

5. Public Hearing for Driftwood Subdivision (H-2023-0021) by Brighton Development, Inc., located at 870 W. Ustick Rd.

- A. Request: Conditional Use Permit for a multi-family development consisting of 57 dwelling units on 4.81 acres of land in the C-C zoning district.
- B. Request: Combined Preliminary/Final Plat consisting of one (1) residential building lot, two (2) commercial building lots and one (1) other lot on 9.0 acres of land in the C-C zoning district.

Seal: Now I would like to open the public hearing for File No. H-2023-0021 for Driftwood Subdivision and we will begin with the staff report.

Allen; Thank you, Mr. Chair, Members of the Commission. The first applications before you tonight are a request for a conditional use permit and a combined preliminary and final plat. This property consists of 9.01 acres of land. It's zoned C-C and it's located at 870 West Ustick Road at the northwest corner of Ustick and Venable Avenue. This property was annexed back in 2007 with the requirement of a development agreement, which was later amended. The existing agreement allows for the development of approximately 60 multi-family units and a minimum of two commercial buildings per the approved conceptual development plan. A certificate of zoning compliance was recently approved for site improvements, including an internal shared access driveway with detached sidewalk and associated landscaping and storm drainage. The Comprehensive Plan future land use map designation is mixed-use community. A conditional use permit is requested for a multi-family residential development on the northern portion of the property, consisting of 57 townhome style dwelling units on 4.81 acres of land in the C-C zoning district. A gross density of 12 units per acre is proposed consistent with the density desired of six to 15 units per acre in the MUC designation. The proposed development plan is consistent with the conceptual development plan and associated provisions in the existing development agreement. Access is proposed via a drive aisle from North Venable Avenue, a collector street, at the east boundary and North Buckstone Avenue, a local street, at the north boundary. Buckstone currently stubs to the north boundary of this site. A multi-use pathway is required to be provided from the east to the west boundary of the site. Excuse me. That is a requirement in the staff report that the applicant requests to have withdrawn and the Parks Department did agree with that, so disregard that. Compliance with the specific use standards for multi-family residential developments is required, which includes private and common open space and amenities, as well as parking. A minimum of 80 square feet of private usable open space is required per unit. A minimum of .46 of an acre of common open space is required. A total of .48 acre is proposed consisting of two common open space areas with amenities and a street buffer along the collector street Venable Lane. The street buffer isn't allowed to count toward the minimum open space. Therefore, a revised open space exhibit that excludes that area should be submitted. Additionally, all multi-family projects over 20 units are required to provide at least one open grassy area integrated into the site design allowing for general activities by all ages that is a minimum of 5,000 square feet in area.

The area is required to increase proportionately as the number of units increase and shall be commensurate with the size of the development as determined by the decision making body. The open grassy area in both of the open space areas is below that 5,000 square feet in area. Staff is recommending a minimum of 14,250 square feet or .33 acre of common open grassy area is provided commensurate with the size of the development based on 250 square feet per unit. The plan should be revised accordingly prior to the City Council hearing. A minimum of three amenities are required based on the number of units proposed with one from each category. The applicant proposes a clubhouse, picnic area with a shade structure and a children's play structure in accord with UDC standards. Based on 13 two-bedroom units and 44 three-bedroom units a minimum of 164 off-street parking spaces are required, including guest parking, with 57 of those in a covered carport or garage. A total of 194 spaces are proposed with 84 of those covered, which exceeds the minimum standards by 30 spaces. Based on the parking provided a minimum of eight bicycle parking spaces are required and those -- those -- the details for the amenities. Conceptual building elevations were submitted as shown for the townhome style structures, consisting of 15 two-story structures in three and four unit clusters, containing a mix of two and three bedroom units, with a minimum of 1,250 square feet per unit. Building materials appear to consist of stucco and horizontal siding in two different colors with stone veneer accents. These elevations are generally consistent with those included in the existing development agreement as required. Final design is required to comply with the design standards in the Architectural Standards Manual and will be reviewed for compliance with these standards with the design review application. Compliance with the building code requirements for separation between structures within the development is also required. A combined preliminary and final plat is proposed to subdivide the property consisting of one residential building lot, two commercial building lots and one other lot on 9.01 acres of land as shown. As mentioned an east-west drive aisle is proposed through the site, which provides access from Venable Avenue at the east boundary of the site. A cross-access easement is required by the development agreement to be granted to the property abutting the southwest property boundary prior to issuance of certificate of occupancy for the western commercial pad site or when the adjacent parcel to the west develops, whichever occurs first. The existing irrigation ditch along the southern boundary of the site adjacent to Ustick Road is required to be piped with development. Written testimony has been received on this application as follows: A letter was received from Jessica Lords, along with the petition online from neighbors with 373 signatures in opposition of the proposed development. Some of the reasons stated are as follows: There is already too much traffic congestion in this area. A traffic signal is needed at Ustick and Venable intersection. Against vehicular connection to the north to Woodburn Subdivision for safety -- safety reasons, children in the area and traffic. Concern parking will overflow onto Venable and too many apartments in this area already, et cetera. Mike Wardle, Brighton Development, submitted a response to the staff report. He is in agreement with the staff report, except for the condition requiring a multi-use pathway through the site, as I mentioned previously. The applicant is requesting the provisions related to the pathway be stricken and those conditions are in your hearing outline. The Parks Department agrees with the applicant's request. Therefore, staff requests the Commission strike the aforementioned conditions related to the pathway. Staff is recommending approval with the conditions in the staff report and will stand for

any questions.

Seal: Thank you very much, Sonya. Would the applicant like to come forward?

Wardle: Mr. Chair, this is Jon Wardle. Can you hear me?

Seal: Yes, we can, Jon.

Wardle: I will be presenting via Zoom tonight. Michael is in the audience just in case there is any questions that come up. I would like to present a presentation, so if I could share my screen.

Wheeler: Mr. -- Mr. Chair?

Seal: Go ahead.

Wheeler: I need to share something here just real quickly. And maybe this has to do with the Council. I work for the housing company. This is Nate Wheeler. Our property is actually adjacent to this property to the west. I was noticed -- our company was noticed concerning this hearing -- or the public hearing that they were going to have. I am a development manager for that company. There is no interest at all in this project or property, but I didn't know if there was anything that I would need to recuse myself from or to step back on this, being that we are -- we do abut just to the west of Cooper Lane. So, we do share that property line there.

Starman: Mr. Chairman, Commissioner Wheeler, yeah, I would recommend that you recuse from participating in this, because it would impact your employer potentially in a financial manner. So, I think it would be a -- a cautious approach for you to recuse and so if you agree with that, my recommendation would be that you -- I think what you said so far satisfies the -- the requirement for an announcement or explanation. So, you don't have to repeat that. I would just recommend that you just go into the executive session room where the Council is and we can call you back when we finish with this item.

Wheeler: Perfect. I will go ahead and recuse myself.

Seal: Thank you, Commissioner Wheeler. Appreciate it. Can we fix it so Mr. Wardle can share a screen?

Wardle: I'm just waiting for that. Yeah. I will put on the record, then, Jon Wardle. Brighton Development, Inc. 2929 West Navigator Drive, Suite 200 -- Suite 400 Meridian, Idaho. 83642. I'm still not seeing where I can share my screen here yet.

Seal: You want to make him a panelist? Okay.

Hall: Mr. Wardle, if you can choose upgrade to panelist.

Seal: Thank you.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: I believe Mr. Wardle when he accepted panelist is -- is muted, so if he's speaking we can't hear him.

Wardle: How about that? Can you hear me now?

Seal: We can. Thank you.

Wardle: Mr. Chair, I appreciate the opportunity to testify and present tonight for the Driftwood CUP and preliminary and final plat applications. As staff has mentioned tonight we are talking about 9.03 acres at the intersection of Venable and Ustick and this is a comparison Comprehensive Plan in the current zoning map. The property is zoned C-C and back in -- the property was originally annexed and zoned in the city in 2007 and there was development during the modification in 2016 and, then, we did a little modification development agreement in 2021 that in -- as staff indicated it was a mixed-use project of both residential townhome parkland homes and commercial uses. The application before you tonight is consistent with that approved development agreement modification Council approved back in 2021. Like I mentioned, this is the project that is known as Driftwood. It also has been called Settler's Square under a previous approval, but for plat purposes the project is called Driftwood Subdivision. As I mentioned it was previous -- a previous development agreement was approved by Council back in 2021. The applications before you tonight are a conditional use permit for 57 townhomes on 4.81 acres and a preliminary and final plat for four lots on 9.01 acres. I just want to talk briefly about the conditional use for the 57 townhomes. The area that is under conditional use permit for you tonight is the area bounded here in blue. There are 57 townhomes, which are all two-story. Each of these homes will have at least one one-car garage and two parking spots in front of those homes. As staff indicated, we have more parking provided than required. The amenities for the project will include a clubhouse, which is shown up here in the upper right corner, which will have a game room, it will have a management room. Also have the ability for delivery of mail and that type of thing there. There is a tot lot, which is shown just north of the clubhouse and, then, we also have another grassy area to the north with a gazebo area and seating area. Staff had mentioned that there was perhaps a deficiency of the grassy areas. We noted that the landscape plan provided was not exactly the same as the -- the site plan and we can address -- and we actually will meet the standards and requirements in the landscape plan to -- to demonstrate that. We are maintaining per the C-C zone a 25 foot required buffer on the north and on the west boundaries where there are existing homes and they actually just maintain that along the entire point of the property to the north and to the west. We also, as this shows here, the homes around the perimeter are front loaded with the garages in the front. There is grassy areas behind. The separation from the existing Woodburn neighborhood. The interior of these homes are all alley loaded homes and those are shown here. So, in green are the front loaded with the garages and the perimeter and the blue homes are internal and those the alley

homes. As mentioned these are all two story in nature. Very consistent with the other homes that are both single family and townhomes that have been built in and around the Settler's Park area. The preliminary plat and final plat combination is a four lot subdivision. Lot 1 is the residential, which relates to the conditional use permit. Lot 2 is the access drive that provides access for Lots 1, 3 and 4 out to Venable and Lots 3 and 4 are commercial lots. In our previous approval we were before the City Council. These lots are owned by St. Luke's. St. Luke's intends to build a neighborhood size clinic at this location. They have not yet submitted their conditional -- their certificate of zoning compliance, but we are told that they will do that at some point. But Lots 3 and 4 are owned by St. Luke's and they will bring those applications for construction forward at some point in the future. With the project we are improving Venable. Venable currently on our side of the road south of the Woodburn Subdivision is unimproved. There is no sidewalk there and we will be adding sidewalk, we will be adding curb and gutter. Storm drainage. We also are adding a turn lane north down from Venable that would turn into the project -- to the access drive aisle. We will be making those improvements north and south, so that -- that area of road and that portion of road which has been outside will be included with this project. As mentioned, we are in agreement with the entire staff report, with the exception of that comment on public access. We have already resolved that with staff and with the Parks Department, so as staff noted these would be the conditions that we would ask be stricken from the conditions of approval before you tonight. So, in conclusion, we respectfully request that the Planning and Zoning Commission approve the conditional use permit and recommended to approve to the City Council the preliminary and final plat of Driftwood Subdivision with the note of those conditions for that public access that was in the staff report. And with that I stand for any questions that you might have tonight.

Seal: Thank you very much. And I will start out with the question of why are we eliminating the multi-use pathway?

Wardle: Mr. Chair, that's a good question. If I may -- if I can just go to another slide here really quickly. Actually, I'm going to this one. If you look at this exhibit here, there currently is no public pathway in this corridor. There are sections. There are connections. There is one out by Settler's that comes a little distance and there is some connections there. There is a sidewalk coming through here. There is actually a condition that was placed as a sidewalk in front of the future apartments next door to us. We will provide sidewalk and pathway connections through there, but the requirement for a public access easement really isn't necessary, because there are already sidewalks throughout the entire area which are of public use. One of the things that we -- we can do is make a -- make a pathway or make a sidewalk that would connect -- let me back up one slide here. You can see that we have sidewalk on both sides of our drive aisle. There is a possibility that when the commercial project comes through that they should or would put in a sidewalk here to make a connection over, but there really doesn't seem to make any sense to put a public use easement over a pathway system that is not part of a cohesive plan for the city. As you can see here as well there are a number of sidewalk and pathway connections two and three and they will continue to be there. There is not a deficit of access, it's just a -- I think it was the Parks Department was looking at this wanting to

ensure that there was a sidewalk through and, of course, there are sidewalks through. You have Ustick, which is a sidewalk system. All these neighborhoods have sidewalks over. We will have sidewalks as well. So, we just ask that that condition be removed.

Seal: Okay. Thank you for the explanation on that.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: Question for the applicant. Looking at that display that -- sorry to make you --

Wardle: Oh, you want me to go back to that one?

Smith: Go right back to where you were. Specifically about Cooper Lane I believe it is. Yes. Does there plan to be -- I'm assuming that's going to connect down to Ustick from that stub. Is that accurate? And, if so, is there planning -- plan to be some sort of crosswalk across Cooper Lane connecting the Woodrose Apartments and the Driftwood Subdivision?

Wardle: Maybe I can go to this slide. I believe this is the most current Woodrose site plan and you can see here that Cooper Lane will make a driveway access to Ustick. I think the road across the street is called Blairmore. I could be wrong. It's either Blairmore or Blaymore. This road, Cooper Lane and Blairmore will align. They will make a sidewalk connection to Ustick, but at this point in time I do not believe that there are any plans by the highway district to require a crosswalk over Ustick at that location. I can't speak to their conditions of approval, other than this is what we have done in the site plan for that project. I will note -- and staff made this comment as well -- that there was a requirement for a cross-access to the commercial piece. You can kind of see where my hand is right here, that 95 foot. We have a driveway access that will go over and connect -- that's not the right one. But a cross-access here from our commercial site to that connection with the Woodrose Apartments.

Smith: Thank you very much.

Seal: Commissioners?

Starman: Mr. Chair?

Seal: Go ahead.

Starman: If I may ask just regarding clarification for the planners. Mr. Wardle described the possibility that sidewalk extension in the south -- the southwest corner of the commercial parcel, that that might be done by the -- when the commercial -- when the St. Luke's project develops. I'm not sure that the city can require that as part of a certificate of zoning compliance, so I'm asking the planners to clarify that. But if they can't, would

the Commission want to consider a condition tonight? So, I'm not sure you can require that with the CZC.

Allen: Mr. Chair. Kurt, was that a -- were you talking about vehicular access or pedestrian?

Starman: Pedestrian. If I understood Mr. Wardle's comments correctly, he talked about there would be the possibility of a sidewalk connection. If you look at the -- what's on the screen now, where the sidewalk terminates on the west -- toward the west part of the site -- of the site where the cursor is located, there would be a sidewalk connection from that point down to Woodrose Apartments and he indicated that could be accomplished when St. Luke's develops, but if St. Luke's only requires a CZC for its project, I'm not sure we can condition it as part of the CZC process and so my question for the planning staff is should the Commission consider a condition tonight?

Allen: Yes. That's the short answer. You are -- you are absolutely correct. Thank you.

Seal: Thank you for pointing that out. I appreciate that. Good guidance.

Wardle: Mr. Chair, this is Jon Wardle. If I can just respond to that, that we -- we are agreeable and we can work with St. Luke's to ensure that that sidewalk comes across into a location that makes sense in alignment with what Woodrose would have on that side. Our biggest concern was the requirement for the public use easement, not for the sidewalk and connectivity itself. But we -- we will agree to a condition that says that a -- a sidewalk make a connection over to the Cooper Lane Woodrose Subdivision on the boundary of the commercial site.

Seal: Okay. Thank you very much.

Wardle: Thank you.

Allen: Mr. Chair?

Seal: Sonya, go ahead.

Allen: If I may clarify. The -- the reason for the public use easement was so that the public can use it. This site does not have a public street through it and so it is private property for -- for those that might be using the walkway. So, that's the reason for it.

Seal: Okay. Thank you for that clarification -- clarification. That makes a little bit more sense for me. And -- and the reason I asked on the -- on the multi-use pathway is it's -- I'm an avid bike rider myself, so as I have biked in other towns and cities there is generally a more cohesive plan for things like that where you don't have to guess where you need to go or through a parking lot or anything like that, so -- when we miss the mark on some things like that, then, I just want to make sure it's on the public record that we -- we had a discussion about it, because we -- not that this piece of property necessarily has done

that, just kind of as it's been piecemealed together -- and as Jon's pointed out there is no real cohesive plan for that. So, it's difficult to have, you know, ridership in this area right here as it's being developed. So, just want to make sure that we are a little bit more aware of that as we move forward. Commissioner Smith.

Smith: Mr. Chair?

Seal: Uh-huh.

Smith: So, question for the applicant around the -- the open space area and also maybe for staff, if I'm misunderstanding something. So, my reading of the staff report sounds to me like this is not just -- this -- this site plan is not just short, but it's significantly short of the open space. It looks like the staff is recommending a minimum of 14,000 square feet or just over that and neither of the two lots appear to come close to that. Am I reading that correctly? And, if so, could -- you know, if the staff could comment on how that's -- what the plan is to resolve that?

Allen: Yes. Mr. Chair and Commissioner Smith, the -- the overall common open space actually exceeds the minimum standards by just a little bit, but the specifications for that is where they are off. They are required to provide a minimum 5,000 square foot open grassy area and as proposed it's -- it's below that in both of their common open space areas. I did recommend that a minimum of 14,250 square feet of open grassy area be provided overall. That could be split up in a couple areas, but the -- at least one area should be a minimum of 5,000 square feet.

Smith: Okay.

Allen: So, I'm not sure how they get there. That's up to them to figure out how to get there. They may need to reconfigure some things.

M.Wardle: Mr. Chairman, the other Wardle would like to interject for a moment. My name is Mike Wardle. Brighton Corporation. Director of Planning. 2929 West Navigator in Meridian. We have already covered this internally, but the area on the north side of the property, that -- that red outlined area, can be brought up to standard with a three foot shift in the units just to the west and there is sufficient room to do that. So, we will be bringing those to standard.

Seal: Okay.

Smith: Thank you very much. Could I ask the next question? So, there -- there was information in the -- in the public record as far as a crosswalk across Ustick. I just need to phrase this correctly, so -- and I know that work's been done to try to bring ACHD in to do that. So, there is -- there is a lot of public feedback about, you know, signaling that -- that intersection and we do have a lot of multi-family that's coming in on Venable as it crosses the street as well, so what I -- I guess from the applicant's perspective what is your -- what is your feeling on where ACHD is at with providing that and has trust already

been set up on the four corners to provide for it?

Wardle: Mr. Chair, we -- we have been in conversations with ACHD about that intersection at Ustick and Venable. What is still not known at this time is the timing of when that would occur. It is interesting until recently that intersection had been considered to be a -- a roundabout location and with our staff report we actually had made a -- a change with the project to the south in the other corner of this project. They made a formal recommendation that that roundabout be removed from that and that the signal be adopted and proceed with that. We have asked ACHD what their timing is for that. They have not told us as of yet, but my expectation is that with the amount of interest now and comments that have been made that ACHD can prioritize that. It is -- it would be within their future work program, but as it stands right now that timing has not been set. So, we -- like I mentioned, up until this point our side of Venable has been unimproved. We will be making those improvements and finishing out Venable, so it is a complete finished road going down to Ustick, but ACHD at some point in the future will be the one that would install and complete that signalization of the intersection and nobody likes to hear this, but do it when it's warranted.

Seal: Okay. Thank you for the information on that. I just -- you know, again, it's -- you are part of a collective of things that are going in in that area, so it is getting -- it's going to get pretty crowded there for sure, so -- a lot of multi-family going in in that area, you know, close to the park as well, so just a lot of traffic. But thank you for the explanation on that.

Grace: Mr. Chairman?

Seal: Go ahead.

Grace: Mr. Wardle, this is Commissioner Grace. I don't know if Ms. Lords is here or plans to testify tonight, but in the event that she might not be, can you just describe maybe what conversations you have had with neighbors, how that neighborhood meeting went and if, you know, any -- any concessions that maybe we don't know about occurred or just -- just how those conversations have gone?

Wardle: You bet. Commissioner -- or Mr. Chair, Commissioner Grace. The neighborhood process has not been short by any means. We actually started out the hearing process back in 2021. In fact, we had a neighborhood meeting at that point in time prior to the development agreement being modified, which anticipated 57 townhomes. We also had a neighborhood meeting October 25th, 2022. We had a second neighborhood meeting on March 23rd, 2023. I will note that at that March 23rd meeting Ms. Lords asked if we would postpone it, but we had actually already noticed that meeting, but we told them that we would be more than willing to schedule another meeting with their association after that should they want to. We told them we would be happy to do it anytime before April 7th. We were anticipating to submit and followed up with them asking them if they wanted to have another HOA meeting and we finally got a response back from Jessica stating that they did not seem interested in wanting to have another meeting

at this time and they would just submit their comments in the city and until those comments hit the record as of today, those -- that petition that was submitted have not been provided to us. I -- I will say that the comments have been consistent, which were, you know, what -- what's going to happen at Venable and Ustick and that roundabout. So, like I mentioned, it's gone away and ACHD has indicated that a signal will occur there. They were also very much concerned about improvements on Venable, which we are going to take care of. And, finally, it was the connection to Buckstone, which they didn't feel like we want to have the connection to us. I will state that Buckstone Road has been there since 2006, so it's not a new connection to it -- with the other projects that have come through, the annexation and zoning, and ACHD -- this is a condition which has been consistent of maintaining that connection to Buckstone. There is comments that have been made by the neighbors that traffic will flow from our project through them. If there is traffic flowing through I -- I guess I would counter that would be from Woodburn through us out to Venable or would just be very ancillary from neighbor to neighbor. So, those are the concerns that have been made to us. You know, there is other -- other comments made about the impact of rentals and, you know, upon neighborhoods and I -- you know, that's a whole different discussion, but these would be the key issues that were raised for what's going to happen at Ustick and Venable, the improvements to Venable itself and the Buckstone connection into our project, which has existed since the very first Woodburn project had been approved pre-2006. Mr. Grace, those are the -- those are the items that -- through those neighborhood meetings -- which have been a consistent theme going all the way back to 2021 those are the same comments that we heard each time we have had a meeting with the neighbors.

Grace: Okay. Thank you. I -- and I can -- obviously, I -- I'm reading through the materials that were submitted, but -- but that additional context is helpful. So, thank you. I appreciate it.

Seal: Any other comments, questions, Commission? No? Do we have anybody signed up?

Hall: Mr. Chair, we do not.

Seal: Would anybody in Chambers like to come up and testify on this application? If so just raise your hand. Sir, come on up. Oh, wait until you get up to the microphone. We will need your -- we will need your name and address for the record and the floor is yours.

McCabe: Patrick McCabe. I live at 952 West Anton Drive, Meridian, Idaho.

Seal: Thanks, sir.

McCabe: And I have the same concern that was brought up by others and that is the traffic. I think, you know, you could knock on somebody's window that's been waiting at that intersection for ten minutes and say -- but there is a sidewalk over here and I don't think they would care much. I'm also concerned that, you know, the speed limit is 40,

which means 45 on most roads and let's be honest, so we are going to see a lot of fatalities. People start to lose interest in -- or, you know, they get impatient and so it's going to be bad and you have traffic already, which those are on that south side, they are all developed, but not rented. So, we have not even seen the impact of that quite yet. If the few cars coming across is very difficult -- even tonight coming down to this meeting, you are sitting there for five to seven minutes and I was lucky enough to miss the end of a baseball game, which that adds tremendously to it as well. I think in this development they are going to have a hard time even getting onto Venable. I mean you are going to have to leave stop gaps or put, you know, painted lines like don't block the intersection. It is a very bad intersection and it's only going to get worse. Even if you had that connection to the Buckstone, you know, those people aren't going to go way out through these neighborhoods -- scrolling neighborhoods to get out. You know, they need to get out onto Ustick. So, I think, you know, responsible development would be get the light in and, then, move on with some development like this and -- and that's, you know, adequate development. You know, I don't -- the sidewalk -- I don't think people really miss that. There is a sidewalk on the other side. I don't think that's been a big issue in -- in our community. So, I -- the last -- I looked up online and I wished I would have been able to print it out, but from ACHD they had reviewed that and had no intention of putting a light in there. So, that was the last I saw in an e-mail and it was online, you know, that I could get to it, so -- anyways, I think that's the big issue there until we get a light. Single family homes could probably tolerate that, but I don't think we can tolerate these basically apartments in that region. So, thank you very much.

Seal: Thank you, sir. Appreciate your testimony. Anybody else in Chambers want to come up? Anybody online, just press the raise hand button. All right. Seeing none, no takers, would the applicant like to come back up to the virtual microphone.

Wardle: Mr. Chair, Jon -- Jon Wardle. Just in summary we do appreciate the opportunity to, again, be able to bring this project in front of you and the concerns that were -- that were presented in -- on the record that showed up today and Mr. McCabe as well are -- are valid. Frankly, you know, this -- let's say it's a roadway which has been improved over time. Ustick has built out as a five lane road and there are -- there are needs adjacent to it. I think we are finally approved where ACHD know that they have realized that the roundabout is never going to happen here, but a signal will. We will continue to encourage them to, you know, move forward with that. That is not something that we can control, unfortunately, but based on our conversations with ACHD they will have to make that determination. We will -- we will continue asking them the question when that will occur and encourage them to do it sooner than later, but it's not a matter that we are able to -- to join on their behalf. We are consistent with the development agreement which was approved by the Council back in 2021. We -- we made a commitment that we would build 57 townhomes and this is the 57 townhomes are -- are what is being presented here. The open space requirements we can meet. There are some slight adjustments that need to be made as the other Wardle -- Mr. Wardle indicated. We can do that and we will present that in the preliminary plat, final plat application that goes before Council. We -- just in summary we request your approval on the conditional use permit tonight with the noted modifications of the conditions and your recommendation to Council the approval of the

preliminary and final plat and I stand for any questions you might have. Thank you.

Seal: Thank you. Commissioners, do we have any final questions? Seeing none, thank you, Mr. Wardle. I will take a motion to close the public hearing for File No. H-2023-0021, Driftwood Subdivision.

Smith: So moved.

Grace: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0021. All in favor, please, say aye. Opposed nay? The public hearing is closed.

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

Seal: I -- I can jump in on this one real quick and let the rest of you finish it out. But I mean this piece is kind of in-fill. It kind of has that -- that feel to it where we are, you know, piecing together some of the final pieces, you know, of large subdivisions as -- as this comes into play. Would have liked to have seen -- especially as things come along the ditch just a more cohesive plan for this area as far as a pathway. Unfortunately, I think we kind of missed the mark on that and -- and that, you know, makes it to where we don't -- you know, we are going to -- there is no logical place to really put that in -- in this subdivision, so I'm a little disappointed by ACHD in there -- the realization that the roundabout is not going to happen there, but they have no imminent plans to augment that with a -- with -- with a light at the intersection. So, there is a -- there is a large amount of properties that are going to be coming online here, rentals specifically and multi-family, so I think we are probably going to see some more issues at this -- at this intersection for sure. So, unfortunately, the developer has, you know, no sway over ACHD and neither does the city. So, ACHD owns the roads, therefore, they have to make the decision that it's warranted to put that in, so -- at least they have indicated that what is -- that is what's going to go in there, so as far as our citizens I would definitely recommend that you contact ACHD and let them know that's something that's very much needed. So, as soon as you start to see the -- you know, the rubber tubes go across the road where they are counting that's a good sign. So, you can make an impact by doing that hopefully. As far as the application itself, I actually like -- I like townhomes, so at least they are not fourplexes or the three story buildings that we see in other places, so they seem to be pretty popular out there. I like the fact that the center is alley loaded. Kind of makes a nice livable area out of it without having too many garage farms out there. I know that they are going to adjust some of the common area to accommodate that 5,000 square foot, but I like where they are placed and if, you know, we have different places to go where you don't have to walk clear across -- you know, all the way across, which isn't that far, but you don't have to go very far to take your kids and be in a grassy area and -- and, you know, enjoy an afternoon. Plus they have the clubhouse there and some other things. So, as far as the application goes it's -- it's actually fairly pleasing in the fact that they didn't try to accommodate the entire thing with -- with the townhomes, there is going to be a commercial element to it is -- you know, I think it will -- I think it will be a good addition

to the neighborhood. Commissioner Smith.

Smith: Mr. Chair, yeah, I agree, especially with your thoughts around multi-use pathways, the connectivity. For reference, I personally live just north of Ustick and Meridian. I used to live on -- just near Ustick and Cole Road and -- or sorry. Ustick and Cloverdale. Apologies. Where someone actually recently was -- there was a pedestrian fatality with someone trying to cross the road across Ustick. So, I -- I have -- I -- I'm under no false pretense that, you know, this is becoming an issue, especially around Ustick and pedestrian amenities -- pedestrian facilities and I agree that ACHD -- I would like to see them do more in this area around signaling the intersection, but also providing additional pedestrian facilities. Like you said, there is -- you know, the developer doesn't really have control over that. I will say, you know, I do have the privilege of also serving on the Transportation Commission and -- and chairing the subcommittee that works on the transportation prioritization requests, so I will be e-mailing some information to staff on the Transportation Commission about this -- about looking at whether this needs to be elevated as an issue that the city takes to ACHD, you know, but -- but knowing that -- the timelines around construction of these facilities, it's -- it's -- it is frustrating. I -- I empathize with the -- the -- the citizens who have raised concerns and empathize with those concerns, but I -- I don't know that, you know, we can hold the development hostage to kind of the -- the whims of -- of what ACHD decides in the moment. So, I -- I do -- I -- I appreciate the attention -- the -- the townhome design. I appreciate what seems to be, you know, relatively reasonable, like you said, semi in-fill. I think this is a good development for the location. It's just the interconnectivity issues that are an ACHD issue and I will be kind of trying to see if there is anything that the Transportation Commission can do to help push that forward, but -- but, yeah, that's not the fault of the developer. So, I -- I support this, but I echo the frustrations.

Seal: Anyone else? Commissioner Grace?

Grace: Mr. Chairman, I probably can't add a whole lot more to that. I agree mostly with -- with what was stated already. Venable is tough. It is -- as have it -- having a kid play baseball over there I get it and this isn't going to make it any easier, but I do like the townhomes. I -- I will stress that point. I like the transition and I do like the commercial piece. I think that a lot of the neighborhood is going to find that a really -- a really nice amenity to have. So, again, I don't want to repeat anything, but I will be supporting it.

Seal: Commissioner Rivera?

Rivera: Yeah. Same here. I agree. I -- I -- I like the townhomes as well. I'm just hoping that ACHD would reconsider once, you know, those -- across the way those apartments and towns get filled and, then, this project gets up and running and they see, you know, possibly the need for -- for a light or at least a -- you know, a walk through light or something for -- to get across to those fields. I would imagine those apartments and -- and all the residents there would want to get across into the fields instead of walking all the way to -- to the light on Ustick. But other than that the project is good. I -- I think the -- you know, they are doing everything to work with staff to -- to meet all the requirements

and -- and including increasing the -- the open area. So, yeah, I -- I will be approving this -- this application.

Seal: Okay. Commissioner Lorcher, anything to add or a motion?

Lorcher: I don't have much to add. All I know is that Ustick is going to be yucky from Owyhee Storm to Eagle for the next several years with Highway 16 coming in and even though several miles away it's going to impact everything and I can see why developers want to continue to in-fill on Ustick Road because of that connectivity, so -- because it was annexed in 2007 and it was approved for -- with DA modifications in 2016 and in 2021, it's going to be a mixed-use project and if we don't approve this one it would come back as something else. So, it's inevitable. And, like everybody else said, it's a -- it's a nice use of the space.

Seal: Okay. With that I will take a motion. And whoever is going to do the motion, please, review the conditions that are in the bottom part of the written testimony and if you would like to put in a condition for the path -- a pathway in the commercial zone in the southwest corner.

Grace: Mr. Chairman, I will give it a shot.

Seal: Go ahead.

Grace: I move -- after considering all staff, applicant, and public testimony, I move to recommend approval to City Council of File No. H-2023-0021 as presented in the staff report for the hearing date of July 6th, 2023, with the following modifications: Striking the condition related to the pathway per staff recommendation and including a condition of requiring a crosswalk over -- I think it's Cooper between the Rosewood and Driftwood Subdivisions.

Seal: For clarification it is not a crosswalk, just a public pathway.

Grace: Just a public pathway. Okay. Yeah. I wasn't sure on that. So, I would make that a public pathway across that road as part of the motion.

Allen: Mr. Chair?

Seal: Go right ahead.

Allen: For clarification, if -- if you are requiring a public pathway connection it does need to be in a public easement. Otherwise, it is a private pathway. And it's a pathway stub to the west boundary. It won't cross Cooper.

Seal: So, essentially, just -- we would ask for a private pathway to be included on the southwest corner.

Allen: Thank you.

Seal: Okay. That's --

Grace: So, I would amend the motion to strike the portion about the crosswalk and the public pathway and include a condition to require a private pathway across that street -- is that accurate?

Seal: Don't -- not on the street, just to the southwest corner.

Grace: Okay. Not on the street. To the southwest corner.

Seal: Okay. Do I have a second?

Smith: Second.

Seal: Okay. It has been moved and seconded to recommend approval for File No. H-2023-0021, Driftwood Subdivision with the aforementioned modifications. All in favor, please, say aye. Opposed nay? Motion passes. Thank you very much.

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