's on the screen right is plant fescue and how that becomes common area and some things like that. Is that -- and access to it. I mean I'm in the same boat here. I don't -- don't really like that being, you know, butted right up to Black Cat Road, but there is -- it seems like there is a significant area there that can be made into a common space that's usable. Is that something that the applicant would be willing to fence, maybe put in a gravel path, something along those lines to make it more accessible from the subdivision, but also safe from the -- you know, from kids coming out onto the gravel road or out onto Black Cat or anything like that?

Constantikes: Mr. Chairman, Commissioner, I think that would be fine. I have asked Joe to put up that replacement exhibit. The one with the plant fescue was -- was part of an earlier iteration while we were trying to figure out what can we do with that area that didn't violate easement rights, but cleaned it up and made it more attractive and fescue, of course, is -- is a native grass and it's drought resistant. So, if I understand correctly what you are asking is if this area that's shown in the top illustration -- you are asking if it would be fenced as an interim and there is a fence along the south boundary now. There is a fence that runs along the north side of the gravel road and -- and so it's partially fenced now and if you would like to have a fence -- we were going to extend the sidewalk down to the north side of the gravel road, so that that pedestrian access is continued down as far as we can run it. There is no sense in putting a sidewalk across that gravel road, because the gravel will just beat it to death and it will have to be pulled out. So, if I understand what you are asking for is if the applicant would be willing to fence the -- this section that's at the end closest to Black Cat Road to keep the children from being able to get out onto the roadway; is that correct?

Seal: It -- it would be -- fence it along Black Cat, but also fence that entire southern boundary there. The graphic here where it says 10,140 square feet --

Constantikes: Yes. That's already fenced.

Seal: Is that privacy fence?

Constantikes: No. It's a -- it's a clear -- it's like a farm fence. It's -- it's a -- it's got -- it's a three wire fence, I believe.

Dodson: Mr. Chair?

Fitzgerald: Go ahead, Joe.

Dodson: Yeah. I just want to clarify. So, Mr. Seal, you are -- you are talking about along the green line in this instance?

Seal: Right.

Dodson: And separate it from the gravel roadway.

Seal: Correct.

Dodson: My understanding with this easement there really isn't a way to do that because of the way the easement is written, that they -- all the easement -- the serving sites have access and use of this whole area. The applicant is trying to have a compromise with us and with the use of that easement to allow the existing gravel roadway, which, again, anybody can drive on grass, too, obviously. But try and keep the gravel driveway and, then, have the other area be vegetated somewhat to where it could be usable. That's -- I don't see how we could -- unless they can clarify for me if we could fence that separate of the gravel.

Seal: Okay. Understood. Thank you.

Constantikes: Mr. Chairman, Commissioners, there actually is a fence there now that runs basically along the -- the southern line of that top exhibit.

Seal: Right. But it would mean for -- I mean to enclose a public area or a public use area it would have to be a privacy fence and meet UDC standards and all that, so -- I mean a barbed wire fence isn't going to do that.

Constantikes: Right. Well, unfortunately, it's barbed wire, it's just a wire fence. What we are trying to do is just make this look better and -- and it's -- it's big enough that kids could play soccer out there -- informal soccer, something like that. We are happy to do whatever you want with that. We can't do anything -- we can't put any permanent structures in. In the meeting I did have with the easement holders we asked about whether or not there was any issue with making that a little bit more attractive. Mr. Casey asked me specifically if I would get rid of the puncture vines. So -- or just -- and like Joe said, we are just trying to find some middle ground that makes it attractive and potentially usable until something happens in the neighborhood, in which case it will become public roadway.

Seal: Understood. Thank you.

Fitzgerald: Any follow up? Any additional questions for Penelope at this time before we close the public hearing? Penelope, thank you very much. With that can I get a motion to close the public hearing?

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal.

Seal: Move that we close the public hearing for file number H-2020-0060.

Cassinelli: Second.

Fitzgerald: I have a motion and a second to close the public hearing on H-2020-0060. All those in favor say aye. Any opposed? Motion passes.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Fitzgerald: Thanks, crew. Anybody want to lead off?

Grove: Mr. Chair, I will jump in real quick.

Fitzgerald: Go ahead, Commissioner Grove.

Grove: I like this better. I don't -- I don't have strong opinions yet on this I guess. In-fill of this size is difficult I think. My general opinion of it is that it looks -- it looks to be okay and I would be mostly favorable, but kind of like to hear what -- some of the concerns of the Commissioners are on this one.

Yearsley: Mr. Chair?

Fitzgerald: Commissioner Yearsley.

Yearsley: So, personally I like the total 12 better, but understanding that that's not on the table. I am concerned even -- even with the fence on that -- that tot lot, you know, kids can run really quickly and -- and I'm not a big fan of that park being on the street. So, I would be very in favor of losing one lot, if not two, to open space for a tot lot in that area. I'm just -- personally I'm not a big fan of the R-8 zoning. I think it's really really dense and I think we need to make more of an effort to provide open space for those areas, because you don't have a lot of lots for the kids to play on. So, for that I think I would be fine. I think that that fence to the south -- or to the -- that she's talking about that's wire, I think that should be a privacy fence as well to -- to make it a little bit better for their residents within that. I think the people that already have homes there I think would appreciate privacy fence around the site as well, so -- but those are my -- my concerns and my recommendations.



Fitzgerald: Commissioner Cassinelli, you came off mute. Do you want to weigh in?

Cassinelli: The -- I guess I will throw it out -- all out good and bad. It is difficult. These in-fills are not easy. Every time we go through one of them I would prefer -- I mean it fits within the -- the medium density definition on the comp plan, but at the same time, you know, we don't deal with it anymore, but in the old days, you know, we used to deal with a step-up issue and this is -- you know, this has that step up feeling going from a -- the four to the eight. Again, Commissioner Yearsley said that -- and I like the idea of four better. It fits with what's around there. But all that said, it is difficult to do something with -- with these in-fills. I would prefer to see -- at minimum I'm going with staff's recommendation on -- on carving out that one lot, but I would even like to see maybe a couple lots -- maybe a lot along Black Cat, increase the width of those lots a little bit. I -- I still think that the developer will do well if they come in at 24 lots in this thing. I think they will be -- I think they can still do this project and I echo your -- your earlier comments on the open space along the arterials and, frankly, even along Pine, I don't -- even though it qualifies -- it's qualified, I don't see it as qualified. So, those are my -- I want to see more internal open space is the long and the short of it.

Fitzgerald: Yeah. I -- I agree with you. I -- and I -- if you have -- if you are including the qualified open space where your -- the pieces of the -- along the arterials as a component of your open space, but the only piece of it being the open space, it doesn't work for me. So, I -- I am in agreement with staff. You can do a -- kind of a modest workforce housing type level project that still gives the folks that are living there places where they can recreate and not have to walk a mile to get there and I still -- you -- we have, you know, zoning and requirements within our comp plan for a reason and that's why we want to have minimum open space and I just don't think it meets it. So, I'm -- in the base I agree that -- with what Joe has laid out, that there needs to be open space in the center and I don't think the -- utilize that easement down to the south gets it done. I mean I think -- like Commissioner Yearsley said, I think having a -- if it cleans that -- that area up it would be great, but I don't think they are -- putting the open space down southwest does anything to help this community have a -- somewhere to play soccer or baseball or something -- throw a football around. And I think the -- you know, whether it's workforce housing or not, they need space to -- to roam and stretch out and I don't want to deviate from what our code says in that requirement, so -- so, I'm with you on -- on several of those comments.

Seal: Mr. Chair?

Cassinelli: Can I make a comment on that, not to -- not to go the other way, but I -- and correct me if I'm wrong, but from a code standpoint, this being under five acres, they don't -- they are not required to have that, but we are --

Fitzgerald: You are correct, sir. I think that's the hard part with the in-fill is when you -- in my mind this all goes both sides right here, because I -- you are correct, on the in-fill side they don't have to have something, but if you are going to pack the -- you are going

to step up in density from R-4 and that's where I -- my mind changes. We went from 12 lots to 26 lots or 24 lots and I think there has got to be a balance there somewhere.

Cassinelli Yeah.

Fitzgerald: I'm with -- you are totally correct.

Cassinelli: No. And I -- and not to -- not to get -- not to argue with you on that, I just want to bring that up, but I -- but I agree wholeheartedly. They are asking for a -- for a big favor here going from the four to the eight, taking these lots down, cutting them in half and going to the absolute -- almost the bare minimum. You look at lots, there is -- there is three -- there is a couple of lots in there that are -- that are at the 5,000. There is one at 5,700, but everything else is right at four -- 4,100. So, they are -- you know, for all intents and purposes they are all at that minimum lot size, so, yeah, I think if they are going to -- if they are asking for that, we have -- you know, I think we can ask for some space and nice, usable open space that kids can play.

Fitzgerald: Having the houses -- what we are putting in those lots, what they are getting, we need to give them something that isn't -- that's sized properly, so they are not being, you know, led astray and there is a -- that we understand what -- what housing is going on there -- the product they are going to put up. But we have a DA and there are design requirements. Council needs to know what's going to go on there, so we need to see those before Council, if that's the direction we go.

Dodson: Mr. Chair?

Yearsley: Mr. Chair?

Fitzgerald: Commissioner Yearsley.

Yearsley: Following up with that, you know, he's got those -- those squares named as a home that he's got signed, so, you know, it wouldn't have been that hard for him to show those homes, so it has me a concern, why didn't he want to show those homes on that -- that figure. So, not -- not to say they are trying to pull anything, but, you know, let's be full disclosure and show what -- what they are proposing on those style of homes.

Cassinelli: Agreed.

Dodson: Mr. Chair?

Fitzgerald: Commissioner Seal.

Dodson: Joe, actually. Yeah. We keep getting --

Fitzgerald: No, Joe, you can't talk. Sorry. We are talking. You can't talk. No. Go right ahead, Joe.

Dodson: Just for the record I wanted to clarify the previous plat from 2006 had 14 lots on it, courtesy of Mr. Bill Parsons.

Fitzgerald: Thank you.

Seal: Mr. Chair?

Fitzgerald: Commissioner Seal, go ahead.

Seal: A couple things on the -- the traffic portion of it. I mean I can attest that Black Cat is -- I will just say not healthy as far as traffic is concerned at peak hours of the day for sure. So, that said, Black Cat is on from 2021 to 2025 for improvement. I'm hoping that the city is working diligently to get it moved up on that list, because it is definitely one of the -- the pinch points that I feel in watching the meeting last night with the Mayor -- I mean they identified some other pinpoints within the city that I actually live close to and to -- I don't -- I live further away from this and, honestly, I would like to see this moved up on the list, because I think the traffic that's -- that's coming and going there, the number of kids that we have, the number of parks that are nearby, the schools that are there, it's -- it's just going to -- in my mind that's just going to end up being a really bad scenario at some point in time until that's all improved, because the -- the more congested the traffic gets, the more you are going to see people take wild chances to dart out into -- into traffic. So, I do have concerns about that. That said, it is on the -- it is on the plan to go somewhere between 2021 and 2026, so hopefully that's sooner other than later. As far as the -- I do agree with the elevations I mean they got to show something that's going to actually -- what it's going to look like when it sits on that lot. I am a little torn between the R-4 and R-8 designation. I understand, you know, the ask -- the ask that they have, I understand it. I understand the need for workforce housing. So, I understand it helps balance the area. That said, the -- the amount of usable space in here -- usable open space doesn't seem to warrant, you know, the annexation that -- that needs to happen here in order to make sure that this property comes into the city. So, you know, I mean there has got to be a little bit more give and take on that.

Fitzgerald: Just to clarify, we are not annexing. This is already annexed property. It was annexed and zoned R-4.

Seal: Got you. Okay. So, still it's -- I mean it's -- the density is stepping up and, you know, the -- the lot sizes are at the minimum and there is some contention over the open space pieces in there. I tend to agree with staff that more is needed. I think that a different approach could be taken overall in order to consolidate that open space into more of the center of the -- the subdivision. I don't know -- I mean I'm not in favor necessarily of eliminating that pathway that goes out, that actually does provide, you know, easier access to Pine for, you know, activity like biking, for instance. So, I am torn on that. I can see that -- you know, I mean it does provide value, but at the same time it seems like there is a -- there is a little bit of shoehorning going on here in order to make that fit. So, I'm -- I'm a little bit torn on where to go with this at this point.

Fitzgerald: I don't want to start redesigning the project, but I -- and I do agree that the path going to the northeast is a good thing. So, there is another access out for, you know, kids walking to school or -- or the park or whatever they are going to do. But I -- I do agree with Joe that there has got to be at least a pocket park internal to this. So, I'm not sure if the applicant wants a chance to revise it with the inclusion of the -- of something to the north or give them flexibility to work with staff before Council. I think that's feasible. I don't think we need to see this thing again. We can outline what we -- what we are desiring and having them work with staff before Council to come up with a -- a plan that -- fits where Joe was going I think, whether that's take out two internal lots, take the tot lot and put it in the middle and make that just a micro path over and maybe maneuver the lots a little bit. But I don't want to redesign their thoughts, but I do agree with Joe's assessment that there needs to be something internal, but I'm not sure if we need to see it again.

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: I don't want to redesign this, but I do want to kind of comment that I -- I like the path and you said that if it meant that there was a more usable open space elsewhere I wouldn't be opposed to losing it, just based on how big this development is. I mean it wouldn't be the end of the world on a project this size to lose that pathway if a much more usable open space was achieved. I'm not a huge fan of losing that Lot 6 necessarily. If -- if that were the case it would preferably be, you know, one of the -- in that section to the south of that a little bit, but I'm not sure exactly what's doable and what's not, but consolidating it into one location would definitely be preferred.

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli, go right ahead, sir.

Cassinelli: I didn't see this until just now. I was able to enlarge the plat. We know that we discussed this at all -- at all. We have got this public alley coming off of the cul-de-sac over to the -- over to that -- the main road through there. Are those -- and maybe Joe can answer this, so we don't have to open it back up and the applicant back up here. Are those homes along Pine with that public alley, are those -- are those rear load? Do those homes take their front entrance off of Pine? Joe, do you know? It's lots -- looks like lots one, two and three or perhaps just one and two, depending on how you do it.

Dodson: Commissioner Cassinelli, Members of the Commission, so just to clarify -- I'm trying to show -- okay. We are just going to go back here. This is the latest plat.

Cassinelli: Okay. So, am I looking -- am I looking at the -- at the preliminary -- excuse me.

Dodson: So, the -- the plat that you are looking at was the one that we had for the previous Commission meeting and, then, it had to get changed, which is why we were continued to tonight.

Cassinelli: Okay.

Dodson: So, the plat that's on the screen now is the one that is trying to go forward. That does not have an alley.

Cassinelli: All right. No wonder why I didn't see that on that -- on the end.

Dodson: Yes, sir.

Fitzgerald: I think I was losing my mind, because I didn't see that at all.

Cassinelli: I was opening up at a different place on that -- what said revised, because I want a bigger picture of it, so -- okay.

Dodson: Yes, sir. I can't -- I can't count how many revisions we have gone through and worked together on, but this is probably five or six.

Cassinelli: Okay. But that was -- the one I was referring to there was a -- was a preliminary one. Thank you. Sorry.

Fitzgerald: Commissioner Yearsley or Commissioner Cassinelli, do you guys have thoughts about additional comments? Or Commissioner Seal? Commissioner Grove? Anyone want to -- where do we go from here? Do you want to step through it?

Yearsley: So, Commissioner Cassinelli talked about losing a lot along Black Cat to make those a little bit bigger. I didn't know what other individuals thought about that. I actually personally think it's a great idea to make those a little bit bigger.

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: I don't disagree making the lots larger, but if we are going to suggest losing any, I would prefer that they be internal to -- to go towards the open -- I guess consolidated open space personally.

Yearsley: Commissioner, Chair, I think he was actually talking about losing two lots, one for open space and one for making the lot bigger.

Cassinelli: That's what I had and that was a compromise to -- to this -- to this -- you know, going from the four to the eight and taking lots to the -- almost the bare minimum.

Fitzgerald: And Joe already has a stipulation that -- that Lot 6 becomes an open space. So, that's in the -- in the staff report now. So, that's internal. If there was additional thoughts -- you know, I -- I think there is a balance to be struck. I'm kind of -- with lots along the road I would want those to be more dense and maybe give them an opportunity to use a product that might be better for that roadside and less expensive maybe and, then, have an internal -- I kind of agree with Commissioner Grove as well. The open space in the middle and that's -- I'm not sure that's one or two lots, but I'm up for a discussion around that. Again, I don't know if we need to be redesigning, folks. I think we need to kind of give them a direction and either let them work it out before Council or we need to continue this thing to have them bring it back, but I know Joe's done a yeoman's work trying to get them where we are. So, I know -- I mean I think we have got consensus on the fact that we would like to see elevations that meet the lot sizes. We would like to see some additional open space internally. Do we have a thought on the fence to the south? Is everybody in agreement we need to redo that wire fence and give them a privacy fence?

Seal: Mr. Chair, I think that it -- it's established that that really can't happen, because of the easements that are on it.

Fitzgerald: There is a fence there now. There is a fence there now. It's just a three wire fence for cattle or for livestock. So, I think you could have it come up and put something else in there. But we -- Joe, just comment on that?

Dodson: Mr. Chair, Members of the Commission, so, again, just to clarify. This fence right here, that can be easily replaced. That -- yes, that's this -- what we would say is the subdivision boundary fence, but what I think Commissioner Seal is referencing is having another fence along this center line, so to speak, and, you know, walling off -- you know, fencing off is actually more correct. Fencing off is actually more correct. Fencing off the gravel road this plant fescue. I -- if you guys want to make that recommendation I recommend you have verbiage in there that -- that the applicant work with staff on that just to ensure that with the way the easement is written that we can do that. But there is no -- at this point I can't guarantee that that's allowed or not allowed.

Fitzgerald: Okay. Thank you. So, I think we -- we can talk about the piece. But I think the last piece is whether we are talking about one or two lots. If we are going to move this thing forward or -- and -- or if we need to come back -- have it come back and we need to look at it again. Do you guys have a preference?

Grove: Mr. Chair?

Fitzgerald: Commissioner Grove.

Grove: My preference would be to recommend losing two lots and moving it forward.

Fitzgerald: Let the staff work with the applicant to figure it out? Commissioner Cassinelli, go right ahead.

Cassinelli: I was -- I was saying that -- I think that sounds like a motion that Commissioner Grove was making.

Yearsley: I agree with that motion.

Seal: Mr. Chair, I --

Fitzgerald: Commissioner Seal, do you have a thought?

Seal: Mr. Chair?

Fitzgerald: Go right ahead, sir.

Seal: I will -- I can take a stab at the motion here, so I have been taking a lot of notes.

Fitzgerald: Okay.

Seal: After considering all staff and public testimony, I move to recommend approval to the City Council a file number H-2020-0060 as presented in the staff report for the hearing date of October 22nd, 2020, with the following modifications: First that the applicant submit elevations that show how houses will look on the actual lot sizes. That they provide fencing along the north and east sides of the common area with the tot lot in the northeast corner. That they consider losing a lot along Black Cat to provide for larger lots along Black Cat. That they trim Lots 9 and 11, as the applicant proposed, to increase the open space in the northeast corner. And they work with staff to provide fencing along the southern grassed boundary.

Yearsley: I will second that.

Fitzgerald: I have a motion and a second to recommend approval with modifications of H-2020-0060. Are there additional comments or thoughts before we -- before we vote?

Cassinelli: Mr. Chair?

Fitzgerald: Commissioner Cassinelli.

Cassinelli: Can I get clarification on that motion? Was it -- were we -- we were also losing that -- I mean were we losing that lot that staff recommended as well? Is that what that motion was?

Seal: Correct.

Fitzgerald: That's already in the staff report.

Cassinelli: Okay.

Fitzgerald: I don't think we had to state that in the motion.

Cassinelli: Okay.

Fitzgerald: Everybody clear on where we are headed? Sounds like it. So, with that I have a motion and a second. All those in favor say aye. Any opposed? Motion passes. Thank you very much.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

**3. Public Hearing Continued from September 17, 2020 for Prescott Ridge (H-2020-0047) by Providence Properties, LLC, Located on the South Side of W. Chinden Blvd. and on the East Side of N. McDermott Rd.**

- A. Request: Annexation of 126.53 acres of land with R-8 (99.53 acres), R-15 (8.82 acres) and C-G (18.17 acres), zoning districts.
- B. Request: A Preliminary Plat consisting of 395 buildable lots [316 single family residential (94 attached & 222 detached), 63 townhomes, 14 multifamily residential, 1 commercial and 1 school], 32 common lots and 6 other (shared driveway) lots on 123.26 acres of land in the R-8, R-15 and C-G zoning districts.

Fitzgerald: Appreciate all the work. Joe, thank you very much for your efforts. Penelope, good luck moving forward and we will move on to our next item on our agenda, which is File No. H-2020-0047, Prescott Ridge, and I will turn it over to Sonya for the staff report.

Allen: Thank you, Mr. Chair, Members of the Commission. This project was continued from the Commission hearing on September 17th in order for the applicant to revise the concept development plan for the medical campus and commercial portion of the site and the townhome portion of the site. I am -- clerk, do I have rights to forward the presentation?

Weatherly: Sorry, Sonya, what was that?

Allen: I'm sorry, I'm not able to advance the slides.

Weatherly: Oh. One moment.

Allen: Thank you. Might be user error.

Weatherly: Do you want to have control or do you want Bill to help you?

Allen: Either way.

Weatherly: Okay.