

McCarvel: It has been moved and seconded to recommend approval for H-2021-0092 with modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: Would the Commissioners like a five minute break?

(Recess: 7:58 p.m. to 8:06 p.m.)

6. Public Hearing for Friendship Subdivision (H-2021-0083) by Mike Homan, Located Near the Southeast Corner of N. Meridian Rd. and E. Chinden Blvd.

- A. Request: Annexation and Zoning of 10.058 acres of land from RUT in Ada County to the R-8 zoning district.
- B. Request: Preliminary Plat consisting of 41 building lots and 7 common lots.

McCarvel: All right. We will resume with H-2021-0083 and we will begin -- Friendship Subdivision and we will begin with the staff report.

Tiefenbach: Good evening, Madam Chair, Members of the Commission. This is Alan Tiefenbach, associate planner, City of Meridian. Okay. This is an application for an annexation and zoning to R-8 and preliminary plat for 41 lots. The property is located south of Chinden and west of Locust Grove. The Brookdale Estates Subdivision is to the west, which is here. The High -- and that's zoned R-2. The Hightower Subdivision is to the east. That's here. That's zoned R-8. The Saguaro Canyon Subdivision, which is down here, is zoned R-4. There is an existing church that is located here. This property was proposed for annexation and zoning to R-8 in a plat for 48 lots. That was the Bull Ranch Subdivision. That was proposed in 2015. That was subsequently denied by the Council with density being cited as the primary concern. This property is recommended for medium dense -- or excuse me -- designated for medium density residential, which is eight to 12 dwelling units per acre. This application is for annexation of just a little over ten acres of land with the R-8 zone district and a preliminary plat, like I said, to allow 41 building lots and seven common lots. North Elk Ranch Road, if you can see my pointer, if I'm not doing it too quickly, this is a private road and it presently provides access from the subject property, which right now is a house, which is here, to Chinden Boulevard. This subdivision proposes to connect to three existing local streets, which already stub at the property. So, one of them will be East Lockhart Street to the west. That would be here and you can see it down here, but I will show you on the plat here. East Lockhart to the west, East Tallinn to the east. This is from here. And North Senita to the south, which is down here. They are also providing a stub to the church to the north, just in case that property develops in the future. The Uniform -- Uniform Development Code states that when a property has an existing access from a state highway and an applicant proposes a change or increase in intensity of use, the owner shall develop or otherwise require

access to a street other than the state highway. In this case they already are showing three existing accesses and one stub. As a condition of approval staff recommends the applicant vacate all the interest in North Elk Ranch Lane, which, again, would mean they could no longer use it for access, again, because the property already has three existing points of access and will have a fourth. The plat shows the North Slough is bisecting the property at approximately a 45 degree angle. That's what you see here. There were some discussions about how it was going to be rearranged, but we have worked it out and the owner will reconfigured this toward the northwest corner of the property. This will be coordinated with the irrigation district. The applicant has submitted elevations of the single family home for this project. These homes appear to meet design requirements for single family and they are consistent in general with the architecture of the existing surrounding residences. Staff has expressed several concerns in the staff report. Two of these included -- well, first one was including removing a lot at the south to be more consistent with the lots in the Saguaro Canyon Subdivision No. 2 to the south. The other concern was for the applicant to reconfigurable Lots 1 through 10, Block 1, along the eastern perimeter, so that the property lines will align with the lots in the subdivision to the east. The applicant submitted plans today which show a lot has been removed from the south and that's when I showed you the arrows, if this makes sense. So, this is what was -- this is what you saw on the staff report. There were four lots down here. This is what you see today. So, they have taken away one of those lots and they have moved that lot up to here, which was previously open space. When I go to here you will be able to see the difference with the open space exhibit. So, the one on the left where you see Block 3, that was the open space before. What you are seeing there on the right is now the second open space, because this new lot has been moved here. So, they did increase the lot sizes on the south to be more consistent with the adjacent subdivision, but it also decreases the open space from almost 15 percent to a little more than 12 percent. Now, the -- under the current code that's in effect now they would be required to provide 15 percent open space, but this came in at the time when only ten percent was required. So, they are still slightly over what they would have been required had they -- when they submitted under the previous code, but they are under what would be required under today's code. As of this morning staff has received one letter in opposition and this was from the property owner -- or from one of the developers of the property to the west. This was concern in regard to the amount of properties that are being zoned R-8. They were proposing that it would be more appropriate to be zoned to R-2. About the lots to the east. And I will back up so you can see these. One of our concerns were all of these lots onto the east, the way that they line up with the property here, they are slightly offset. It's not a deal killer, but staff's concern with that is that, first of all, the fence lines would be really kind of weird and it would also make the ownership kind of funky, because it wouldn't -- you wouldn't be able to just logically figure out where your property ownership is, so they are slightly offset. Staff has mentioned that was a concern to the applicant. The applicant is moving forward with the configuration as is. I will leave it to the Planning Commission to decide if that is an issue to them or not. But with that this plat does meet all the requirements of the UDC. It is consistent with the designation of the Comprehensive Plan. They have met the minimum requirements for the open space and the amenities. With that, then, staff recommends approval with the conditions that are in the staff report. We would support the site plan that they submitted today. But, again,

we think that the lots to the east should be configured with the lots next to them. With that I'm done and would stand for any questions or comments.

McCarvel: Thank you. Would the applicant like come forward.

Tiefenbach: Oh, sorry. I was just -- I was just corrected and sorry about that. I did make a typo. The density there is three to eight dwelling units per acre, not eight to 12. That was my bad. I just missed that in my presentation. So, they are still within their designation. It's a little on the high side, but three to eight is what they are allowed, not eight to 12. So, I stand corrected.

McCarvel: Thank you.

Canning: Madam Chair, Members of the Commission, my name is Joe Canning and I'm with Centurion Engineers in Boise, Idaho. 5505 West Franklin Road. And I am here tonight with the applicant Mike Homan and we may share part of this presentation if he thinks I missed something. So, we will see how that goes. So, Mike is here. I just wanted to briefly note the staff report. Thank Alan for his efforts on this. I must admit that in an effort to react to the staff's suggestions in the original staff report we have been pushing stuff around here the last couple of weeks and with the holidays it's been a little bit tough, but he did get the correct or current layout in the presentation tonight, so we appreciate that. And we have to apologize, it's been a little hectic here lately, so my apologies on that. And Alan did mention -- I think the two things that were in the staff report that were particular issues for us. Number one was delete the lot along that sound boundary in that southeast corner. However, we agree with that. The other issue was the lot lines along that east boundary, getting them to align with the lot lines to the project to the east and I will discuss that a little more later. I did want to comment on the comp plan designation. The comp plan designation is for medium density residential, which is three to eight -- eight units per acre. We are proposing 41 units at about 4.1 units per acre. So, we are actually at the low end of the comp plan designation for that medium density residential and I think it's worth a moment just to talk about the property to the north. The Friendship Celebration Lutheran Church is there. The comp plan has that designated as an MUC. It's currently in the county. If annexed and further developed the project will probably come forward as a mixed use of maybe R-15, R-40, and commercial. I think that's kind of key to the use in this project that we are proposing tonight and how we try to transition from the existing neighborhoods up to what could happen to the north and even if it doesn't develop there are some significant open areas to the north of this project that are the church's, of course, but certainly be a benefit to the Friendship Subdivision occupants. And the other important thing I think I need to note here is that there is a Settlers Irrigation District lateral through here. That slough. That has a notable impact to the site design. Actually, it's a quite large impact to the site design. There is approximately 1,200 feet of pipe necessary to relocate that lateral. That's 36 inch pipe. It's reinforced concrete. It's a considerable expense to the project. And it did lay out some of the goals of what we tried to do when we did the layout for the subdivision, such as -- some of those -- we wanted to place those in a minimum of 30 foot common areas, because Settlers has told us they want a minimum 30 foot easement for that pipeline. So, all of our goals -- we tried

to put that pipe in at least a 30 foot common area. We wanted to place it near the street. We have had issues in the past where laterals had to be torn up in backyards and neighborhoods. Rather large pipe. It's a heck of a mess. A war zone. If this pipe would ever have to be replaced its access from the public streets is, in my opinion, huge. It really helps the future use of that lateral maintenance by the crews of the Settlers Irrigation folks. It's a real asset to the operation of that lateral. And the goal was to minimize utility crossings. That's part of why we picked the common areas as we did. There is only one sewer crossing -- a private sewer service that has to go to that existing house that will cross that lateral. The main lines will cross under it and all the services are going to avoid it. That was a huge -- a huge part of the impact we had on the design to the project. The staff report issues, transitions of lots size, this is where I get back to the two comments in the staff report that we did -- we were concerned about. One was to remove one lot at the southeast corner of the project. We agree with that. We did that and that's the layout that Alan showed you tonight. However, we did move that lot to the interior of the project by that cul-de-sac at the southwest corner. The other issue was aligning the lot lines along the east side of the project with existing lot lines to the east. We were a little puzzled by that comment. The structures that are east of us are rather large. They take up almost all the width of the lots. Our first thought was, actually, an offset property line may be better, because at least the occupants of Friendship would have a little corridor that they can see down on the buildings from the east. However, the main driving factor was the Settlers Irrigation lateral. If we didn't line up those lot lines to the east, the common area that's to the east of us along that south road -- it's only -- it's less than 20 feet wide. One of our goals was to maintain a 30 foot easement minimum for the Settlers. That's why we have that large -- rather large common area on the south side of that road along the side of the project was to make for sure that that irrigation lateral relocation and would not interfere with any of the homes that could be built within Friendship. So, I think the real issue with the comp plan is compatibility of -- of neighborhoods and they have 9.5 lots adjoining our property. We have nine building lots. So, I think it -- I think it's quite compatible and I just wanted to mention that this is a little bit of a difficult site to develop. The cost of that irrigation lateral is signified and not that cost is a matter or an issue for approval of the subdivision, but it certainly is to make it possible to develop. That's one of the main reasons we opted just to move that one lot from that southeast corner back into that open space. There is more than adequate open space for the project to meet the code when it was submitted, so we are really trying to maintain those 41 building lots. It's quite important to the success of this -- of this project. Construction costs are through the roof. I can't even imagine right now what it's going to cost to put that 1,200 lineal feet of 36 inch pipe in, but it's going to be quite significant. A few other things. There is an existing pathway on the west boundary near the southwest corner. It comes over from the subdivision from the west. Of course, we are going to connect to that, bring it into where our cul-de-sac is. We are posing a new pathway to the church property at our northwest corner. To be honest, part of that is to cover the irrigation lateral -- the irrigation lateral runs in that area, but, once again, the goal is to make sure it was in a common area. Friendship Subdivision is surrounded by development. It's, essentially, an island in the city that could provide much needed housing to the area. We believe we have proposed a quality style of project that will help fill the need for housing. We respectfully hope that the Commission supports the annexation and zoning and preliminary plat and

with that I will end. I don't know if Mike wants to add anything. Apparently he is okay. So, I would stand for any questions of the Commission.

McCarvel: Any questions for staff or the applicant? Commissioner Seal?

Seal: Madam Chair, yeah. Just -- what are the amenities that are being provided with this?

Canning: Yes. Madam Chair, Commissioner Seal, I hadn't looked at the landscape plan for a while, but there are some -- I believe there is some picnic areas proposed. There are, of course, some pathways proposed that will be going in. Those are the primary amenities.

Tiefenbach: Mr. Seal, I believe that there is a -- there is a playground or like a tot lot, a picnic table, and a bench. That was my understanding.

Canning: Yeah. I think you are right, Alan. There is a tot lot with the -- with the -- with the picnic area. Correct.

Seal: Thank you.

McCarvel: Any other questions for staff or the applicant? Okay. Thank you.

Canning: Thank you.

McCarvel: Do we have anybody signed up to testify on this application? Chris, we have Caleb running to the back of the room, but do you have anybody online?

Johnson: Madam Chair, we had nobody sign up in advance. There are some people in Zoom that if they want to raise their hand if they wish to speak.

McCarvel: Okay. We have one person on the list here that's indicated a need to testify. It's Mike Homan. Okay. That being said -- so, we -- do you have some on Zoom that have raised their hand?

Johnson: Madam Chair, nobody's raised their hand, but there are people watching, so I just wanted to tell them if they do wish to speak they can raise their hand.

McCarvel: And is there anybody in the room that wishes to testify on this application? Okay. Come forward.

DeGrazia: Hi. I'm Karen DeGrazia. I live at 6297 North Rosa Springs Avenue in the Hightower development. I have a question. Why are they rezoning it from an R-4 to an R-8? That's my question. Thank you.

McCarvel: Any other questions -- any other -- anyone else wishing to testify online or in

the room? Okay. With that would the applicant like to come forward? Oh, Alan.

Tiefenbach: I was assuming that the Commission was quite versed to be able to answer that, but just to clarify, this is being annexed. The property is not in the city at present, so it's not being rezoned from R-4 to R-8, it's being annexed into the city from county zoned property and being zoned to R-8.

McCarvel: Okay. Does the applicant have anything to add or do we have questions for the applicant?

Canning: Madam Chair, I don't really have anything to add. I would be more than happy to answer any other questions.

McCarvel: Any other questions or do we have a motion to close the public hearing?

Seal: Madam Chair, just one question. I know you made the -- you're meeting the minimums for what used to be, but you are not there for what is now, so -- you know. And I'm not looking at anything extraordinary that I would give you a pass on for today's standards, so would you be willing to get rid of that -- that house that you moved in order to increase the common area and --

Canning: I think I would have to direct that to the applicant, rather than myself. Mike.

McCarvel: Yeah. I would pile on, since we are chatting about that. I mean at least some significant -- something other than a tot lot. I mean something significant in that open space, since it is minimal, if not removing that lot.

Homan: Mike Homan. 6820 West Randolph Drive, Boise, Idaho. 83709. What was your question, sir? I'm sorry.

Seal: My question was on the -- the common space and, basically, it meets the requirements of what was, not what is. So, if I was looking at something today that was, you know, essentially, on the requirements of today I wouldn't give this a pass, not meeting the 15 percent, much less we are down to 12 percent. So, instead of adding that lot back in that was moved over to Block 3, Lot 8, there, would you be willing to forego that, so that the common space meets the 15 percent requirement of today?

Homan: When we did that, you know, it was at ten percent. That's what we negotiated the property for. Then we got this huge ditch that we got a pipe -- concrete pipe and that. It's been a really challenging site to do for an in-fill and we were thinking we would be about right in the center half of -- you know, to what -- we are at about 12 -- between ten and 15 percent and, then, we were going to do a tot lot and, then, picnic tables and have some features in there and, then, again, to the north is that church. We even named the subdivision -- we had a really good meeting with them and we named our subdivision Friendship and stuff. So, it's a tight project to do and if I didn't have to do that big pipe I would just say, yeah, one lot is nothing, you know, to lose, but we are really tight on this.

I would like to keep it if I could, to answer your question.

Seal: Okay. Thank you.

McCarvel: Yeah. Would you have any thoughts on some other significant amenity, instead of just a picnic table or --

Homan: We would look at adding, you know, more to that, if it was something --

McCarvel: To make it substantial.

Homan: Yeah.

McCarvel: Any other --

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: And this is -- this is more for staff. Why -- since this project is -- is still at this stage, why -- first of all, when did it switch from 15 to ten? And why are we looking at the old requirements versus the current requirements when -- when we are not even approved yet?

Tiefenbach: Caleb would know the date that it actually was approved, because he's smarter than me and he was here and, secondly, generally when you make an application before the new code goes into effect we have to review it under the old standards, not the new standards. This was submitted before that happened. When the pre-app had started it was before the new -- the new code was in effect. Caleb, do you remember when it was passed? Was it July'ish? Time moves fast here.

Hood: Madam Chair, Members of the Commission, no, it wasn't that long ago. It was just this fall, so -- but, yeah, as Alan stated, you are vested with the laws that are in effect when you submit the application, not when you get to hearing. So, they have been in the queue and are reviewed against the plans -- laws in effect at the time of submittal. So, that's why the discrepancy there between the ten and 15 percent. I can find the -- the exact date that it went to effect, but, yeah, it was just this fall.

Cassinelli: Okay. Thank you.

McCarvel: Any other questions for the applicant or staff? Okay. Thank you. Can I get a motion to close the public hearing on H-2021-0083?

Cassinelli: So moved.

Seal: Second.

McCarvel: It's been moved and seconded to close the public hearing on H-2021-0083. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I will step up. I understand the applicant's plight of having to install the drain, but I still like the idea of having that 15 percent open space and losing that lot. I don't know, I just -- I -- it's for me it's still fairly dense and having that one lot and having that open space to me makes it more palatable.

McCarvel: Yeah. I guess I'm concerned a little bit more about the open space than I am about aligning those lots on the east. I think -- I mean those look fairly tight anyway from what's on the other side of it and I would -- I would hate to see them try to finagle those even tight -- the ones on -- on their side that tight.

Yearsley: Madam Chair, I agree. I think you would end up having to lose a lot there to make those line up and --

McCarvel: Uh-huh.

Yearsley: -- I would prefer to keep -- maximize my open space than to try to have the lots line up.

McCarvel: Yeah. I'm more appreciative of them losing the lot on the south side and making that fit in better with what's on the south.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I would like to see a little bit more in terms of how this lays out with where the amenities are going, what's going on, and I'm going to say something that I don't think I have ever said in the two plus years or whatever I have been on here. I -- I -- I think I would almost rather see this be R-4 than R-8 in -- in how it's laid out, just because it's landlocked, but --

McCarvel: All right. That's it. It's not a rally.

Grove: -- I don't know. I have some issues with the general layout and I don't know how to describe it quite yet.

McCarvel: Commissioner Cassinelli.

Cassinelli: I will go with the easy one. I don't have a problem with the east property lines lining up. I -- in my subdivision -- internally in my subdivision I don't line up and I actually like -- I can see between the houses when I look out my backyard. So, I think that's a -- that's a plus and I don't think it's a -- there is any negative to not lining up, other than if everybody chooses a different fence style it's a little weird, but that's the easy one. I understand that the -- the density wanting to transition into the mixed use community on the -- on the north and to the -- to the east. That entire -- with the exception of the R-2 there that's right next to it, everything else surrounding it is R-4. It almost makes sense to -- to maybe look at it as an R-4 for that reason, just because -- and -- and the other thing is I look at -- if Council -- and, granted, it was a different Council at the time, but if Council didn't like the -- the R-8 before -- I mean we are only -- we are talking seven lots in there, you know, would they -- would they like it at this. So, it's odd to me why maybe they didn't come back as an R-4, as opposed to that. And, then, with regards to the open space, I guess we can -- I guess, you know, it was ten percent, so that's -- that's I guess how we have to look at it. I would, however, want to see more when it comes to the amenities. I don't think a tot lot and a picnic table is -- and in a couple paths are enough, frankly. So, I would want to see more there. I would like to see that -- that one lot -- I -- personally I would like to see some of the lots on -- I'm not looking at the layout of it right now, but I would like to see the -- the -- maybe the lots on the -- on the north -- maybe some open space up there, because those are pretty tight up there. That's how I would look at it.

McCarvel: I know that they are trying to get the open space to -- you know, where that pipe is running, but it seems like the open space is real close to all the bigger lots and it would probably be more useful --

Cassinelli: Well, if they kept that one that they have moved over there and, then, opened up something along the -- it looks like it's Block 5 up there. I'm not sure. But one of those -- you know, those lots up there, if they open up one of those for some more common space up there or I would be willing to trade -- trade that -- again, I would like to see a little bit lower density in there, but I would trade off better amenities for the same open space. I just -- I don't -- I don't think the amenities are -- are strong enough. I don't know what that looks like, but I would want to see an improvement there. Oh. And I did have a question for staff. The house -- the existing house that's there -- is Elk Road -- Elk Ranch Road is gone all together? Is that house not going to take access off the -- off Lockhart?

Tiefenbach: Correct. Conditional approval of this is that they vacate the entrance, so the house -- the existing house would no longer be able to take access from Chinden.

Cassinelli: Okay.

Tiefenbach: They would have to -- they would have to vacate their interest in that easement.

Cassinelli: Okay. Thank you.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: This is one of those -- I like to call this a have your cake and eat it, too, because it seems like the house -- the remaining house that there is kind of selling the land around it. I don't know if that's the case here, but it seems that way. So, you know, trying to have your cake and eat it, too, here, so -- the layout is -- to me it looks like they are taking all available land and trying to put everything that they can on it and the open space is just an afterthought. So, I think it's unfair to the people that are going to have to live there. I know they put some thought into where the sewers are going to run and I understand there is a huge expanse in -- in piping that ditch, but at the same time it just -- you know, it's unflattering, basically. It just looks like it is done to maximize the return on investment and there is just not a lot going for it after that. I mean it's basically just going to be a place for people to park their cars and, you know, more garage farms. So, I don't know if it's appropriate at this time for where we are at. I know -- you know, I mean compared to 2015 I know we have a lot higher tolerance for a lot more density, just because the way the city is growing and so I mean it's not multi-family, you know, or we would probably have a fleet of people in here arguing this. So, I just don't think that it's -- you know, it's -- I don't think it's maintaining that kind of premier atmosphere that we are trying to do -- you know, get for Meridian, so -- you know, Meridian in and of itself is landlocked. There is no more land out there that we are going to accommodate. So, what we have we have to do it and we have to do it right and I just don't think this is -- this is it.

McCarvel: Comments? Motion?

Yearsley: I'm just amazed that my fellow Commissioners -- I'm always up for R-4. Yeah. Over R-8. So, I'm just kind of amazed that my fellow Commissioners have made that comment, so I'm very supportive of an R-4.

Cassinelli: So, do we continue this and --

McCarvel: If you are going to -- we have to reopen --

Cassinelli: We would have to reopen --

McCarvel: Yeah. Let's reopen. Need a motion to open H-2021-0083.

Cassinelli: So moved.

Seal: Second.

McCarvel: It's been moved and seconded to open H-2021-00083. All in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: Would the applicant like to come forward.

Homan: Mike Homan. 6820 West Randolph Drive. Mike Homan. I would -- would agree to lose one lot. You guys could decide where it was best to lose the lot. Your idea to the north was -- you know, kind of had more -- some space over there.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I would prefer not to redesign this here --

McCarvel: On the fly. Yeah.

Grove: I would say we either continue or deny, but trying to sit up here and design and figure out which lot to remove doesn't make sense to me.

McCarvel: I -- yeah. I would say probably have it come back with a little more -- some thought on making it usable open space and not just open space as a buffer to the existing home. I think that's what we are seeing. And I think that's where the hang up is. If you are going to have the subdivision, you know, built out it needs -- the amenities need to benefit this subdivision, not just be a buffer to the existing house. Yeah.

Homan: What about if it was approval subject to -- you know, where I agreed to lose one building lot and leave it up to City Council?

McCarvel: Yeah. I just -- I'm guessing -- I don't -- not thinking you're understanding. It's not just about losing one lot, it's about making this open space functional and usable to the subdivision. Am I -- am I saying that -- I don't want to put words in my fellow commissioners' mouths, but --

Seal: I think you have said it eloquently.

McCarvel: Okay.

Homan: With that extra lot that I would take out, remove, I would be in compliance, I believe, with your 15 percent. Yeah. So, what I'm saying is with agreeing to drop another lot for common space, I should be in compliance with your new ordinance, with the 15 percent, and with an in-fill piece -- this is a challenging site. It had that ditch going through there. We had an existing house. It's a pretty nice home, it's not a scraper house, or -- and we are just trying to work with what we can work with and I think if we left it up to City Council to -- you know, we will agree to drop a lot and, then, submit to Alan some plans with a -- you would have a chance to review them and so this wouldn't be the final say. City Council would have a chance to review it and Alan would again and -- we are just really tight on time as -- on our purchase agreement. So, we would like to keep it, you know, moving forward, but agree to make a concession and lose another lot if -- it's

financially tight, but as -- anyway, I will agree to that if that helps at all.

Seal: Madam Chair, it sounds to me like -- I mean I think we are kind of all on the same page, so if the applicant wants to gamble with City Council I think we can move it forward with a denial and he can take his chances with City Council.

Homan: It would be nice to have an approval. There -- you know, a recommendation. I would -- maybe can we leave it up to City Council has another say so on it and staff -- Alan's going to be there for the City Council thing saying that we have, you know, worked out it.

McCarvel: Yeah. You know, we are -- just we are the recommending body and we are kind of here to have staff and the applicant and the public and everybody's opinions kind of come together and we try to clean it up real nice, so it goes to City Council with everything worked out, but I'm thinking we are kind of not on the same page here about what we are asking for as far as the open space and not just being one less lot. It's about being functional open space and so if -- you know, if you are not wanting a continuance to bring it back to us, we can recommend denial and the reason for our denial and, then, you can take that information and move forward to City Council and, you know, if you have changed a few things that you think meet what our denial reason was, then, City Council may take a look at that and -- and say, okay, yeah, they -- he met the spirit of what Planning and Zoning was thinking or they may have their own -- I mean, yeah, we are just -- it's a recommending and so if we deny it we will give a reason why and so if you fix that reason by the time you get to Council, if you are on a tight time frame, then, that's -- that's kind of where we are at. Otherwise, we can recommend a continuance if you want to bring back a different design, but I think if your thought is you are just going to lose a lot somewhere, I think that's really not what we are asking for.

Homan: What would meet your new ordinance, you know, with the 15 percent and we can put some thought to work with Alan where is the best place, because we don't really -- we want to do the best thing for the subdivision and get some input and so we are agreeing to do what you guys want, we would just like the opportunity to work it out with Alan before our City Council thing and not have a denial on our thing and that's -- and try to do the best we can with the circumstances on the property that we are working with and sometimes it's challenging with ditches and other stuff. But I would be willing to really work with you guys if you give me a chance to.

McCarvel: Yeah. And a denial doesn't mean that we are not -- you know, that you don't have the chance to work with it. It certainly gives you -- it gives City Council our thoughts and definitely you would have a chance to fix it and move on.

Homan: Okay. Thank you.

McCarvel: Uh-huh. Do we have any other questions for Alan?

Tiefenbach: Hi. Ms. Chair, but not for long, and Members of the Commission, even though she is tenured and she will be here forever. Just a quick note for the applicant,

probably, is if this does get continued we are talking -- and I will have to defer to Chris, but the second -- the next one in January is totally full --

McCarvel: Yeah.

Tiefenbach: -- and February I think is filling up. So, we are talking about, you know, at best the first week in February and I will defer to Chris Johnson if we can even make that hearing.

McCarvel: Right. I mean --

Tiefenbach: Because it has 15 days in advance to get the plans to you. So, you know, it's not going to be quick. More than a month.

McCarvel: Yeah. I think at this point, then, based on the applicant's preference to keep moving forward in his timeline, I would think it would be best to move forward with a denial and recommendations on why we are denying -- why we are recommending denial and that would give him the opportunity to fix it and let City Council go on from there.

Seal: Agreed.

McCarvel: Okay. So, at this point, if we have no more questions for staff or the applicant, we need to close the public hearing on H-2021-0083.

Seal: So moved.

Cassinelli: Second.

McCarvel: It has been moved and seconded to close public hearing on H-2021-0083. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: After considering all staff, applicant, and public testimony, I move to recommend denial of the City Council file H-2021-0083 as presented during -- during the hearing on January 6th, 2022, for the following reasons: So, that they can provide more open space and more functional open space that is integral to the subdivision and, then, is better suited for R-4 and not R-8.

Yearsley: Second.

McCarvel: It has been moved and seconded to recommended denial of H-2021-0083. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

7. Election of 2022 Planning and Zoning Commission Chairperson and Vice-Chairperson

McCarvel: Okay. We have one more item on the agenda. No, we are not done. We will address this one. I would love to nominate Commissioner Seal as president for the 2022 --

Cassinelli: I will second that nomination.

McCarvel: -- Chairman.

Cassinelli: I will second that.

Yearsley: I know -- I think you have done a great job in filling in, Commissioner Seal, and I think you would be a great Commissioner --

Seal: Thank you. Appreciate that.

McCarvel: It has been moved and seconded to recommend Commissioner Seal as our new chair. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: I don't get a vote?

McCarvel: Nope.

Yearsley: Well, you can, but --

McCarvel: You can, but you have been outvoted.

Johnson: Madam Chair, can you repeat who made the motion? I put down Commissioner Seal made the motion and I'm sure that's not correct. I want to get that correct on the record.

McCarvel: Former Chair McCarvel made the motion.

Johnson: Thanks.

McCarvel: Former Chair McCarvel would also like to move that Commissioner Grove be the new vice-chair.

Seal: Second.

Cassinelli: Third.