



CITY COUNCIL SPECIAL MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Tuesday, June 29, 2021 at 6:00 PM

All materials presented at public meetings become property of the City of Meridian. Anyone desiring accommodation for disabilities should contact the City Clerk's Office at 208-888-4433 at least 48 hours prior to the public meeting.

Agenda

VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: <https://us02web.zoom.us/j/87658380816>

Or join by phone: 1-669-900-6833

Webinar ID: 876 5838 0816

ROLL CALL ATTENDANCE

___ Jessica Perreault

___ Joe Borton

___ Brad Hoaglund

___ Treg Bernt

___ Liz Strader

___ Luke Cavener

___ Mayor Robert E. Simison

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

ACTION ITEMS

Public Hearing process: Land use development applications begin with presentation of the project and analysis of the application by Planning Staff. The applicant is then allowed up to 15 minutes to present their project. Members of the public are then allowed up to 3 minutes each to address City Council regarding the application. Citizens acting as a representative of a Homeowner's Association may be allowed up to 10 minutes to speak on behalf of represented homeowners who have consented to yielding their time. After all public testimony, the applicant is allowed up to 10 minutes to respond to questions and comments. City Council members may ask questions throughout the public hearing process. The public hearing is then closed, and no further public comment is heard. City Council may move to continue the application to a future meeting or approve or deny the application. The Mayor is not a member of the City Council and pursuant to Idaho Code does not vote on public hearing items unless to break a tie vote.

- 1. Public Hearing** Continued from May 26, 2021 for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

A. Request: Annexation of 80.46 acres of land with R-8 and R-15 zoning districts.

B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1 private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

ADJOURNMENT



AGENDA ITEM

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PUBLIC HEARING INFORMATION

Staff Contact: Alan Tiefenbach

Meeting Date: June 29, 2021

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-

Information Resources:

[Click Here for Application Materials](#)

[Click Here to Sign Up to Testify at the City Council Public Hearing](#)

June 21, 2021

MEMORANDUM

TO: Mayor and City Council
FROM: Alan Tiefenbach, Associate City Planner
RE: Skybreak Subdivision - H-2020-0127

At the May 26, 2021 City Council Special Meeting, the Council directed the applicant to revise the Skybreak Subdivision plans to address three elements:

1. Provide sidewalks on at least one side of all streets;
2. Provide a better transition between the southern perimeter of the subdivision and the Vantage Pointe Subdivision to the south. This should be done by extending the larger lots at the southeast corner of Phase 7 to the west across the southern boundary to the Farr Lateral;
3. Relocate some of the open space at the south to a more central location.

The applicant has provided revised plans. The plans reflect street sections of the private streets to show a minimum 5' wide sidewalk on at least one side of the street. The private street and open space oriented east-west at the southern boundary of the property (adjacent to Vantage Pointe) has been replaced with lots meeting a minimum square footage of 20,900 sq. ft. (thereby extending larger lots along the southern boundary). The open space that was originally reflected at the southern boundary has been relocated to the center of the development (shown as 19,925 sq. ft. Lot 170, Block 5). The open space exhibit provided by the applicant reflects a slight reduction in what is being credited as qualifying open space from 14.99 acres to 14.5 acres. The total number of buildable lots has decreased from 329 lots to 316 (including the existing single-family residence). The 112 lots served by private streets has been reduced to 106. As requested by the Council, proposed conditions of approval have also been provided with this memorandum.

Staff has prepared draft conditions of approval as directed by City Council.

ATTACHMENTS

Updated Preliminary Plat and Landscape Plan

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231293&dbid=0&repo=MeridianCity>

Updated Narrative

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=231357&dbid=0&repo=MeridianCity>

PROPOSED CONDITIONS OF APPROVAL:

A. PLANNING DIVISION

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer.

Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The DA shall be signed by the property owner and returned to the Planning Division within six (6) months of the City Council granting the annexation. The DA shall, at minimum, incorporate the following provisions:

- a. The Skybreak Neighborhood shall follow the approved phasing plan and/or obtain planning and fire department approval for any modifications.
 - b. The applicant shall submit a wildland safety plan for the hillside area to be approved by Meridian Fire Department with the first final plat.
 - c. The existing residence at 3487 E. Adler Hof Ln. (Lot 45, Block 5) will be required to abandon the well and septic system and connect to City water and sewer with development of the property.
 - d. The applicant shall not submit a final plat for Phase 8 and 9 until public street access is provided.
 - e. A 30' rear yard setback is required on Lots 74-83, Block 5, abutting Vantage Pointe.
 - f. A 15' (external) side yard setback and an increased rear setback (as shown in applicant's plans) is required for Lot 74, Block 5, abutting Vantage Pointe.
 - g. The rear and/or sides of any 2-story structures facing S. Eagle Rd (18-21 Block 1, 15-26 and 76-79 Block 9) shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines. Single-story structures are exempt from this requirement. Planning approval will be required at time of building permit.
 - h. Future development of this site shall substantially comply with the preliminary plat, landscape plan and conceptual building elevations for the single-family attached and detached dwellings included in the attachments contained herein.
2. Administrative design review will be required for all new attached residential structures containing two (2) or more dwelling units.

3. The City Council has approved alternative compliance from UDC 11-3F-4 that limits gated developments to 50 lots, to allow 106 gated lots.
4. The City Council has approved alternative compliance from UDC 11-3F-4 prohibiting common driveways off private streets, to allow 3 common driveways.
5. The City Council has approved a wavier from UDC 11-6C-3 limiting dead-end streets ending in a cul-de-sac to 500 feet to allow the Phase 8 cul-de-sac in the northeast corner to extend to approximately 610'.
6. The City Council has approved a wavier from UDC 11-6C-3 limiting block face to no more than seven hundred fifty (750) feet in length without an intersecting street or alley to allow Block 9, north of the Farr Lateral to be approximately 1,000 feet in length.
7. The City Council has approved a wavier from UDC 11-6C-3 limiting block face to no more than seven hundred fifty (750) feet in length without an intersecting street or alley to allow Block 5, along the southern boundary of the property, to be approximately 1,190 feet in length.
8. The City Council has approved alternative compliance from UDC 11-3B-12 and UDC 11-3G-3 requiring minimum landscaping along pathways and within common open space to allow the pathway area shown in Lot 46 of Block 5 to remain in a natural state.
9. The development shall comply with standards and installation for landscaping as set forth in UDC 11-3B, 11-3G and maintenance thereof as set forth in UDC 11-3B-13.
10. The applicant shall construct all proposed fencing and/or any fencing required by the UDC, consistent with the standards as set forth in UDC 11-3A-7 and 11-3A-6B, as applicable.
11. Except as otherwise listed above, the development shall comply with the private street requirements as set forth in 11-3F, including the applicant or owner providing documentation of a binding contract that establishes the party or parties responsible for the repair and maintenance of the private street, including regulations for the funding thereof.
12. The plat shall comply with the provisions for irrigation ditches, laterals, canals and/or drainage courses, as set forth in UDC 11-3A-6. The Farr Lateral is allowed to remain open as waived by City Council.
13. Except as listed above, the applicant shall comply with all provisions of 11-3A-3 with regard to access to streets.
14. The development shall comply with all subdivision design and improvement standards as set forth in UDC 11-6C-3, including but not limited to cul-de-sacs, alleys, driveways, common driveways, easements, blocks, street buffers, and mailbox placement.

15. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit.
16. The Applicant shall have a maximum of two (2) years from the date of City Council approval to obtain City Engineer's signature on a final plat in accord with UDC 11-6B-7.
17. The Applicant shall comply with all conditions of ACHD.
18. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat and/or development agreement does not relieve the Applicant of responsibility for compliance.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

1.1 Preliminary plat conceptual site plans dated 12/11/2020 must be adjusted as follows:

- 1.1.1 The sewer main stub near intersection of Street C and D needs to end in a manhole.
- 1.1.2 The sewer main stub at the North end of Street E needs to end in a manhole.
- 1.1.3 The sewer on the south-eastern boundary (Street J) should not go to the property boundary.
- 1.1.4 The sewer main should run at 0.60% slope and end in a manhole short of the property boundary.
- 1.1.5 Water and sewer mains must be covered in a 20-foot-wide easement per utility.
- 1.1.6 Easements cannot have encroachments of any permanent structures including but not limited to buildings, carports, trash enclosures, fences, trees, deep rooting bushes, etc.
- 1.1.7 Maintain a minimum 90-degree angle into/out of all manholes.
- 1.1.8 Slope between manholes shall not exceed 5%. Slopes between SSMH G-3 to SSMH H-1, SSMH G-4 to SSMH J-1, and SSMH G-8 to SSMH K-1 exceeds this.
- 1.1.9 No public main is allowed in common driveways, sewer line A and F are shown going through private drives.
 - 1.1.9.1 If you have three or less lots on a common drive, services should be stubbed from the roadway.
 - 1.1.9.2 Four or more lots, sewer will be allowed in the common drive. Sewer will be private and will be the responsibility of the HOA to maintain. Manholes needed in the common drive shall be marked with "Private" on the lid.
- 1.1.10 A drainage plan is required to be provided and reviewed prior to plan approval.

- 1.1.11 Current design does not meet minimum fire flow. A possible solution is to upsize some 12” mains and add two more connections, one at the southwest and one at the northeast corner of the development. These changes must be coordinated with Public Works.
- 1.1.12 A streetlight plan must be provided with the final plat application. Streetlight plan requirements are listed in Meridian Design Standards.
- 1.1.13 Phase 8 of the proposal is in Flood Zone A. This area requires extending the existing hydraulic and hydrology study and establishing base flood elevations. Other phases are not impacted by flood zone and will not require floodplain study or permits.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-foot wide for a single utility, or 30-foot wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.18 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.

- 2.19 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.20 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
- 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
- 2.23 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



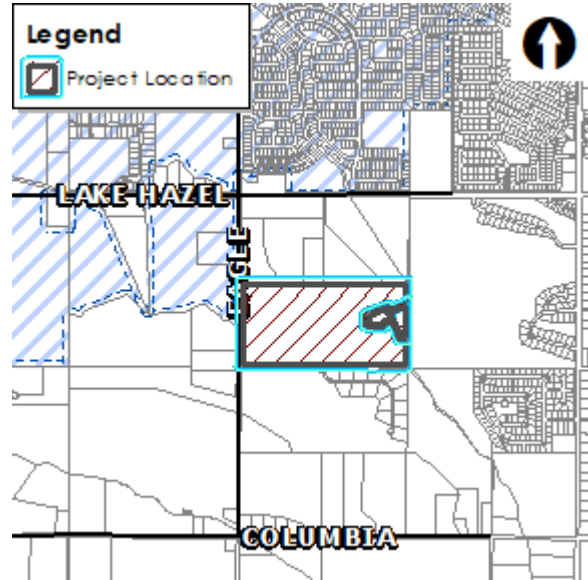
HEARING DATE: 5/25/2021

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner
208-884-5533

SUBJECT: H-2020-0127
Skybreak Subdivision

LOCATION: 7020 S. Eagle Rd. & 3487 E. Adler Hof Ln., in the south 1/2 of the NW 1/4 of Section 4, T.2N., R.1E. (Parcels # S1404244250 & S1404233650)



I. PROJECT DESCRIPTION

The Applicant has submitted the following applications:

- Annexation of 80.46 acres of land with an R-8 and R-15 zoning district;
- Preliminary plat consisting of 328 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, one (1) private street lot and one (1) lot for the existing home).
- Private streets in the gated portion of the development serving 112 residential units with two (2) gates; and,
- Alternative Compliance to UDC 11-3F-4A.6, which prohibits common driveways off private streets, to allow such in three (3) locations within the gated area of the subdivision and UDC 11-3F-4A.b which limits all proposed gated developments to 50 units.

The applicant submitted a previous proposal in June of 2020 (H-2020-0079). This proposal consisted of 353 building lots, all of it single family detached. This proposal was scheduled for the October 15, 2020 Planning Commission meeting. Following staff's report to the Commission recommending denial, the applicant withdrew the application, and resubmitted the present one in January of 2021. This proposal is virtually the same except for 24 less lots, slightly enlarged open space in several areas, and 30 single family attached units in the northwest corner of the project.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	80.46	
Existing/Proposed Zoning	RUT in Ada County (existing), R-8 and R-15 proposed	
Future Land Use Designation	Low Density Residential (LDR) & Medium Density Residential (MDR)	
Existing Land Use(s)	Single-family residential/agricultural	
Proposed Land Use(s)	Single-family residential (SFR)	
Lots (# and type; bldg./common)	328 SFR buildable lots/40 common lots/14 other lots (i.e. 12 common driveway lots, 1 private street lot & 1 lot for the existing home)	
Phasing Plan (# of phases)	9 phases	
Number of Residential Units (type of units)	30 attached SFR homes 298 detached SFR homes (one is existing)	
Density	4.1 units/acre (gross)	
Open Space (acres, total [%]/buffer/qualified)	14.99 acres (or 18.8%) qualified open space	
Amenities	(2) dog parks; ¾ acre park with play structure, climbing rocks, a shade structure and benches; entry park, 1-acre sports park, passive open spaces and pathways	
Physical Features (waterways, hazards, flood plain, hillside)	The Farr Lateral crosses the southwest corner of this site; hillside/topography within southern rim area.	
Neighborhood meeting date; # of attendees:	5/27/20; 14 attendees, December 16, 2020; 9 attendees	
History (previous approvals)	Property boundary adjustment (Record of Survey #12358, Eisenman 2020), previous proposal similar to this one was withdrawn just prior to Planning Commission due to staff recommendation of denial. (H-2020-0079)	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
• Requires ACHD Commission Action (yes/no)	No	
Traffic Impact Study (yes/no)	Yes	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One (1) public street access (Street A) is proposed via S. Eagle Rd., an arterial street. <i>Eagle Rd. is currently improved with 2 travel lanes and no curb, gutter or sidewalk.</i>	
Traffic Level of Service	Eagle Rd. – Better than “E” (acceptable level of service)	
Stub Street/Interconnectivity/Cross Access	Stub streets are proposed to adjacent properties for future extension and interconnectivity as depicted on the plat. Southern stub streets only have emergency access. The area in the NEC of the proposed development (Phase 8)	

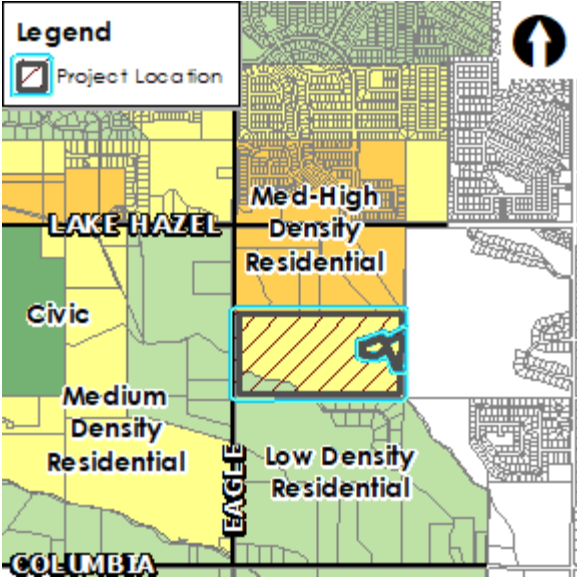
Description	Details	Page
Existing Road Network	cannot develop until Pura Vida extends a public street; Phase 9 of the development currently does not have the right to access the private lane and cannot develop until a public street is extended to the proposed development There is an existing private street (E. Adler Hof Ln.) that provides access from S. Eagle Rd. to the existing homes on this site. This roadway should terminate with development of the site as proposed.	
Existing Arterial Sidewalks / Buffers	None	
Proposed Road Improvements	<p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> • Lake Hazel Road is scheduled in the IFYWP to be widened to 5-lanes from Eagle Road to Cloverdale Road in 2024. • Eagle Road is scheduled in the IFYWP to be widened to 5-lanes from Lake Hazel Road to Amity Road in 2023. • The intersection of Lake Hazel Road and Eagle Road is scheduled in the IFYWP to be widened to 6-lanes on the north leg, 5-lanes on the south, 7-lanes east, and 6-lanes on the west leg, and reconstructed/signalized in 2023. • Lake Hazel Road is listed in the 2016 CIP to be widened to 5-lanes from Locust Grove Road to Eagle Road between 2026 and 2030. • The intersection of Lake Hazel Road and Locust Grove Road is listed in the 2016 CIP to be widened to 3-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 3-lanes on the west leg, and signalized between 2026 and 2030. 	
Fire Service		
<ul style="list-style-type: none"> • Distance to Fire Station 	2.9 miles (Fire Station #4) Fire has expressed concerns with only one point of access from S. Eagle Rd. Fire would <i>prefer</i> a second access to the north to E. Lake Hazel Rd.	
<ul style="list-style-type: none"> • Fire Response Time 	Fire has also expressed concerns with the private gates causing additional delays. <i>Most</i> (3/4+/-) of this development falls outside of the 5 minute response time goal from Fire Station #4.	
<ul style="list-style-type: none"> • Resource Reliability 	Current reliability is 77% from Station #4 – does <i>not</i> meet targeted goal of 80% or greater	
<ul style="list-style-type: none"> • Risk Identification 	2 – current resources would <i>not</i> be adequate to supply service. A wildfire safety plan is required.	
<ul style="list-style-type: none"> • Accessibility 	Project meets all required access, road widths and turnaround.	
<ul style="list-style-type: none"> • Special/resource needs 	Project will not require an aerial device; can meet this need in the required timeframe if a truck company is required (fire station is 5.9 miles away).	
<ul style="list-style-type: none"> • Water Supply 	Requires 1,000 gallons per minute for one hour, may be less if buildings are fully sprinklered.	
<ul style="list-style-type: none"> • Other 	In the event of a hazmat event, there will need to be mutual aid required for the development. In the event of a structure fire, an additional truck company will be required – this will require additional time delays as a second truck company is not available in the City.	
Police Service		
<ul style="list-style-type: none"> • Distance to Police Station 	5.5 miles	
<ul style="list-style-type: none"> • Police Response Time 	There is no call data in this area because the proposed development is at the edge of City limits.	
<ul style="list-style-type: none"> • Calls for Service 	7 (within a mile of site – between 2/1/19 and 1/31/20)	
<ul style="list-style-type: none"> • % of calls for service split by priority 	See Section IX.D	
<ul style="list-style-type: none"> • Accessibility 	No concerns	

Description	Details	Page																
<ul style="list-style-type: none"> Specialty/resource needs 	None at this time																	
<ul style="list-style-type: none"> Crimes 	1 (within a mile of site – between 2/1/19 and 1/31/20)																	
<ul style="list-style-type: none"> Crashes 	9 (within a mile of site – between 2/1/19 and 1/31/20)																	
<ul style="list-style-type: none"> Other 	Although located near the edge of City limits, service can be provided if this development is approved.																	
West Ada School District																		
<ul style="list-style-type: none"> Distance (elem, ms, hs) 	<table border="1"> <thead> <tr> <th></th> <th>Enrollment</th> <th>Capacity</th> <th>Miles Dev. to School</th> </tr> </thead> <tbody> <tr> <td>**Silver Sage Elementary**</td> <td>230</td> <td>425</td> <td>5.1 miles</td> </tr> <tr> <td>Lake Hazel Middle School</td> <td>928</td> <td>1000</td> <td>2.4 miles</td> </tr> <tr> <td>Mountain View High School</td> <td>2302</td> <td>2175</td> <td>4.8 miles</td> </tr> </tbody> </table>		Enrollment	Capacity	Miles Dev. to School	**Silver Sage Elementary**	230	425	5.1 miles	Lake Hazel Middle School	928	1000	2.4 miles	Mountain View High School	2302	2175	4.8 miles	
	Enrollment	Capacity	Miles Dev. to School															
Silver Sage Elementary	230	425	5.1 miles															
Lake Hazel Middle School	928	1000	2.4 miles															
Mountain View High School	2302	2175	4.8 miles															
<ul style="list-style-type: none"> Capacity of Schools 																		
<ul style="list-style-type: none"> # of Students Enrolled 	<p>**Enrollment at Hillsdale Elementary is currently capped. Students in this development will be attending Silver Sage Elementary until a new school is built to eliminate overcrowding at Hillsdale Elementary. **</p>																	
<ul style="list-style-type: none"> Predicted # of students generated from proposed development 	247 +/-																	
Wastewater																		
<ul style="list-style-type: none"> Distance to Sewer Services 	Sewer will be available with the development of Keep Subdivision on the West side of Eagle Road.																	
<ul style="list-style-type: none"> Sewer Shed 	South Black Cat Trunk Shed																	
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 	See Application																	
<ul style="list-style-type: none"> WRRF Declining Balance 	14.08																	
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes																	
<ul style="list-style-type: none"> Impacts/Concerns 	<p>Water and sewer mains should not be in common driveways. Concerns have been expressed regarding the width of the private streets and that the required 30' easements may overlap onto private properties, rendering these areas unbuildable.</p> <p>The City is applying the following requirements for Common Driveways.</p> <ul style="list-style-type: none"> Three or less lots – services from main in adjacent road Four or more lots – Sewer in common drive. Sewer will be private and will be the responsibility of the HOA to maintain. Manhole needed in the common drive at the property boundary with "Private" on the lid. 																	
Water																		
<ul style="list-style-type: none"> Distance to Water Services 	Directly adjacent																	
<ul style="list-style-type: none"> Pressure Zone 	5																	
<ul style="list-style-type: none"> Estimated Project Water ERU's 	See application																	

• Water Quality	No concerns
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	<ul style="list-style-type: none"> • Common drives that have both water and sewer mains will require a 30' easement • As currently designed, most phases do not meet minimum fire flow pressure. There are multiple options to meet fire flow including upsizing some water mains to 12" and a secondary connections. • Coordinate with PW Engineering on main sizes, connection at the SW corner and connection at the NE corner.

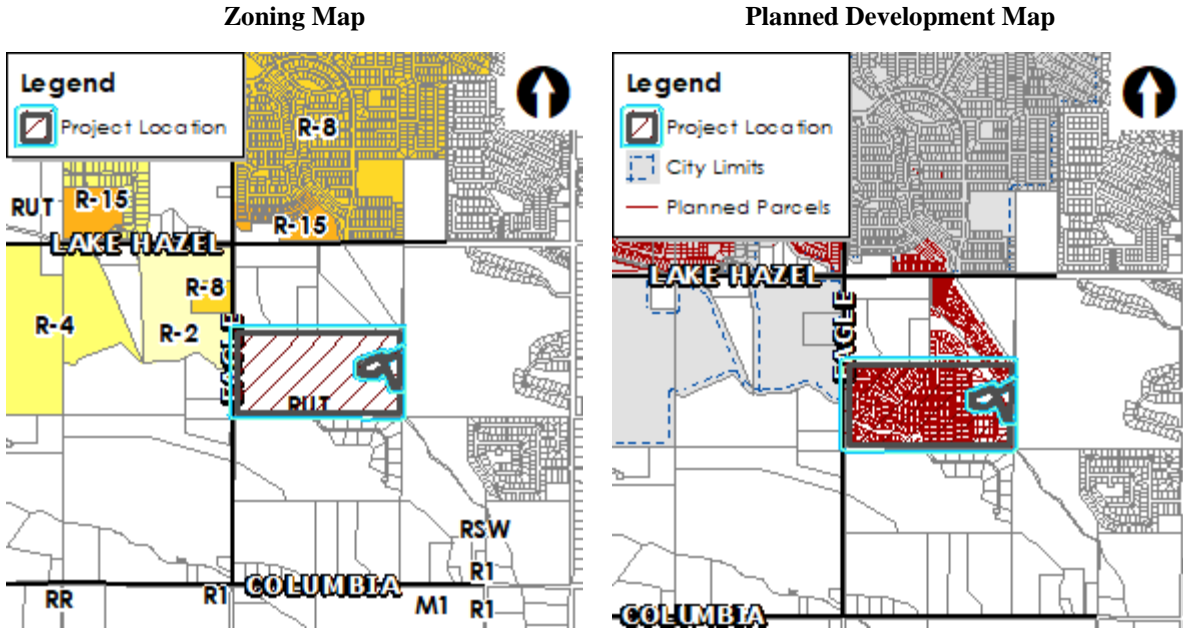
C. Project Area Maps

Future Land Use Map



Aerial Map





III. APPLICANT INFORMATION

A. Applicant:

Conger Group – 4824 W. Fairview Ave., Boise, ID 83706

B. Owner:

Peter and Dana Eisenman – 3487 E. Adler Hof Ln., Meridian, ID 83642

C. Representative:

Laren Bailey, Conger Group – 4824 W. Fairview Ave., Boise, ID 83706

IV. NOTICING

	Planning & Zoning	City Council
	Posting Date	Posting Date
Notification published in newspaper	2/26/2021	5/7/2021
Notification mailed to property owners within 300 feet	2/23/2021	5/4/2021
Applicant posted public hearing notice on site	3/5/2021	5/13/2021
Nextdoor posting	2/25/2021	5/3/2021

V. STAFF ANALYSIS

A. Future Land Use Map Designation

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates the 6 +/- acres at the southwest corner of the site, south of the Farr Lateral, as Low Density Residential (LDR) and the remaining 74+/- acres as Medium Density Residential (MDR). A City Park is designated in the general area at the southwest corner of the site.

Per the Comprehensive Plan, the LDR designation allows for the development of single-family homes on large and estate lots at gross densities of 3 dwelling units or less per acre. These areas often transition between existing rural residential and urban properties. Developments need to respect agricultural heritage and resources, recognize view sheds and open spaces, and maintain or improve the overall atmosphere of the area. The use of open spaces, parks, trails and other appropriate means should enhance the character of the area. *Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.*

The MDR designation allows for dwelling units at gross densities of 3 to 8 dwelling units per acre. *Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.*

The Applicant proposes to develop this site with 328 single-family residential homes at an overall gross density of 4.1 dwelling units per acre (An additional lot will contain the existing house). A total of 23 units are proposed within the 6+/- acre LDR designated area for a gross density of 3.8 units per acre in that area, which *exceeds* the density desired of 3 or fewer units per acre. Smaller lots, instead of the large or estate lots as desired in LDR designated areas, are proposed along with open space areas along the southern boundary and along the northern boundary adjacent to the Farr Lateral. There are several larger one-half acre lots proposed at the southeast directly abutting the adjacent residences in Vantage Point Subdivision. However, the rectangular lots are oriented as such that the abutting lot lines are half or less than the width of the neighboring residential lots, so there are several lots abutting one neighboring lot. The applicant proposes to limit the height of the houses in this area to one story to help protect view sheds.

The units proposed in the MDR designated area meet a gross density of 4.1 units per acre in that area, which is consistent with that desired in MDR designated areas of 3 to 8 units per acre. A City park is not proposed, but the Park’s Department has determined a City park is not needed in this area.

B. Comprehensive Plan Analysis (COMPREHENSIVE PLAN)

The following Comprehensive Plan Policies are applicable to this development:

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)

The applicant is proposing 328 lots, with 30 of the lots containing single family attached at the northwest portion of the site. The remainder of the 299 lots are intended for single family detached units.

The applicant’s narrative references housing types such as large rim lot houses, two story golf course houses, large lot homes, 255 single story homes and the attached single-family product. The single family attached product does contribute to the variety of housing types in the overall area. However, the remaining single family detached houses contribute to a diversity of housing styles, but not particularly the variety of housing types intended by the Comprehensive Plan for all needs, preferences and financial capabilities.

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer services are available and can be extended by the developer with development in accord with UDC 11-3A-21.

Currently, this development can be served by the Fire Department. However, most of the development is outside of response time goals, does not meet resource reliability goals, and has risk factors including a steep hill with a potential for wildfire if the hillside isn't maintained (see the Fire Department's comment in Section VII below). Additionally, with the main access and secondary access both from Eagle Rd., if access is blocked from the north via Eagle Rd. it may delay emergency services by having to travel 3.5+/- miles around the square mile to access the site, potentially creating a life safety issue. If the applicant is able to secure legal secondary access to the north this would alleviate concerns but this would be contingent upon whether those properties develop, and staff might recommend only some number of lots being developed until that occurs. The Southern Meridian Fire Station adjacent to Discovery Park is anticipated for construction in 2023; if this occurs, there will be significantly improved fire service to the subject property. The annexation is currently in process and scheduled for a public hearing.

- “Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices.” (3.07.01A)

The subject property abuts Pura Vida Ridge Ranch to the northeast, the Boise Ranch Golf Course to the east, and Vantage Pointe Subdivision to the south.

This development proposes R-8 zoning and lot sizes of approximately 5,000 sq. ft. to 6,000 sq. ft. adjacent to Pura Vida Ridge Ranch, whereas Pura Vida Ranch includes lot sizes of comparable sizes and the same R-8 zoning. To the southwest (Phase 9), the development proposes lot sizes of approximately 6,000 – 6,500 sq. ft. whereas the adjacent Vantage Pointe Subdivision is comprised of lots one-acre in size and greater (although there are four lots proposed with this development directly abutting the south area and are ½ acre to ¾ acre in size).

The development does include private roads and common open space as a buffer of between 80 feet and 120 feet between the smaller lots of the subject property and the one acre lots to the south in Vantage Point. The development also proposes one story homes in this area. An abutting neighbor has submitted written testimony stating the buffer as proposed and the lot sizes are not appropriate transitions in this area. It is staff's opinion the lots should be at least one-acre in this area and have property line lengths that better orient to adjacent off-site properties. The Planning Commission and City Council should assess whether there is an appropriate transition in this area.

“Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

The proposed single-family attached homes at the northwest are generally compatible as they directly abut S. Eagle Road and there are no adjacent homes directly to the north. The single family detached homes are generally compatible with existing rural residential homes as they are all residential in nature. However, with the exception of the larger lots and open space on the south boundary, the proposed plat depicts smaller lots (i.e. 4,448-4,950 s.f.) than those of the lots in the abutting Vantage Pointe Subdivision. The Commission and Council should determine if the applicant has provided an adequate transition.

- “With new subdivision plats, require the design and construction of pathway connections, easy pedestrian and bicycle access to parks, safe routes to schools, and the incorporation of usable open space with quality amenities.” (2.02.01A)

The Pathways Plan depicts a segment of the City’s multi-use pathway system along the eastern boundary of the site; a 10-foot wide multi-use pathway is proposed in accord with the Plan on the northern portion of the development but transitions to a 5-foot wide pathway to the south and does not stub to the south for future extension as shown on the Plan. However, the Park’s Dept. has indicated they are supportive of the proposed design. This pathway will eventually provide a connection to Discovery Park to the west and Hillside Elementary and the YMCA to the north. There is also a 10’ multi-use pathway proposed adjacent to the Farr Lateral, as is shown on the pathways plan. These pathways will be valuable amenities to the project. A golf cart pathway is shown as Lot 41 on Block 5, which terminates at the Boise Ranch Golf Course.

Proposed site amenities consist of children’s play equipment/structures, a picnic shelter, pathways, two dog parks and additional open space of at least 20,000 square feet above the minimum UDC requirements, which are located along the northern and southern boundaries of the site and are not centrally located. Although much of the open space meets the minimum dimensional requirements of the UDC (i.e. at least 20’ in width and 50’ in length with an access on each end) a significant portion of what is proposed as qualified open space consists of street buffers and end caps with parkways. Also, it is important to note that the applicant’s narrative contains a pedestrian connectivity exhibit which shows narrow private roads with no sidewalks and common drives as “pedestrian connections” which staff believes is somewhat misleading. However, the private street standards do not require them. Additionally, staff believes the entire development should contain public streets which would require the 5-foot sidewalks per City code. The Commission and Council should determine if the pedestrian circulation plan is adequate for the proposed development with the inclusion of the private system.

- “Evaluate open space and amenity requirement and criteria for consistency with community needs and values.” (2.02.01B)

Because the average lot size proposed in the development is only 6,280 square feet, Staff is of the opinion the end caps could be re-oriented/consolidated with other larger common lots to increase the usable open space within the development. This was discussed during the pre-application meetings with the applicant and they are of the opinion the open space as proposed exceeds UDC standards and is designed to meet the needs of the development.

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

The proposed development will connect to City water and sewer systems; services are required to be provided to and through with this development.

- “Maximize public services by prioritizing infill development of vacant and underdeveloped parcels within the City over parcels on the fringe.” (2.02.02)

The subject property abuts portions of the city limits at the northwest and northeast corner, but the majority of the property perimeter is surrounded by unincorporated Ada County. The proposed project is located near the fringe of the City and does not meet the definition of an infill development.

- “Encourage the incorporation of creek corridors as amenities in development design.” (4.05.02C)

The Ten Mile Creek crosses the northeast corner of the site; a common area is proposed for the creek area and a multi-use pathway is proposed along the creek in accord with the Pathways Master Plan.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

City sewer and water infrastructure and curb, gutter and sidewalks are required to be provided with the public road portion of this development. The cross sections provided for the private road portion do not depict sidewalks. The applicant contends that the private streets provide an intimate setting for the residents and narrower streets decrease traffic speeds which do not warrant the additional improvements. It is important to note that the director has not approved the private street application, thus the plat should be redesigned to incorporate public streets for the entire development.

- “Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits.” (4.05.03B)

The proposed project is in the City's “fringe” area; therefore, development in this area is not encouraged as are vacant/underutilized parcels currently within City limits. However, the City has recently approved several developments (Pura Vida and Poïema) north of the proposed development making this property more desirable to develop.

- “Evaluate comprehensive impacts of growth and consider City Master Plans and Strategic Plans in all land use decisions (e.g., traffic impacts, school enrollment, and parks).” (3.01.01A)

Eagle Rd. is currently a 2-lane roadway with no curb, gutter or sidewalks; no improvements are planned in the CIP/IFYWP to the segment of Eagle Rd. abutting this site. The Lake Hazel/Eagle Road intersection north of the site is planned to be reconstructed and signalized in 2023. The ACHD report states that the TIS estimates this development to generate an additional 3,343 trips per day resulting in an acceptable level of service (i.e. better than “E”).

WASD estimates this development will house approximately 247 school aged children – enrollment at Hillsdale Elementary is currently capped so students in this development would attend Silver Sage, which is currently under capacity; enrollment at Lake Hazel Middle School and Mountain View High School would be over capacity at build-out of this development according to the Community Development's school impact review included in Section VII.

Water and sewer are being extended consistent with the City's master plan as noted above.

Discovery Park, a 77+/- acre City Park, is located approximately a mile away from this site to the west on Lake Hazel Rd., which should be adequate to serve this development.

- “Annex lands into the corporate boundaries of the City only when the annexation proposal conforms to the City's vision and the necessary extension of public services and infrastructure is provided.” (3.03.03)

Two types of housing are proposed – single family detached and 30 single family attached units - which will provide diversity in housing, and the density in the MDR designated area falls within the desired range. The density proposed in the LDR designated area at the southwest corner of the site is above the 3 units or fewer per acre desired in that area. However, the Comprehensive Plan states future land use designations are not parcel specific. An adjacent, abutting designation, when appropriate and approved as part of a public hearing with a land development application, may be used. A designation may not must not be used on a parcel not directly abutting the designation, and may not apply to more than 50% of the land being developed. The predominate land use designation is MDR and the applicant has the ability to design the project to meet density perimeters of the MDR designations provided other goals of the Comprehensive Plan are being met.

As discussed below, R-15 zoning is proposed at the less dense eastern portion of the site to allow the option of private streets without sidewalks., Staff has concerns with the private streets, specifically the long-term maintenance and interconnectivity with surrounding developments. If these roadways are not constructed to ACHD standards, the likelihood of ACHD accepting these streets in the future is slim. Also, staff finds that although most of the open space meets the minimum dimensions, not all of it is quality open space (please see the qualified open space section below). The Fire Department has noted concerns with the access and serviceability of this project ahead of the fire station being constructed next to Discovery Park. Finally, public services are proposed to be extended near the fringe of the City rather than to vacant/underdeveloped infill parcels as desired. For these reasons, Staff is of the opinion the proposed annexation may not be the best interest of the City at this time.

C. Annexation & Zoning:

Portions of the annexation area are contiguous to a portion of the current City limits boundary and within the City’s Area of City Impact at the east boundary. Most of the surrounding properties are still within unincorporated Ada County. A legal description and exhibit map for the annexation area is included in Section VI.A.

The proposed annexation area consists of two (2) tax parcels containing a total of 80.46 acres of land designated as LDR and MDR on the FLUM and contains land to the section line of S. Eagle Rd. The Applicant proposes to annex the two (2) parcels, zone the western 43.85 acres with an R-8 zoning district, and the eastern 36.60-acre portion with a R-15 zoning district.

The R-8 zoning district allows lots as small as 4,000 sq. ft. with a minimum street frontage of 40’. The western 43.85 acres of the plat proposed for R-8 zoning reflects lots that meet this minimum lot and frontages requirements.

The R-15 zoning district allows lots as small as 2,000 sq. ft. and has no requirement for a minimum street frontage. This zoning is typically reserved for higher densities, including single family attached, townhomes and multifamily. It is important to note that with the previous application, staff informed the applicant that the private streets that are proposed with a significant portion of this development were not allowed under the R-8 zoning that was originally proposed for the entire development. The provisions for private streets apply only to properties that do not have frontage on a public street or where frontage is not required per UDC 11-3F-2. The applicant has subsequently revised their application to propose R-15 zoning merely for the purpose of being eligible for private streets whereas all other dimensional standards would comply with the requirements of the R-8 zone. Staff believes the development should incorporate public streets within the entire development and zone the property in accord with the more appropriate R-8 zone (Please see the access section below for more discussion regarding the private streets). In previous discussions with the applicant, staff has suggested the applicant either rezone to PUD, or initiate a code change in regard to requirements for private streets. The applicant has chosen to move forward with a request to rezone to R-15.

D. Existing Structures/Site Improvements:

There are two (2) existing homes and outbuildings on this site – the 5,892 square foot home constructed in 2002 at the east end of the site is planned to remain on a lot (Lot 64, Block 5) in the proposed subdivision; the home and accessory structures on the west end of the site are planned to be removed with development. These homes are accessed via a private lane (E. Adler Hof Ln.) from S. Eagle Rd. If annexed, the home proposed to remain is required to hook-up to City water and sewer service and change their address.

E. Proposed Use Analysis:

Single-family attached and detached dwellings are listed in UDC Table 11-2A-2 as a principal permitted use in the R-8 and R-15 zoning districts. The proposed use, with two housing types, is mostly consistent with the purpose statement of the residential district in that a range of housing opportunities and a variety of dwelling types would be provided consistent with the Comprehensive Plan and UDC 11-2A-1 and 11-6A-1. However, proposing to rezone a portion of the property to the R-15 zone when R-8 zone would suffice merely for the reason of being eligible for private streets is not consistent with the purpose statement of UDC 11-3F-1. While this isn't an uncommon practice, this section states that "it is not the intent to approve private streets for single-family, duplex and/or townhouse developments other than those that create a common mew through the site design or that propose a limited gated residential development" as no single family attached are in this area and no common mews are proposed. Further, a limited gated community as specified in the UDC is 50 or fewer homes. As noted below, the applicant is proposing that 112 homes utilize the proposed private street in an area that doesn't have an established street network and limited access. Therefore, the director has denied the private street application (see below for analysis).

F. Dimensional Standards (*UDC 11-2*):

The proposed preliminary plat consists of 328 building lots, 40 common lots, and 14 other lots (i.e. common driveway lots, 1 private street lot and 1 lot for the existing home) on 80.46 acres of land.

Development is subject to the dimensional standards listed in 11-2A-6 and 11-2A-7 for the R-8 and R-15 zoning districts. Lots in the western portion proposed for R-8 meet the minimum lot size of 4,000 sq. ft. with a 40' lot frontage. Although the lots in the 36.6-acre eastern portion proposed for R-15 meet the dimensional standards of that zone district (minimum lot size of 2,000 sq. ft. and no minimum frontage requirement) as presently proposed, they would also meet the minimum requirements of the R-8 zoning district.

Subdivision Design and Improvement Standards (*UDC 11-6C-3*)

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3, including but not limited to streets, common driveways and block face.

Block length is required to comply with the standards listed in UDC 11-6C-3F. Block faces should not exceed 750' in length without an intersecting street or alley unless a pedestrian connection is provided, then the block face may be extended up to 1,000' in length. The City Council may approve a block face up to 1,200' in length where block design is constrained by certain site conditions as specified in UDC 11-6C-3F.3b. **The face of Block 9 on the north side of the Farr Lateral is 1,000'+/- and does not contain a pathway or intersecting street or alley. This is also true of the section of Block 5 that is south of private street A of more than 850 feet. Council approval would be needed, or the plat would need to be revised to comply with the standard.**

At the northeast corner of the site, a street ending in a cul-de-sac is proposed which will likely exceed the maximum 500' length allowed in UDC 11-6C-3B.4 depending on how the property to the north develops. Staff had recommended an internal street access to this portion of the development rather than the sole access being provided via a stub street from the north. The applicant has responded due to the topography in this area, they cannot provide the recommended internal access. However, just to the north of this cul-de-sac, the plat shows a golf cart path in this general area.

Twelve (12) common driveways are proposed; such driveways should be constructed in accord with the standards listed in UDC 11-6C-3D. A perpetual ingress/egress easement shall be filed with the Ada County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment. An exhibit should be submitted with the final plat application that depicts the setbacks, fencing, building envelope, and orientation of the lots and structures accessed via the common

driveway; if a property abuts a common driveway but has the required minimum street frontage and is taking access via the public street, the driveway should be depicted on the opposite side of the shared property line from the common driveway. Address signage should be provided at the public street for homes accessed via common driveways for emergency wayfinding purposes. Where two (2) common driveways are proposed that adjoin, bollards (or other barrier approved by the Fire Dept.) should be placed at the common lot line to prevent a through connection between streets.

The applicant has submitted a phasing plan. The phasing plan shows nine phases, with the first phase occurring directly adjacent to S. Eagle Rd at the proposed public street. Number of lots being built out vary between 59 at the first phase, to 23 at the last phase. Phase 8 and Phase 9 are both disconnected from the rest of the subdivision, although staff does believe an access could be constructed across the Farr Lateral between Phase 1 or 2 and Phase 9.

UDC 11-3F-4 prohibits common driveways off of private streets whereas this proposal includes three common driveways served by private streets. The applicant has requested alternative compliance from this standard.

G. Access (UDC 11-3A-3)

The existing roadways in this area are rural in nature. Eagle Rd. is currently improved with 2 travel lanes and no curb, gutter or sidewalk. Improvements and a signal are planned for the Lake Hazel/Eagle Rd. intersection in 2023. Lake Hazel is planned to be widened to 5-lanes between Eagle and Cloverdale Roads in 2024; and to 5-lanes from Locust Grove to Eagle Roads between 2026 and 2030; no improvements are planned to Eagle Rd. south of Lake Hazel abutting the site. The applicant will be required to construct 5-foot-wide sidewalk on S. Eagle Rd abutting the site.

One (1) public street, Street A, is proposed for access via S. Eagle Rd. as a collector street to the intersection of Street C, also a public street. Three (3) stub streets are proposed at the north, and two (2) stub street are proposed at the south boundaries of the site for future extension in accord with UDC 11-3A-3. One of these southern stubs is a secondary emergency access to E. Vantage Pointe Ln. to be constructed with the first phase of development. There is also a cul-de-sac at the extreme northeast serving 15 additional lots, which is intended to connect to a public road through the recently approved Pura Vida Ridge Ranch. This area is shown as Phase 8 and does not connect to the rest of the Skybreak Subdivision, except for the connected pathway system.

There are two southern roads shown to connect from the subject property to E. Vantage Pointe Lane to the south. E. Vantage Point Lane is a private road, and the applicant has only demonstrated the legal right to use this road for emergency access (Inst. #2020-063349); public access is not allowed. This is adequate for emergency access to occur from the cul-de-sac shown at the end of the public street shown as Street J. However, this application also shows an additional 23 lots being served from a double cul-de-sac shown as Phase 9. **The applicant has not demonstrated they have primary legal access to these lots via E. Vantage Pointe Lane. The applicant has responded that they intend to eventually obtain this access and will build out this later phase when it is obtained, but staff is concerned with an application which proposes annexing and zoning 23 lots into the City without proof of access. The applicant should construct a roadway across the Farr Lateral to provide access to the portion of the development for better integration.**

The Fire Department has noted in a letter dated February 16, 2021 that they are concerned with a large subdivision with only one access out to S. Eagle Rd. Two of the three northern stubs go to properties within unincorporated Ada County which are not proposed for development at this time. The third northern stub only serves Phase 8 which does not connect to the rest of the subdivision. If access from the north via Eagle Rd. is blocked, in the event of an emergency, emergency vehicles would have to travel an additional 3.5+/- miles around the square mile to access the site creating a potential life safety

issue due to a delayed response time. Staff has recommended the applicant pursue a northern access to allow access from this subdivision via the public road in the Pura Vida Subdivision and to E. Lake Hazel Rd, but the applicant has responded that due to topography this is not feasible, although the applicant has managed to configure a golf cart path to the golf course at the north. In addition, the Fire Department has mentioned the majority of the subdivision is outside of the 5-minute response area, and the nearest station (Station 4) has a low reliability rating. This would improve if and when the southwestern fire station adjacent to Discovery Park is constructed in 2023. The applicant has submitted a phasing plan which shows each phase has at least two accesses for emergency service, but as mentioned, except for Phase 8 at the northeast corner, all the other phases rely on only S. Eagle Rd for access. Staff is aware that access will improve in this area over time however, it is contingent on other properties developing in the area to provide the necessary road network.

A combination of public and private streets are proposed for access within the development – public streets are proposed on the west and private streets serving 112 lots are proposed on the east end of the subdivision. Three (3) common driveways are proposed for access off private streets (see analysis below).

The applicant has provided sections of the private streets with this plat application (see Section VI). Although the plat does not indicate exactly which private street cross sections are proposed in which area, the street sections show private streets as narrow as 27’, none of which include sidewalks. Since the time of the pre-application meetings, staff has responded that staff does not support this many lots being served by private streets. This is because this results in streets that would pass the maintenance costs on to the homeowners through the HOA, as ACHD would not accept these roads in the future if there were financial constraints. Staff has requested the developer state the reason for requesting private streets other than the additional costs to build them to the standard template, and the only responses staff has received thus far is that there is a demographic of senior home buyers that prefer the security a gated community can provide and that the gates and private streets will provide a more intimate setting. Staff agrees that there are probably buyers that would prefer gated communities and private streets, but still does not understand why narrow private streets are preferable to streets built to standard templates and containing landscaping and sidewalk. As noted above, staff finds the proposal is not a limited gated community, exceeds more than 50 homes. Therefore, the plat should be resigned to incorporate public streets for the entire development. As noted below the applicant has requested alternative compliance (ALT) to allow 112 homes as proposed. The director has denied the applicant’s ALT request.

ALTERNATIVE COMPLIANCE

The applicant proposes 112 gated lots, and 3 common driveways off a private street. UDC 11-3F-4 states a proposed (gated) development shall have no more than 50 dwelling units, and no common driveways shall be allowed off of a private street. However, 11-3F-4 also allows the director to approve, or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this article and shall not be detrimental to the public health, safety, and welfare.

Requests for alternative compliance are allowed only when one (1) or more of the following conditions exist:

- a. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
- b. The site involves space limitations or an unusually shaped lot;
- c. Safety considerations make alternative compliance desirable;
- d. Other regulatory agencies or departments having jurisdiction are requiring design standards that conflict with the requirements of this article;

- e. The proposed design includes innovative design features based on "new urbanism", "neotraditional design", or other architectural and/or site designs that promote walkable and mixed use neighborhoods;
- f. Additional environmental quality improvements would result from the alternative compliance.

In order to grant approval for an alternative compliance application, the Director shall determine the following:

1. Strict adherence or application of the requirements are not feasible; or
2. The alternative compliance provides an equal or superior means for meeting the requirements; and
3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of surrounding properties.

The applicant's alternative compliance letter mentions there is a demographic of senior home buyers that prefer the security a gated community can provide and that the gates and private streets will provide a more intimate setting. Staff agrees that there is probably a demographic that would prefer gated communities, but this is not a condition required for alternative compliance. The Director finds the applicant has not demonstrated the need for a private versus public streets as noted above.

The plat indicates private street sections with no sidewalks and minimal landscaping, whereas ACHD templates require 5' sidewalks and landscaping. Also, the applicant proposes alternative compliance to allow three common driveways from the private streets, whereas this is not allowed by UDC 11-3F-4-6. Staff does not understand how what is being proposed is an equal or superior means to meeting requirements. Providing narrow private streets with no sidewalks, minimal landscaping, and common driveways from these private streets is not an innovative design features that promotes walkable neighborhoods.

Finally, as was already mentioned, gating the community will also slow response times when there are already fire access concerns, which would be materially detrimental to the public welfare.

H. Parking (UDC 11-3C):

Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family detached dwellings based on the number of bedrooms per unit. A parking plan is included in Section VIII.J that depicts a total of 334 on-street parking spaces along public and private streets; parking along private streets must be approved by the Fire Marshall.

I. Pathways (UDC 11-3A-8):

The Pathways Master Plan (PMP) depicts a north/south segment of the City's multi-use pathway system along the east side of the subject property and along the south side of the Farr Lateral at the southwest corner of the site. The Applicant has worked with the Park's Dept. pathway coordinator on the design proposed along the east boundary; the pathway along the south side of the Farr Lateral is consistent with the PMP. The pathways are required to be placed in a 14-foot wide public pedestrian easement or a note should be added to the plat which allows public access in the common lots intended for pathways.

Ten-foot (10') wide segments of the City's multi-use pathway are proposed within the street buffer along Eagle Rd., along the south side of the Farr Lateral, along the Ten Mile Creek and the northern portion of the east boundary of the site and a golf cart path. Other pathway connections are also proposed for pedestrian interconnectivity and access to common areas within the development. A pathway connection is proposed between the pathway on the eastern portion of the site to the sidewalks along internal public streets on the west end of the site. A total of 5,167 linear feet of pathways are proposed in this development (see exhibit in Section VI). All pathways are required to be constructed in accord with the standards listed in UDC 11-3A-8 and landscaped per the standards in UDC 11-3B-12C.

Where pathways are proposed in common driveways (i.e. Lot 25, Block 9) they should be located in separate common lots with landscaping on either side in accord with UDC 11-3B-12C.

J. Sidewalks (UDC 11-3A-17):

A 10' pathway is proposed along S. Eagle Rd. with a combination of detached and attached sidewalks along the internal public streets. No sidewalks are required or proposed along private streets except for along private Streets K & S where a detached sidewalk is proposed for a pedestrian connection between the pathway on the east end of the site to the sidewalk along public Street I on the west end of the site.

K. Parkways (UDC 11-3A-17):

Eight-foot wide parkways with detached sidewalks are proposed along the entry street (Street A) and in a few other areas; sidewalks are mostly attached with no parkways in this development. All parkways are required to be constructed in accord with the standards listed in UDC 11-3A-17 and landscaped in accord with the standards listed in UDC 11-3B-7C.

L. Landscaping (UDC 11-3B):

A 25-foot wide street buffer is required adjacent to S. Eagle Rd., an arterial street; a 20-foot wide street buffer is required along Street A where it is designated as a collector street (i.e. from Eagle Rd. to the intersection of Street C), landscaped per the standards listed in UDC 11-3B-7C. A 50' foot +/- wide buffer is proposed along Eagle Rd. and a 30-foot wide buffer is proposed along the collector street (Street A) landscaped with grass and deciduous and evergreen trees and shrubs in excess of the minimum standards.

Parkways are required to be landscaped in accord with the standards listed in UDC 11-3B-7C. Landscaping is proposed within parkways; calculations should be included in the Landscape Calculations table that demonstrate compliance with UDC standards.

Landscaping is required along all pathways in accord with the standards listed in UDC 11-3B-12C. Landscaping is proposed along pathways; calculations should be included in the Landscape Calculations table that demonstrate compliance with UDC standards.

Common open space is required to be landscaped in accord with the standards listed in UDC 11-3G-3E. Landscaping is depicted in common areas in excess of UDC standards except along the Farr Lateral and Lot 46, Block 5 (the ridge lot with the trail).

There are existing trees on the site within proposed building lots that are proposed to be removed that may require mitigation. The Applicant should coordinate with Matt Perkins, the City Arborist, to determine mitigation requirements per the standards listed in UDC 11-3B-10C.5.

M. Qualified Open Space (UDC 11-3G):

A minimum of 10% qualified open space meeting the standards listed in UDC 11-3G-3B is required. Based on the area of the proposed plat (80+/- acres), a minimum of 8 acres of qualified open space should be provided.

The Applicant landscape plan notes the development provides 14.99 acres (or 18.4%) of qualified open space. This open space consists of parks, street buffers, linear open space, parkways and common areas greater than 50' x 100' in area, including the slope area on the east end of the site (see qualified open space exhibit in Section VI). Although the open space complies with the minimum UDC standards in regard to dimensions,

some of the open space area being credited consists of unusable arterial/collector street buffers and end caps with parkways, the easement for the Farr Lateral, and areas that aren't centrally located for easy access. It is staff's opinion that the applicant has the opportunity to reconfigure the plat to consolidate additional open space to make it more accessible and useable.

UDC 11-3G-3-E requires that at a minimum, common open space areas shall include one (1) deciduous shade tree per eight thousand (8,000) square feet and lawn, either seed or sod. There are areas being credited on the applicant's open space exhibit as qualified open space, such as land within the Farr Lateral easement, and all the challenging and steeply sloping land in Lot 45, Block 5 at the east that do not meet the minimum landscape requirements. In addition, the pathway shown along Lot 45, Block 5 would need to be landscaped with one tree per 100 linear feet of pathway as required per UDC 11-3B-3-12 in order to be credited for qualified open space.

N. Qualified Site Amenities (UDC 11-3G):

Based on the area of the proposed plat (80+/- acres), a *minimum* of four (4) qualified site amenities are required to be provided per the standards listed in UDC 11-3G-3C.

Proposed site amenities consist of children's play equipment/structures, a picnic shelter/shade structure, pathways, two dog parks and additional open space of at least 20,000 square feet above the minimum UDC requirements. Dog owner facilities are required to be improved with a dog washing station with a drain to sanitary sewer system and trash receptacles and bags for dog waste disposal; or fencing to enclose a minimum 0.75 acre of open space for an off-leash dog park and trash receptacles and bags for dog waste disposal per UDC 11-3G-3C.h. Although the proposed amenities meet the minimum standards, they are primarily located along the northern and southern boundaries of the site or in the gated portion of the development and are not centrally located (see details in Section VII.D), which Staff is of the opinion is not ideal. Staff would prefer the open space be reconfigured to allow more useable open space and amenities toward the center of the development. Further, UDC 11-3G-3D.3 requires common open space and site amenities to be located in areas of high visibility to avoid hidden areas and corners, dark areas, unusable space and reduce the opportunity for crime. Staff does believe the sports park, playground and pathways are adequate amenities, but as mentioned above, believes more useable open space and centrally located amenities should be incorporated into this project.

O. Storm Drainage (UDC 11-3A-18):

An adequate storm drainage system is required in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practice as adopted by the City.

P. Irrigation (UDC 11-3A-15)

An underground pressurized irrigation system is required to be provided with development to each lot within the subdivision in accord with the standards listed in UDC 11-3A-15. Irrigation water is provided from the New York Irrigation District.

Q. Waterways (UDC 11-3A-6):

The Farr Lateral runs across the southwest corner of this site within a common lot (Lot 51, Block 9) and Ten Mile Creek runs along the northeast corner of the site. The Applicant proposes to leave these waterways open and improve them as linear open space with a 10-foot wide multi-use pathway. However, if these waterways are intended to be improved and credited as linear open spaces, they should be accessible and usable, and

landscaped in accordance with UDC 11-3B-12 and UDC 11-3G-3-E, including one tree per 100 pathway feet and one tree per 8,000 square feet of open area, as well as vegetated with seed or sod.

R. Fencing (UDC 11-3A-7):

All fencing is required to comply with the standards listed in UDC 11-3A-6C and 11-3A-7.

Six-foot tall open vision vinyl slat top fencing is proposed along connection pathways and the Farr Lateral, 4-foot tall open vision wrought iron fencing is proposed adjacent to the dog parks and 6-foot tall vinyl fencing is proposed along street buffers and the perimeter of the subdivision as shown on the landscape plan. UDC 11-3A-6C.3 requires open laterals to be fenced with an open vision fence at least 6-foot in height and having an 11-gauge, 2-inch mesh or other construction equivalent in ability to deter access to the lateral. Staff recommends open fencing is installed between the lateral and the pathway to preserve public safety.

S. Building Elevations (UDC 11-3A-19 / Architectural Standards Manual):

The Applicant submitted sample photo elevations of the types of homes planned to be constructed in this development which are included in Section VI. Homes depicted are predominantly single-story, some with a bonus room, with a few that are 2-stories in height proposed on the east end of the development on or near the rim. All but 44 of the homes are proposed to be restricted to single-story with the option of a bonus room; the larger lots on the east end of the development are not restricted to single-story homes (see exhibit in Section VII.J). Building materials consist of a mix of finish materials (i.e. horizontal and vertical siding and stucco) with stone/brick veneer accents.

VI. DECISION

A. Staff:

Staff recommends DENIAL of the requested annexation and preliminary plat based on the Findings in section IX. and the Director has denied the private street and alternative compliance based on the Findings in section IX.

B. The Meridian Planning & Zoning Commission heard this item on April 1, 2021. At the public hearing, the Commission moved to recommend DENIAL on the subject annexation request.

1. Summary of the Commission public hearing:

- a. In favor: Deborah Nelson
- b. In opposition: Kathy White, Stephen Rankin
- c. Commenting: Deborah Nelson
- d. Written testimony: Staff received 13 letters in opposition. Issues expressed include density, lack of transition to Vantage Pointe Subdivision, lack of sidewalks and narrowness of private roads, developer trying to fit in as many lots as possible without providing quality amenities and necessary infrastructure, emergency access, lack of cooperation with the adjacent neighbors, and a large higher density project being located on the fringe of the City.
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: Bill Parsons, Joe Bongiorno

2. Key issue(s) of public testimony:
 - a. Density and lack of sidewalks.
3. Key issue(s) of discussion by Commission:
 - a. Commissioners expressed issues related to density, lack of transition, lack of sidewalks, amount of private roads, low fire station reliability and whether Station 4 will even be built and staffed, trying to pack in as many houses as possible, not walkable, lack of amenities, emergency access issues, past problems with HOAs taking on costs associated with private streets, and the project not being a “premier” community.
4. Commission change(s) to Staff recommendation:
 - a. None

VII. EXHIBITS

A. Annexation Legal Description & Exhibit Map (date 1/20/21)



Sawtooth Land Surveying, LLC
P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

Skybreak Annexation Legal Description

BASIS OF BEARINGS is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4 and the centerline of S. Eagle Road, 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4 and the **POINT OF BEGINNING**;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 1321.10 feet to a 5/8" rebar/cap PLS 4347, marking the CN1/16 corner of said Section 4;

Thence S. 00°37'07" W., coincident with the east line of said NW1/4, a distance of 1333.72 feet to a 3/4" rebar/cap PLS 645, marking the C1/4 corner of said Section 4;

Thence N. 89°48'12" W., coincident with the south line of said Section 4, a distance of 2632.71 feet to an illegible aluminum cap, marking the W1/4 of said Section 4;

Thence N. 00°12'52" E., coincident with said west line, 1326.27 feet to the **POINT OF BEGINNING**.

The above described parcel contains 80.461 acres more or less.



B. Rezoning Legal Description and Exhibit Map (date: 1/20/21)



Sawtooth Land Surveying, LLC
P (208) 398-8104 F: (208) 398-8105
2030 E. Washington Ave., Brimeth, ID 83617



Skybreak R-8 Zoning Description

BASIS OF BEARINGS is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4, a distance of 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4 and the **POINT OF BEGINNING**;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 261.79 feet;

Thence S. 00°12'52" W., parallel with said west line, 137.56 feet;

Thence N. 89°47'08" W., 5.43 feet;

Thence S. 00°12'52" W., parallel with said west line, 454.70 feet;

Thence N. 89°41'23" W., 73.73 feet;

Thence N. 71°55'29" W., 35.46 feet;

Thence N. 89°44'25" W., 157.79 Feet;

Thence S. 00°12'52" W., parallel with said west line, 146.02 feet;

Thence S. 89°47'08" E., 22.31 feet;

Thence S. 00°12'52" W., parallel with said west line, 601.95 feet to the south line of said NW1/4;

Thence N. 89°48'12" W., coincident with said south line, 1334.42 feet to an illegible aluminum cap, marking the W1/4 of said Section 4;

Thence N. 00°12'52" E., coincident with said west line, 1326.27 feet to the **POINT OF BEGINNING**.

The above described parcel contains 43.858 acres more or less.

Item #1.



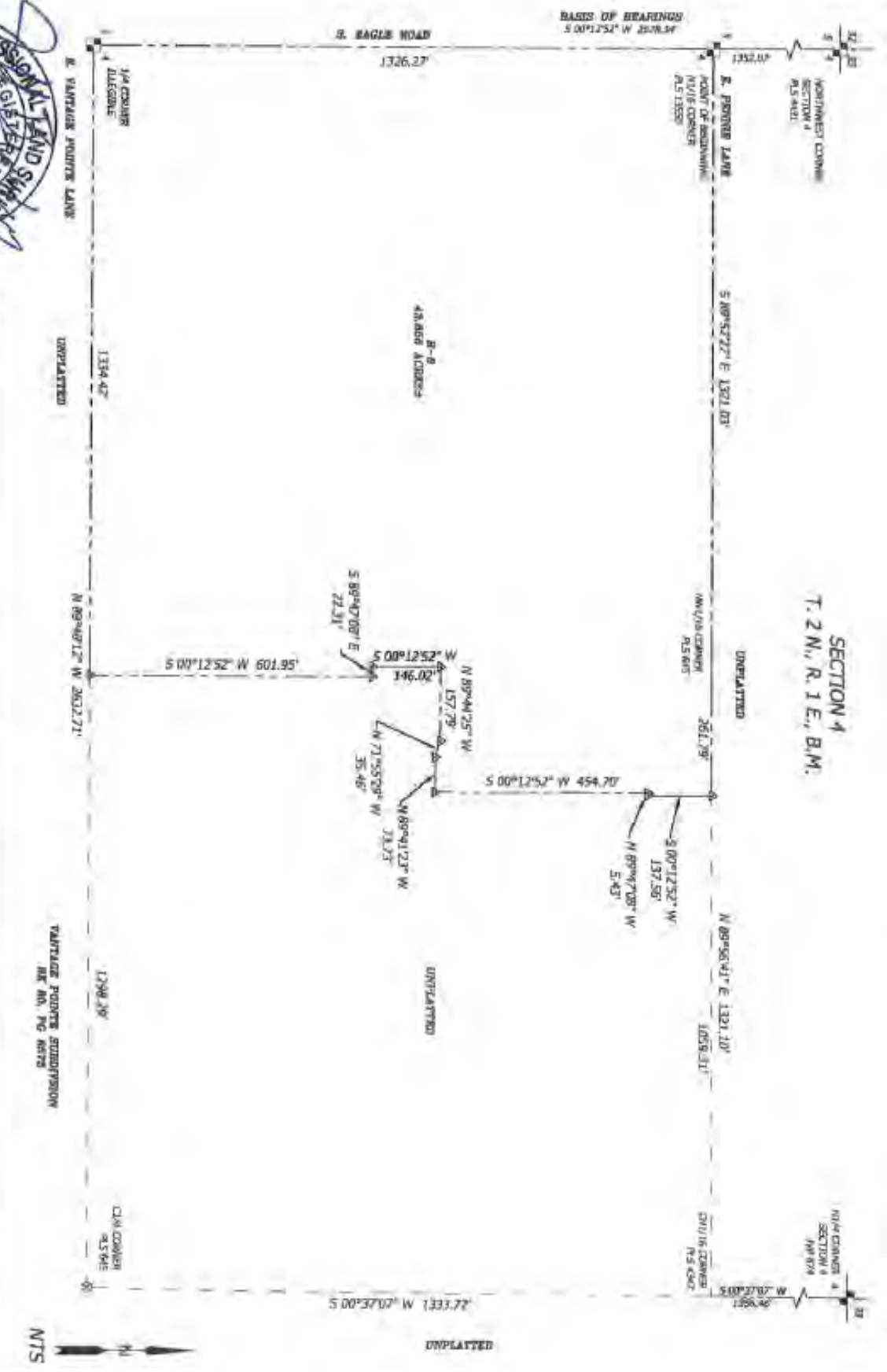
PROJECT:
 SKYBREAK SUBDIVISION
 R-8 ZONING
 ADA COUNTY, IDAHO

OWNER/DEVELOPER:
 CONGER



2030 S. WASHINGTON AVE.
 ENNETT, ID 83617
 P: (208) 398-8104
 F: (208) 398-8105

DWG # 19446-EX
 PROJECT # 19446
 SHEET





Skybreak R-15 Zoning Description

BASIS OF BEARINGS is S. 0°12'52" W. between a found aluminum cap marking the W1/4 corner and a found aluminum cap marking the NW corner of Section 4, T. 2 N., R. 1 E., B.M., Ada County, Idaho.

A parcel of land located in the S1/2 of the NW1/4 of Section 4 Township 2 North, Range 1 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

COMMENCING at an aluminum cap marking the NW corner of said Section 4;

Thence S. 0°12'52" W., coincident with the west line of said NW1/4, a distance of 1352.07 feet to an aluminum cap PLS 13550, marking the N1/16 corner of said Section 4;

Thence S. 89°52'22" E., coincident with the north line of said S1/2 of the NW1/4, a distance of 1321.03 feet to a 5/8" rebar/cap PLS 645, marking the NW1/16 corner of said Section 4;

Thence N. 89°56'41" E., coincident with said north line, 261.79 feet to the **POINT OF BEGINNING**;

Thence continuing N. 89°56'41" E., coincident with said north line, 1059.31 feet to a 5/8" rebar/cap PLS 4347, marking the CN1/16 corner of said Section 4;

Thence S. 00°37'07" W., coincident with the east line of said Section 4, a distance of 1333.72 feet to a 3/4" rebar/cap PLS 645, marking the C1/4 corner of said Section 4;

Thence N. 89°48'12" W., coincident with the south line of said NW1/4, a distance of 1289.29 feet;

Thence N. 00°12'52" E., parallel with said west line, 601.95 feet;

Thence N. 89°47'08" W., 22.31 feet;

Thence N. 00°12'52" E., parallel with said west line, 146.02 feet;

Thence S. 89°44'25" E., 157.79 feet;

Thence S. 71°55'29" E., 35.46 feet;

Thence S. 89°41'23" E., 73.73 feet;

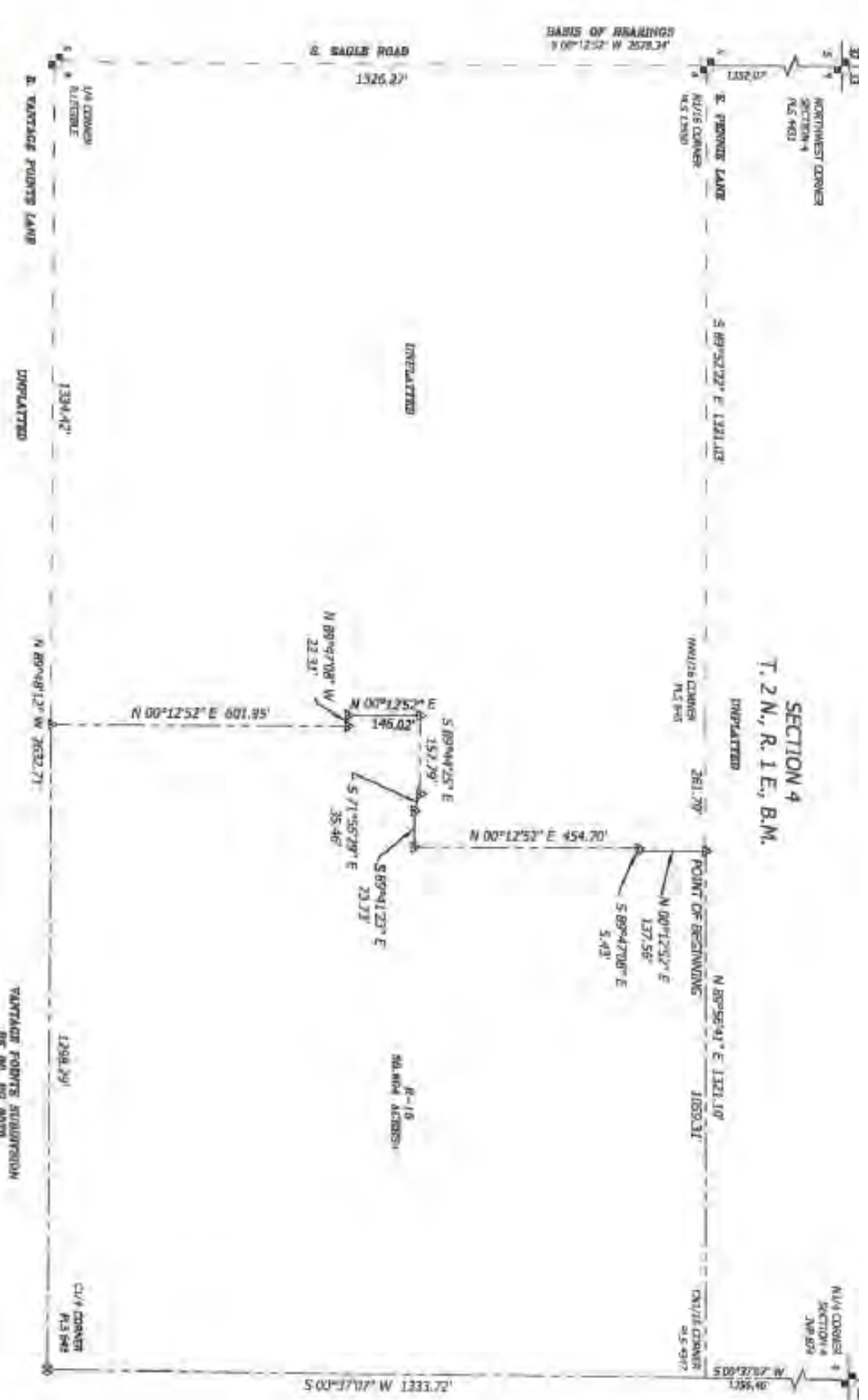
Thence N. 00°12'52" E., parallel with said west line, 454.70 feet;

Thence S. 89°47'08" E., 5.43 feet;

Thence N. 00°12'52" E., parallel with said west line, 137.56 feet to the **POINT OF BEGINNING**.

The above described parcel contains 36.604 acres more or less.

Item #1.

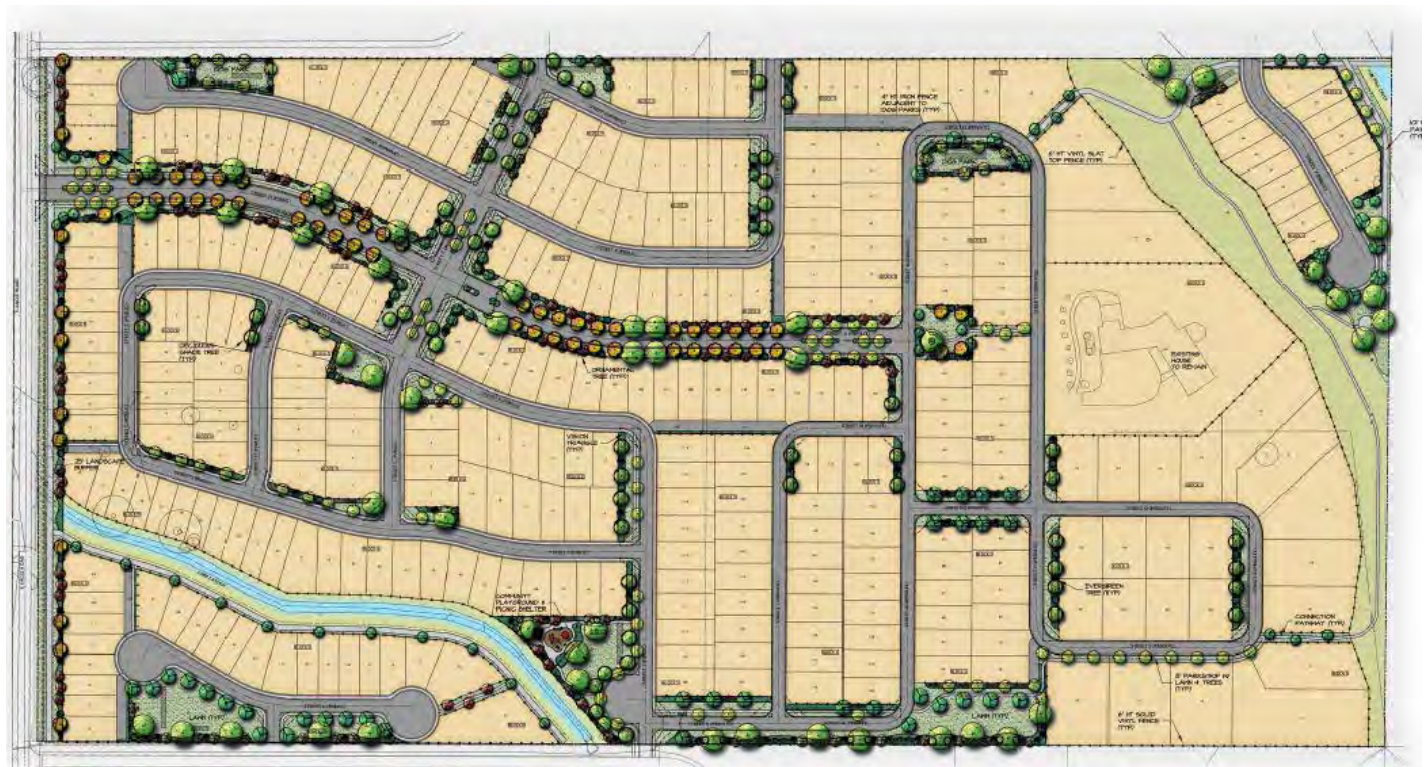


PROJECT: SKYBREAK SUBDIVISION R-15 ZONING ADA COUNTY, IDAHO	OWNER/DEVELOPER: CONGER		2030 S. WASHINGTON AVE. EMMETT, ID 83617 P: (208) 398-8104 F: (208) 398-8105
DWG. # 19A46-EX	PROJECT # 19A46		SHEET

C. Preliminary Plat (date: 12/11/2020)



D. Landscape Plan (date: 12/11/2020)



E. Gated versus Non Gated (date: 2/11/2020)

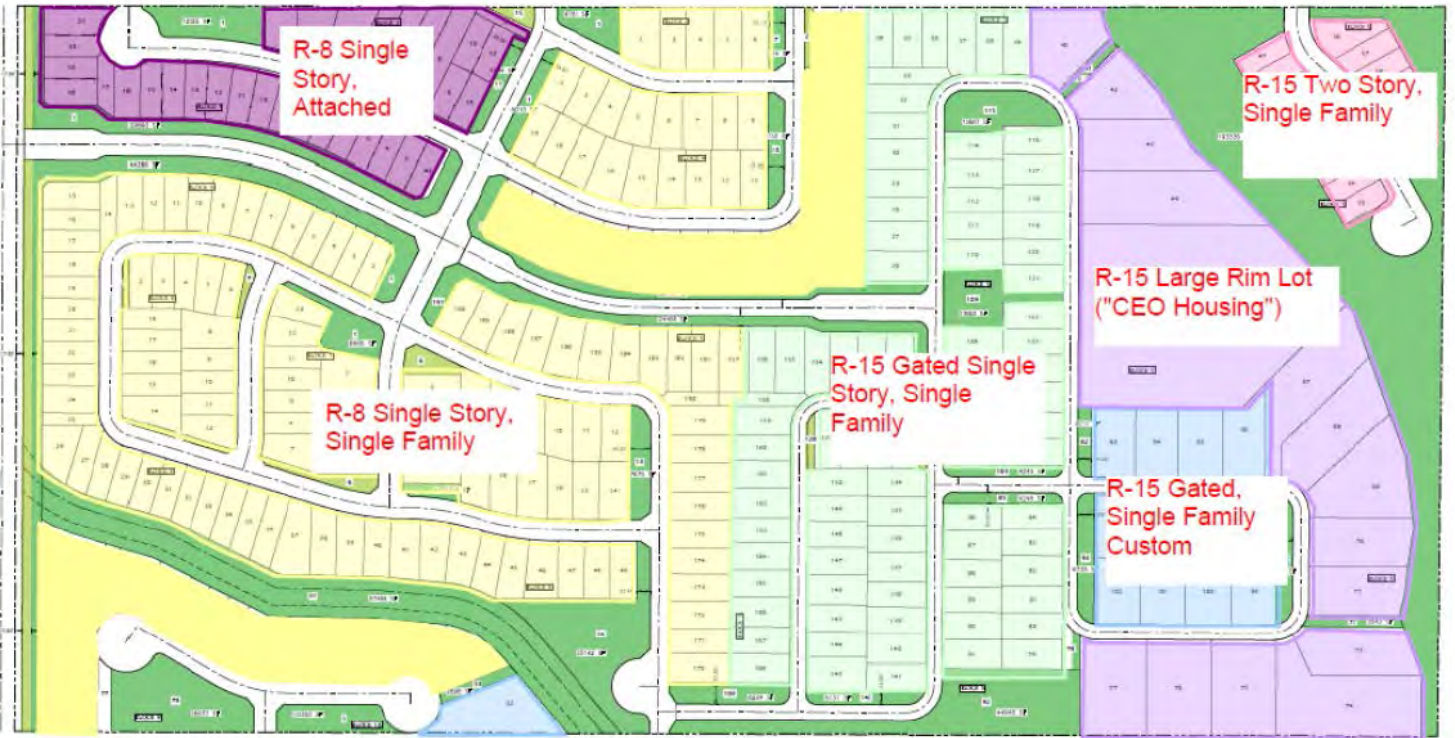
All streets shown in gated portion are private streets



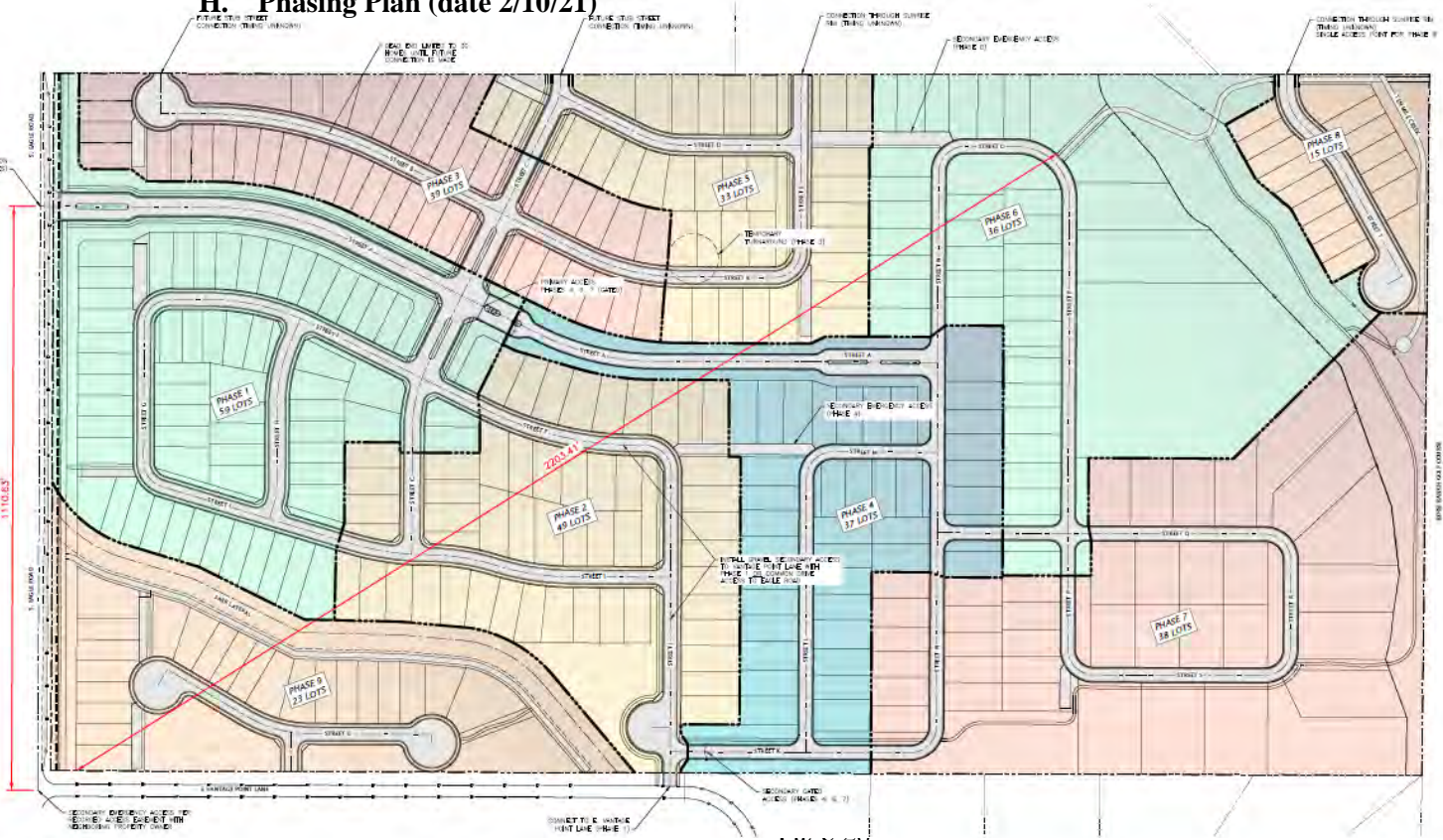
F. Open Space Exhibit (date: 12/30/2020)



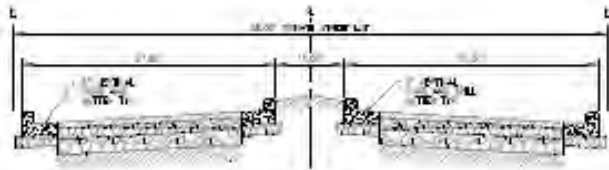
G. Zoning Exhibit (date: 12/10/2020)



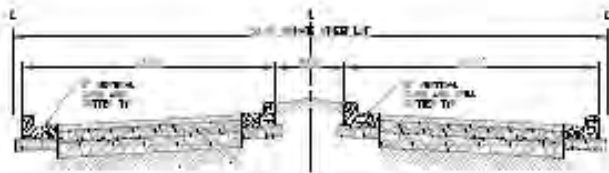
H. Phasing Plan (date 2/10/21)



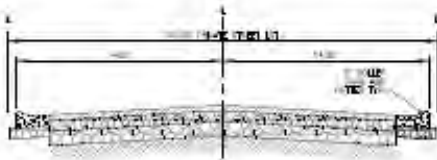
I. Proposed Private Street Sections



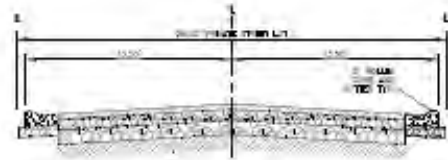
PRIVATE STREET SECTION AT GATEHOUSE 2
SCALE: NOT TO SCALE PPS.0



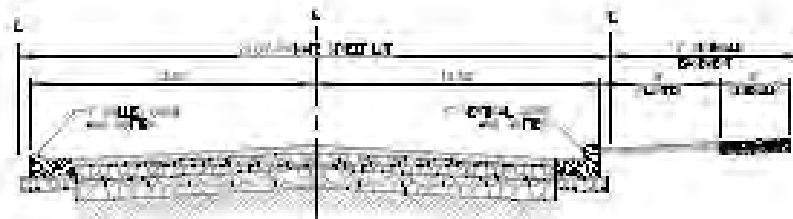
PRIVATE STREET SECTION WITH MEDIAN ISLAND 3
SCALE: NOT TO SCALE PPS.0



28' PRIVATE STREET (STREET A) 9
SCALE: NOT TO SCALE PPS.0



27' PRIVATE STREET (STREETS L, M, N, O, P, Q, R) 10
SCALE: NOT TO SCALE PPS.0



27' PRIVATE STREET W/ DETACHED WALK ONE SIDE (STREETS K AND S) 11
SCALE: NOT TO SCALE PPS.0

J. Phasing Description (date: 12/10/21)

PROJECTED PROJECT TIMELINE

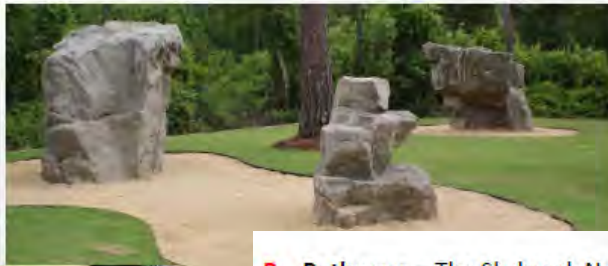
Milestone	Date
2021 -	
▪ City Council Approval (est.)	April 2021
▪ Eagle Road – Amity to Victory Road Widening to 5 Lanes	2021
2022 -	
▪ 20 Homes Occupied (1 st home available April 2022)	August 2022
2023 -	
▪ Lake Hazel Road and Eagle Road Intersection Construction	2023
▪ Eagle Road – Victory to Amity Road Widening to 5 Lanes	2023
▪ Fire Station #8 – Completed and Staffed	December 2023
▪ 50 Homes Occupied	September 2023
2024 -	
▪ Lake Hazel Road – Eagle to Cloverdale Road Widening to 5 Lanes	2024
▪ 100 Homes Occupied	June 2024
2025 -	
▪ 150 Homes Occupied	June 2025
2026 -	
▪ 200 Homes Occupied	June 2026
2027 -	
▪ 250 Homes Occupied	June 2027
2028 -	
▪ 300 Homes Occupied	June 2028
2029 -	
▪ Completion	December 2029

K. Proposed Amenities (date: 2/10/21 – please refer to Narrative for more details)



A. Large 3/4-Acre, Tot Park (Block 9, Lot 52) – The 35,142 Sqft Skybreak Neighborhood park will contain the following recreation facilities:

- Play Structure
- Seating Benches
- Shade Structure
- Climbing Rocks
- Large Grass play area
- Attractive Landscaping
- Playground fencing for safety



B. Pathways – The Skybreak Neighborhood will include the following pedestrian pathways:

- 10' Wide Regional Pathway Along Eagle Road – 1,326 LF
- 10' Wide Regional Pathway Along the Farr Lateral – 1,120 LF
- 10' Wide Regional Pathway Along Ten Mile Creek - 526 LF
- 10' Wide Golf Cart Path - 760 LF
- Natural Path – 1,435 LF

Pedestrian pathways within the Skybreak Neighborhood will total nearly one mile in length.

Item #1.

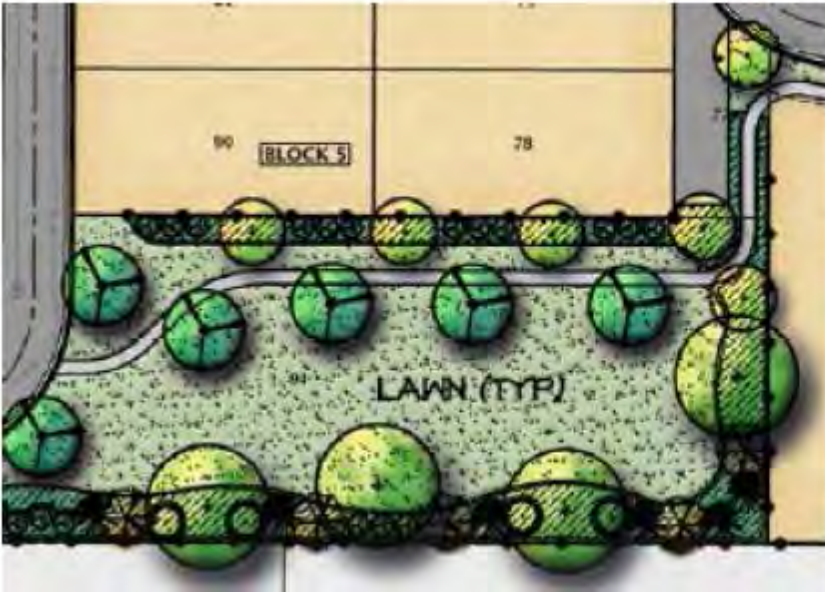
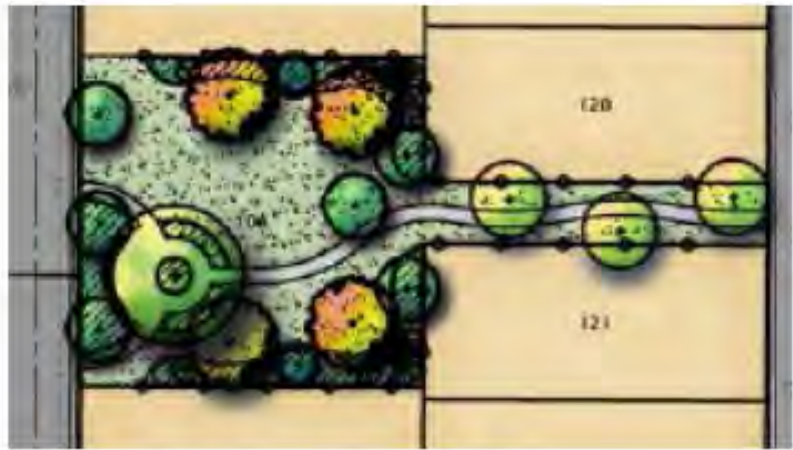
Dog Parks (Block 2, Lot 1 and Block 5, Lot 121) - The Skybreak Neighborhood park will contain two (2) 1/4 Ac small dog, dog parks that will include the following:

- Open Vision Fencing
- Dual Gate System
- Seating Areas
- Attractive Landscaping



D. Entry Park (Block 5, Lot 114) – The main Collector Roadway will terminate in an attractively landscaped open space that will provide for an aesthetically appealing entry statement that will convey a sense of arrival.

- Specimen Tree Plantings
- Seating Areas
- Attractive Landscaping
- Pathway



E. Open Sports Park (Block 5, Lot 97) – This park will include:

- Large 1-acre open sports area
- Pathway Connection
- Seating Areas
- Attractive Landscaping

Item #1.

Landscaped Passive Open Spaces – Located throughout the Neighborhood:

- Attractive Landscaping
- Buffering of side yards
- Premier Signage and Entry Monuments



H. Pedestrian Connection Exhibit

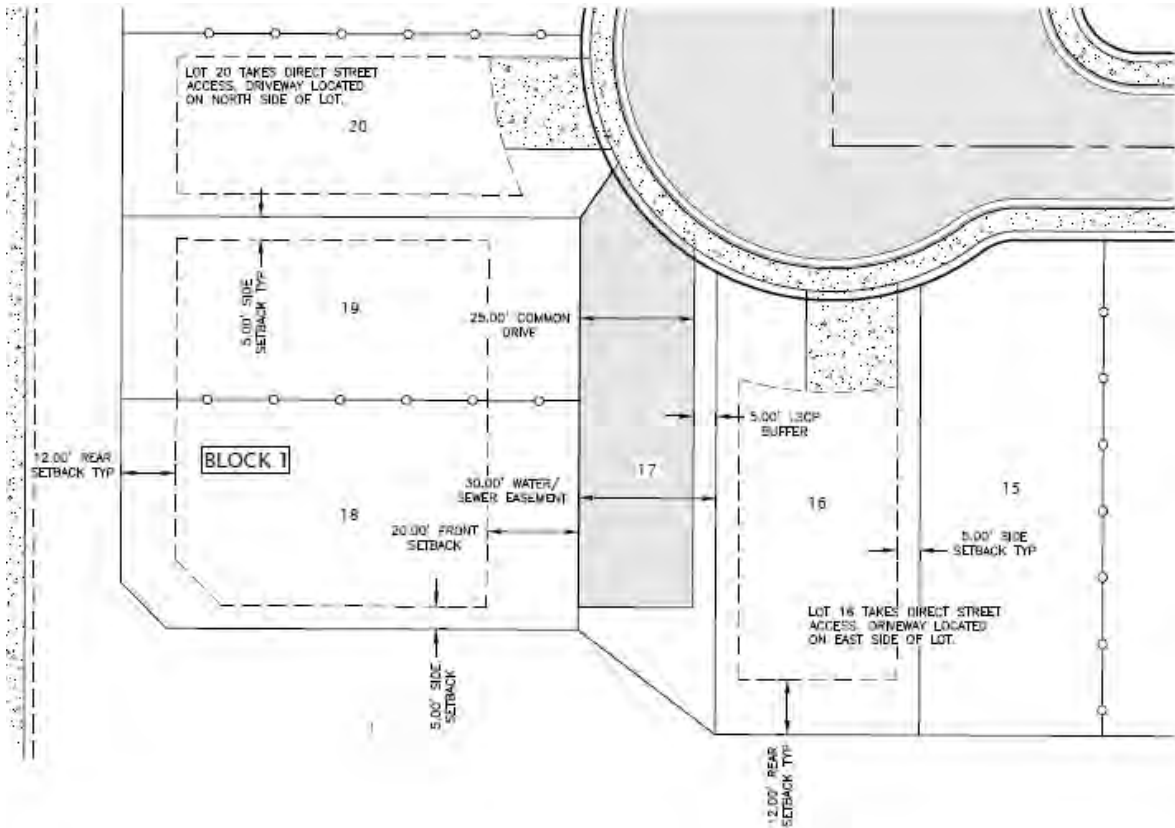
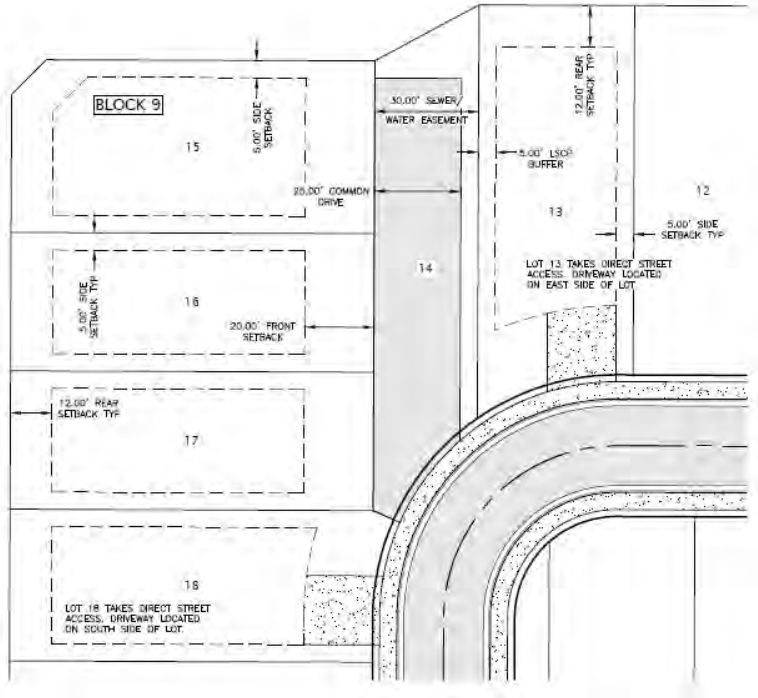
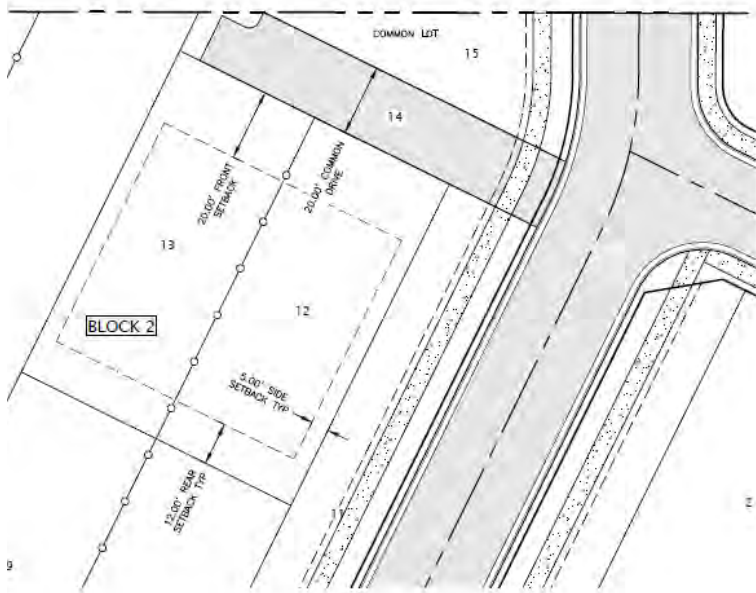


L. Parking Plan

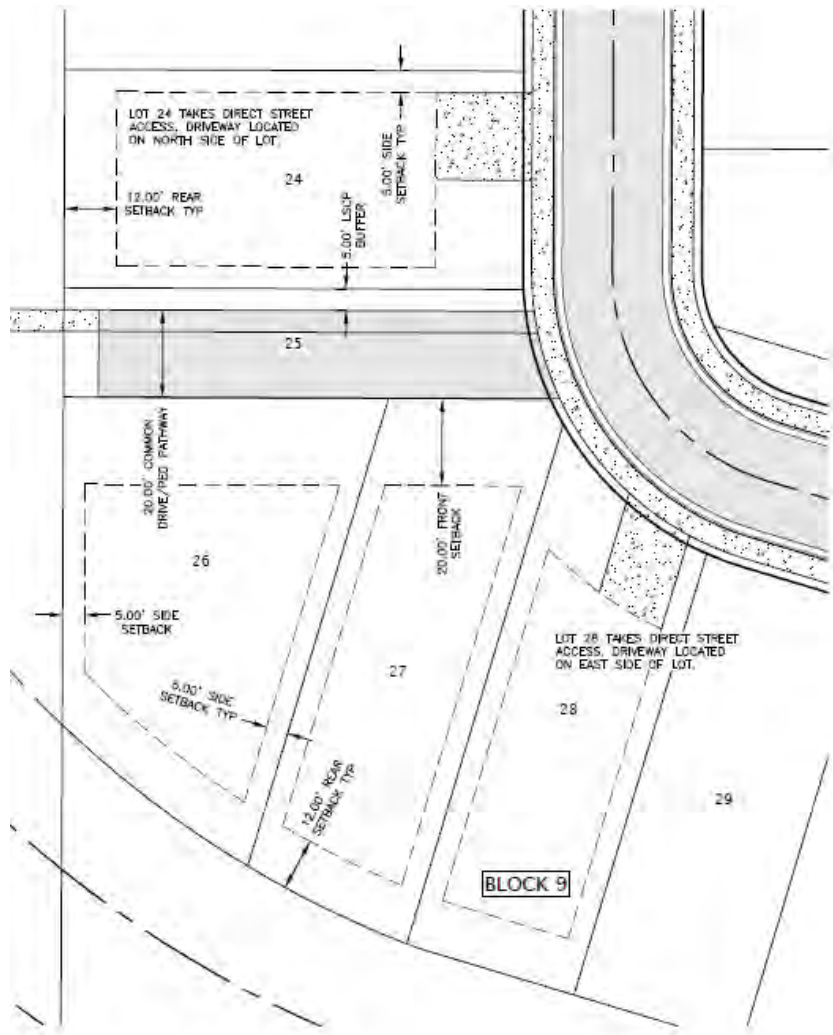
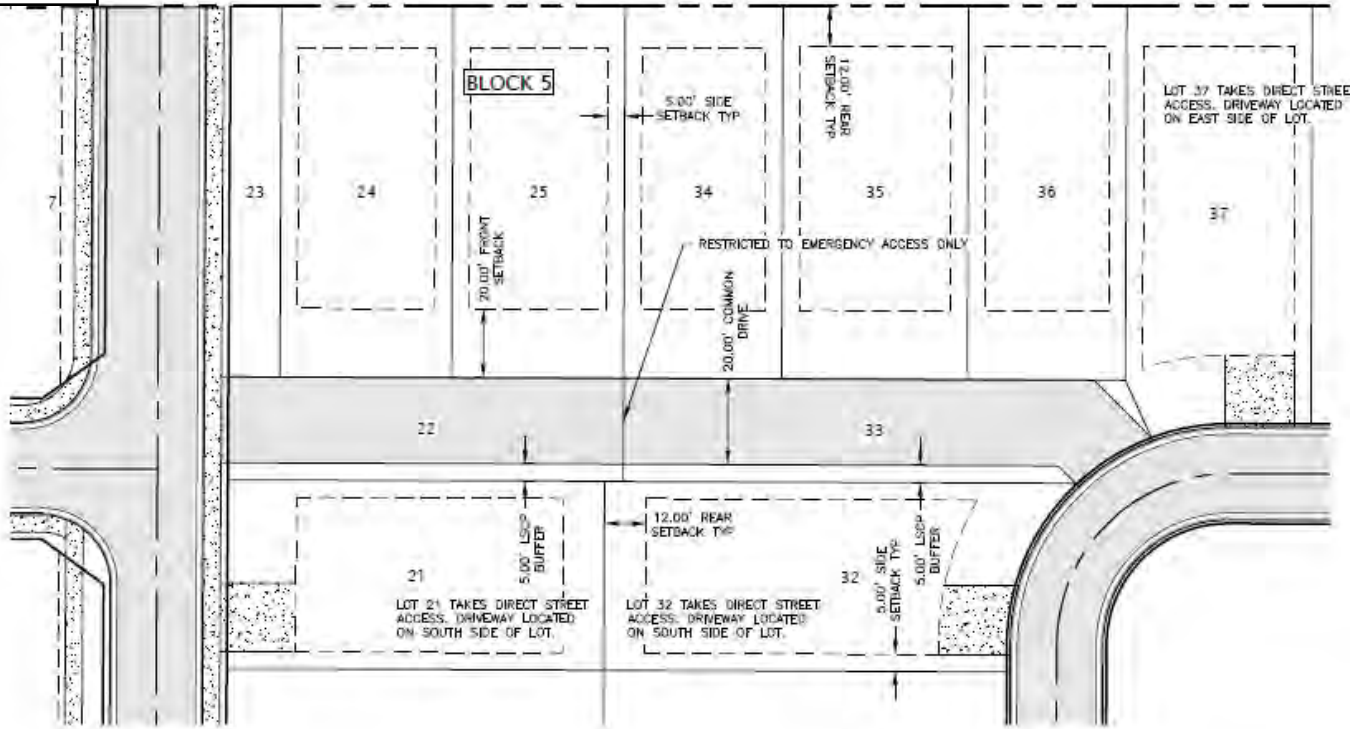


— On-Street Parking
334 Spaces

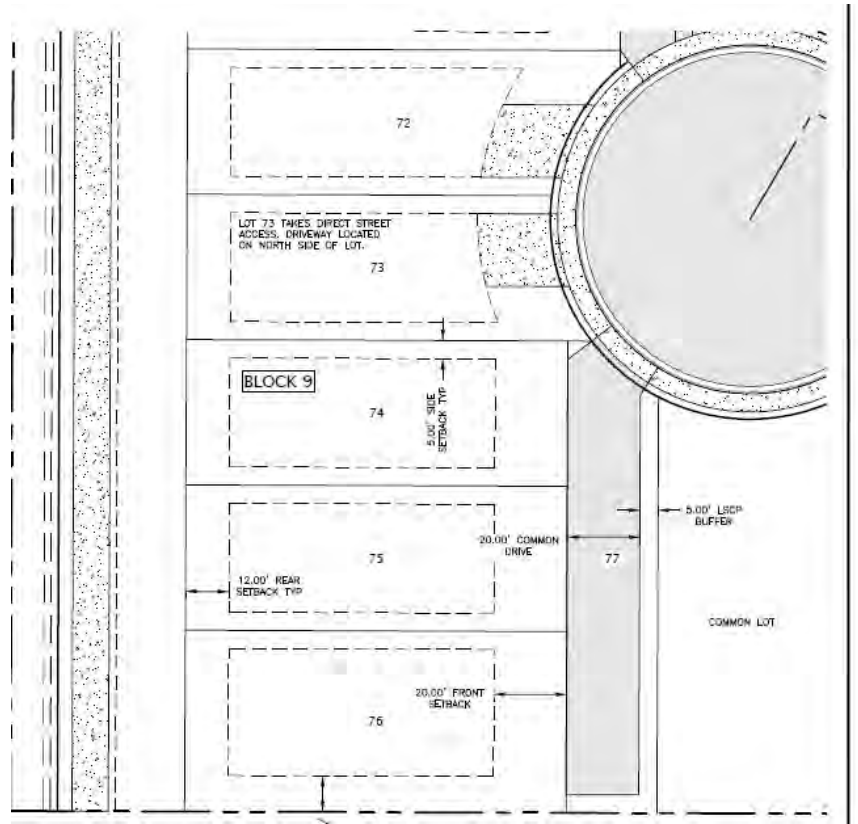
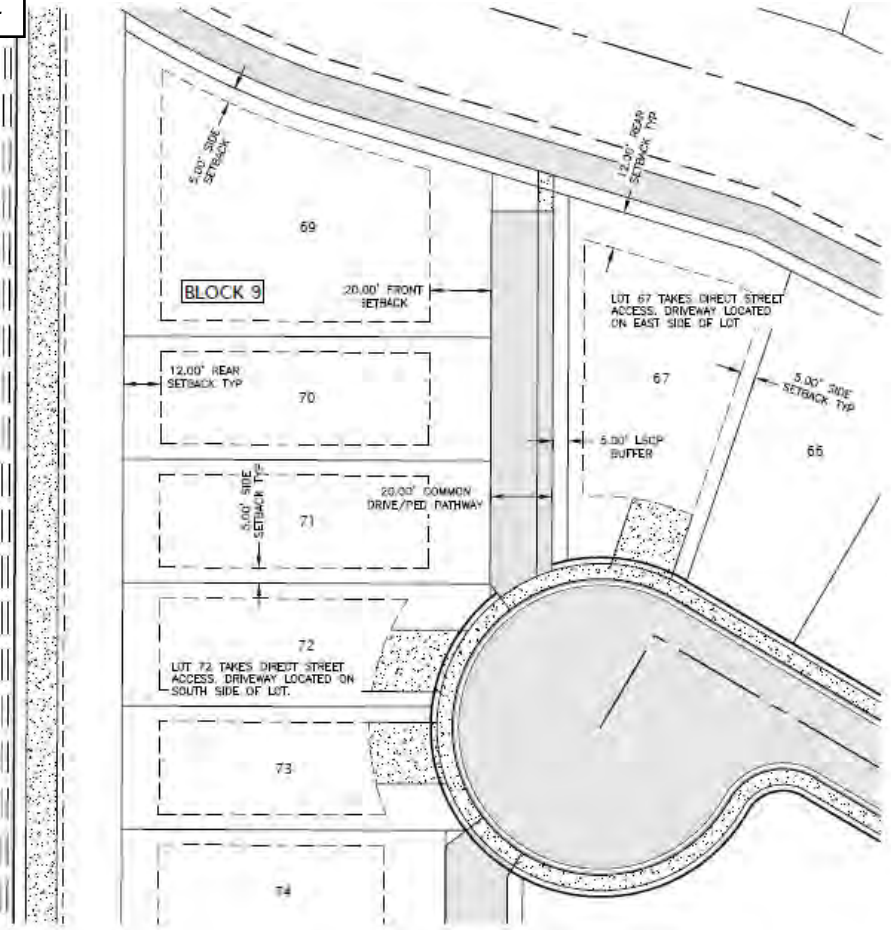
M. Common Driveway Exhibits



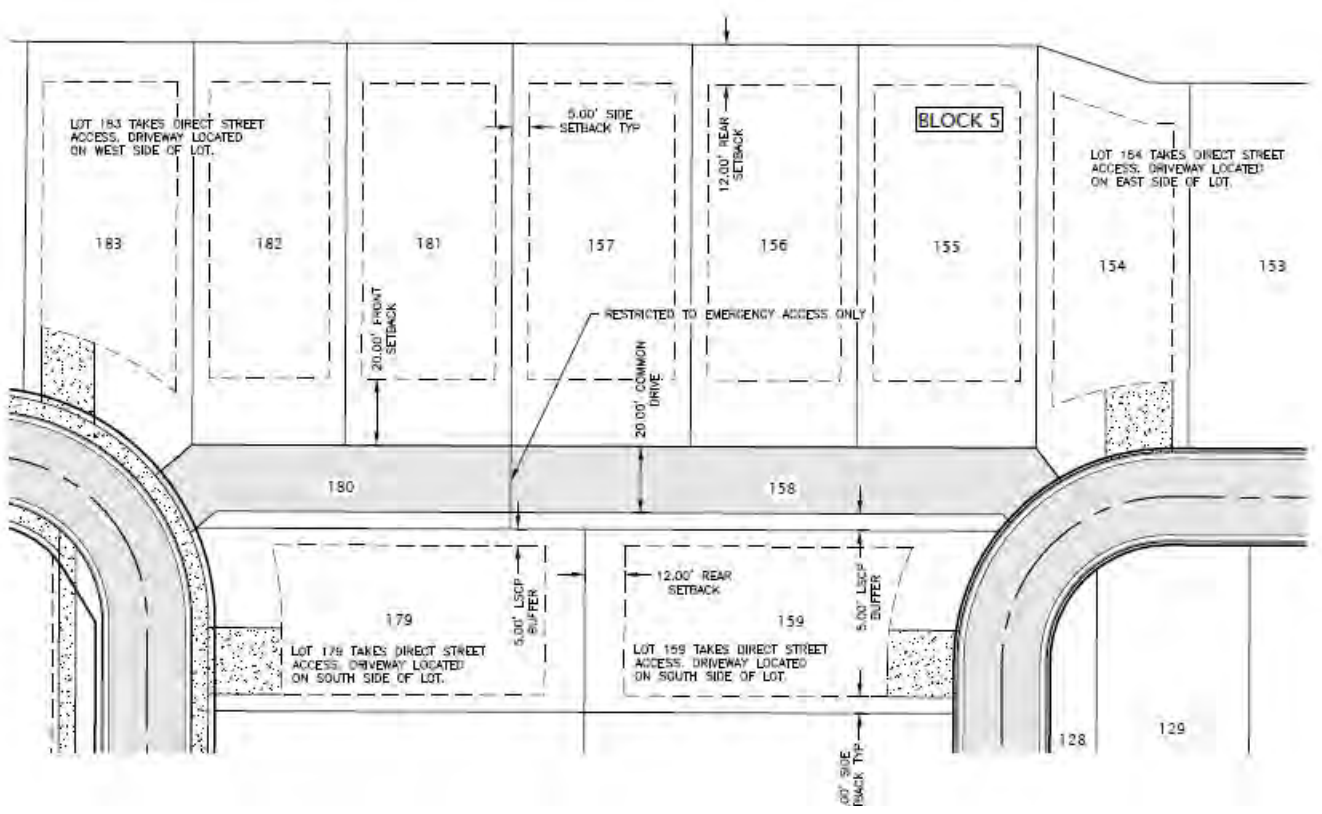
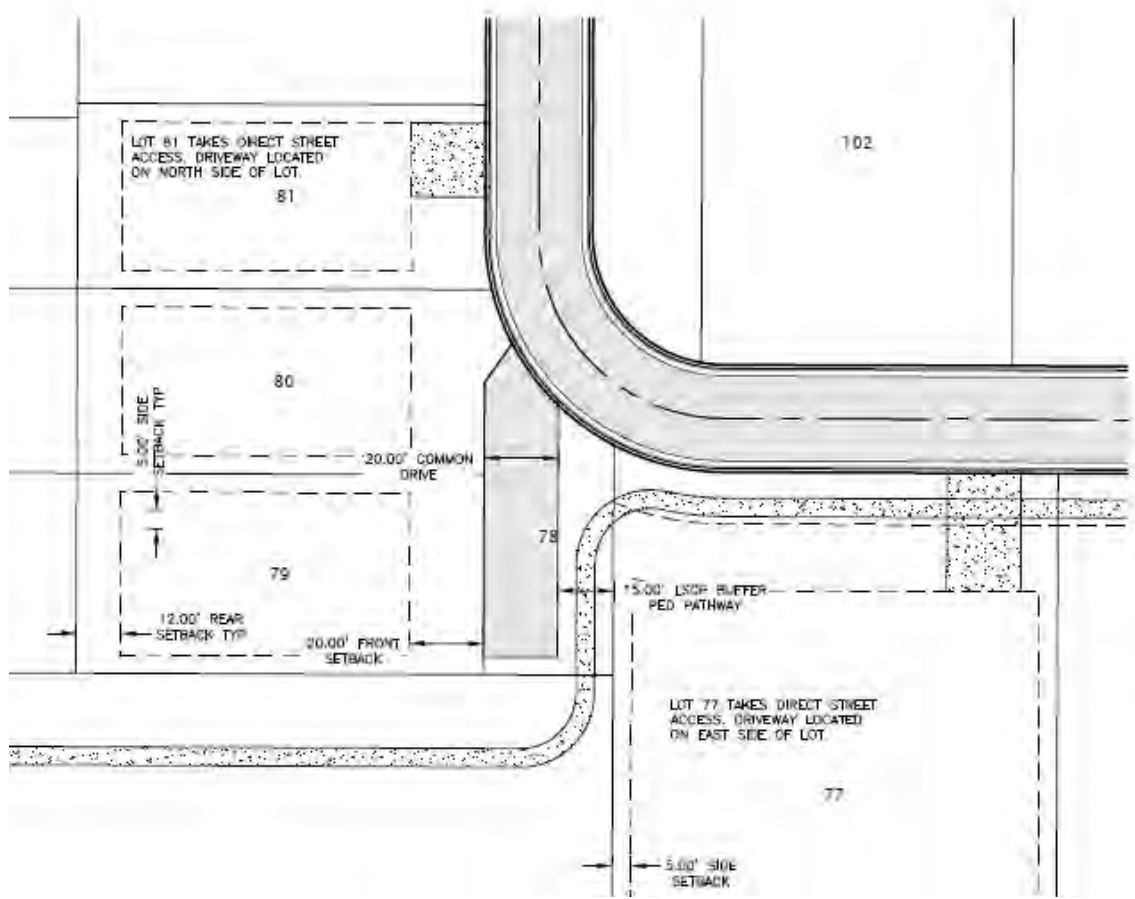
Item #1.

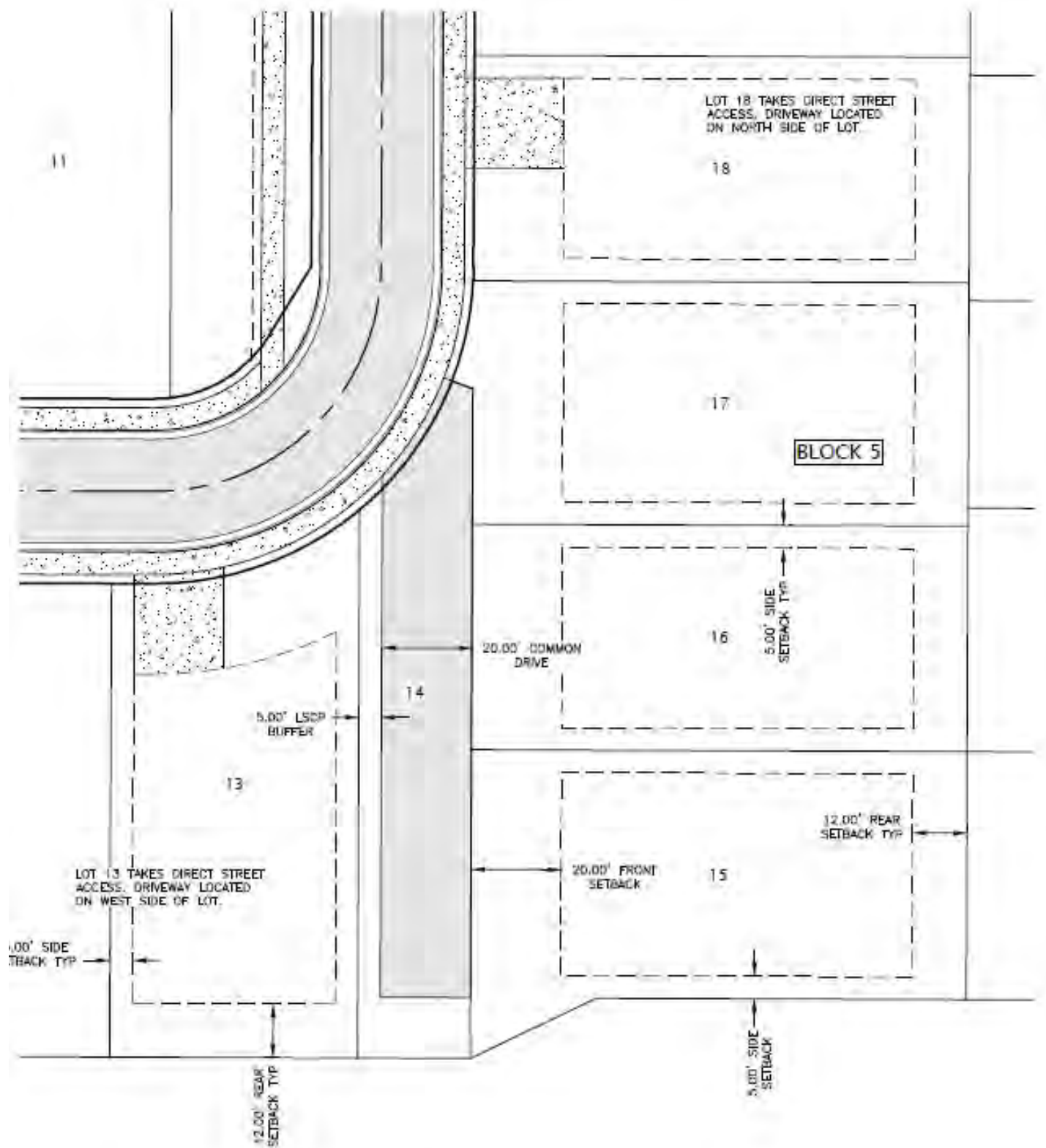


Item #1.



Item #1.





N. Building Elevations (date: 12/10/21)



Existing Home to remain (above)



Existing Home to remain (above)



RIDGEVIEW



AVONDALE



SCOTT SPAVE

Item #1.



TEMPE



KIERLAND 'A'



KIERLAND 'B'

VIII. CITY/AGENCY COMMENTS

A. PLANNING DIVISION

No conditions of approval are included due to Staff's recommendation of denial.

B. PUBLIC WORKS

No conditions of approval are included due to Staff's recommendation of denial.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=223367&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222919&dbid=0&repo=MeridianCity>

E. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=214368&dbid=0&repo=MeridianCity&cr=1>

F. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193035&dbid=0&repo=MeridianCity>

G. ADA COUNTY DEVELOPMENT SERVICES

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222788&dbid=0&repo=MeridianCity>

H. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219402&dbid=0&repo=MeridianCity>

I. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=193631&dbid=0&repo=MeridianCity>

J. CENTRAL DISTRICT HEALTH DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=219402&dbid=0&repo=MeridianCity>

K. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=203469&dbid=0&repo=MeridianCity>

L. COMMUNITY DEVELOPMENT SCHOOL IMPACT REVIEW:

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=203755&dbid=0&repo=MeridianCity>

M. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222984&dbid=0&repo=MeridianCity>

N. BOISE PROJECT BOARD OF CONTROL

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=222907&dbid=0&repo=MeridianCity>

IX. FINDINGS

A. Annexation and/or Rezone (UDC 11-5B-3E)

Required Findings: Upon recommendation from the commission, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant an annexation and/or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;

Commission finds the proposed map amendment to R-8 is consistent with the Comprehensive Plan density recommendations of 3-8 dwelling units per acre for the majority of the site except for the southern portion adjacent to the Vantage Pointe Subdivision where there is an inadequate transition in lot sizes. Staff finds zoning the property to the R-15 district for purpose of allowing private streets is not suitable for providing the necessary infrastructure. As mentioned in Section V above, the 30 attached dwelling units would contribute to more diversity of houses, but the remaining 299 would not. The development does exceed what is required in regard to amenities, however Commission finds some of the open space is not the useable open space as anticipated by the Plan and believes better orientation and consolidation of open space could occur. The property is near the fringe of the City only adjacent to the City limits in a select few places; this development would not be considered infill. The proposed private streets serving a significant portion of the site would not meet the intent of the Plan in regard to requiring urban infrastructure be provided for all new developments, including sidewalks.

2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;

Commission finds the lack of variety in housing types (i.e. all single-family detached homes except for 30 attached) and lack of diversity in lot sizes is not consistent with the purpose statement of the residential districts, which states a range of housing opportunities should be provided consistent with the Comprehensive Plan.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;

Commission finds the proposed zoning map amendment could be detrimental to the public health, safety and welfare. The significant portion of the development proposed for private streets may pass the maintenance costs on to homeowners through the HOA, and because private streets are proposed with inadequate templates, ACHD would not accept these roads in the future if there were financial constraints. Also, the Fire District has voiced concerns with service to this development until the southern fire station is constructed, has concerns with all but Phase 8 having S. Eagle Rd as the sole point of access, and does not prefer the proposed number of lots being served by gates.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and

Both West Ada County School District and the Community Development School Impact Review indicate this proposal would increase the number of students on schools that are already over capacity.

5. The annexation (as applicable) is in the best interest of city.

Commission finds the proposed annexation is not in the best interest of the City at this time as it is located near the fringe of the City and may not maximize existing public services. Further, Commission finds the design of the proposed development plan is not consistent with the Comprehensive Plan as discussed above in Section V.

B. Preliminary Plat (UDC 11-6B-6):

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decision-making body shall make the following findings:

1. The plat is in conformance with the Comprehensive Plan;

Commission finds that the proposed plat is not in substantial conformance with the adopted Comprehensive Plan in regard to maximizing public services by prioritizing infill development over parcels on the fringe, provision of a variety of housing types, density in the LDR designated area, transitional densities, adequate provision of services (Fire Dept.), usable open space, and construction of infrastructure without sidewalks, etc. (Please see Comprehensive Plan Policies in, Section V of this report for more information.)

2. Public services are available or can be made available and are adequate to accommodate the proposed development;

Commission finds that public services are available and can be extended to accommodate the proposed development although services would be maximized by development of infill or underdeveloped parcels already in the City instead of on the fringe as is the subject property (See Exhibit B of the Staff Report for more details from public service providers.)

3. The plat is in conformance with scheduled public improvements in accord with the City’s capital improvement program;

Because City water and sewer and any other utilities will be provided by the development at their own cost, Commission finds that the subdivision will not require the expenditure of capital improvement funds.

4. There is public financial capability of supporting services for the proposed development;

Commission finds there is public financial capability of supporting services for the proposed development based upon comments from the public service providers (i.e., Police, Fire, ACHD, etc).

5. The development will not be detrimental to the public health, safety or general welfare; and,

Commission is not aware of any health, safety, or environmental problems associated with the platting of this property. Public testimony has been submitted from adjacent residents to the south on 1-acre lots stating there is not an adequate transition in lot sizes or zoning to their properties/subdivision. ACHD considers road safety issues in their analysis.

6. The development preserves significant natural, scenic or historic features.

Commission finds the proposed development preserves the natural topography/hillside along the eastern boundary of the site. Staff is unaware of any other significant natural, scenic or historic features that exist on this site that require preserving.

C. Private Streets (UDC 11-3F-5):

In order to approve the application, the Director shall find the following:

A. The design of the private street meets the requirements of this article;

The private streets meet the design requirements of not connecting to an arterial street, allowing sufficient maneuvering for emergency vehicles, and meeting the minimum width of 27 feet. However, the proposal exceeds the limitation of no more than 50 units being served by a gated development, and three common driveways are proposed whereas UDE 1103F-4-5 states common driveways cannot be allowed on private streets.

B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity

The Director has safety concerns in regard to whether there could be pedestrian safety issues with residents using private streets with no sidewalks and believes, at the minimum, there should be sidewalks on at least one side, or pathways that connect to all residential lots in the gated area. The Fire Department has commented they do not prefer 112 gated lots.

C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

Proposing private streets with no sidewalks does not Comprehensve Plan policies such as requiring new residential neighborhoods to provide complete streets, developing a connected, comfortable, and comprehensive network of multi-purpose pathways, ensuring safe routes and access, encouraging safe, physical activity for pedestrians and bicyclists, and fostering a walkable and bikeable community and providing necessary infrastructure.

D. The proposed residential development (if applicable) is a mew or gated development.

The proposed development is a gated development, but exceeds the provisions of UDC 11-3F-4.b which limits gated developments to no more than 50 dwelling units.

be sure to mute those extra devices so we do not experience feedback and we can hear you clearly. When you are finished, if the Commission does not have questions for you, you will return to your seat in chambers or be muted on Zoom and no longer have the ability to speak and, please, remember we will not call on you a second time. After all testimony has been heard the applicant will be given another ten minutes to come back and respond. When the applicant has finished responding to questions and concerns, we will close the public hearing and Commissioners will have the opportunity to discuss and, hopefully, be able to make a final decision or recommendation to Council -- to City Council as needed.

ACTION ITEMS

4. Public Hearing for Jaker's Drive-Through Addition (H-2021-0012) by BRS Architects, Located at 3268 E. Pine Ave.

- A. Request: Conditional Use Permit for a drive-through in the C-G zoning district at an existing restaurant.

Seal: At this time I would like to -- I would like to open the public. Oh, sorry. I would like to continue -- or I don't know how to -- would like to open Jaker's Drive Through Addition, H-2021-0012, for continuous and I will take a motion on that.

Holland: Mr. Chair, do we have a date to move that to?

Seal: I believe it was April -- April 15th.

Holland: Mr. Chair, I move we continue Jaker's Drive Through Addition, H-2021-0012, to the hearing date of April 15th to allow the applicant some additional time to meet requirements.

Grove: Second.

Seal: Okay. It's been moved and seconded for the continuance. All in favor, please, say aye. Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

5. Public Hearing Continued from March 18, 2021 for Skybreak Neighborhood (H-2020-0127) by Laren Bailey of Conger Group, Located at 3487 E. Adler Hoff Ln. and 7020 S. Eagle Rd.

- A. Request: Annexation of 80.46 acres of land with an R-8 and R-15 zoning districts.
- B. Request: A Preliminary Plat consisting of 329 building lots, 40 common lots and 14 other lots (i.e. 12 common driveway lots, 1

private street lot and 1 lot for the existing home) on 79.69 acres of land in the R-8 and R-15 zoning districts.

Seal: Okay. Now we will go on to Skybreak Neighborhood, H-2020-0127, continued from March 18th, 2021, and we will begin with the staff report.

Tiefenbach: Good evening, Commissioners. If you can see my presentation and hear me loud and clear, can you give me a thumbs up? Great. You never really know on this end. Okay. So, this is an annexation of 80.5 acres of land with an R-8 and R-15 zoning district. It's a preliminary plat consisting of 328 buildable lots, with 40 common lots and 14 other lots and one of these lots in an existing house that will remain. It's a request for private streets in the gated portion of the development serving 112 residential units with two gates and, then, two more escape gates, so four total. As a request for alternative compliance, which prohibited common driveways off private streets, to allow such in three different locations within the gated area, which -- and also there was a limit on the number of lots that could be served by gated, which the UDC says only 50 and, again, this would be 112. So, here is the zoning, the future land use map, and the aerial. The site consists of, as I said, 80 acres of land. It's zoned RUT in the county right now. It's located at 7020 South Eagle Road and 3487 East Alder Hoff, which is east of South Eagle Road south of East Lake Hazel Road. So, it's mostly within unincorporated Ada county, except that there is a subdivision to west called The Keep, which is being developed to the west and, then, right to the north you probably remember Pura Vida is being developed. The Boise Ranch Golf Course is to the east, but the majority of this, as you can see, is within unincorporated Ada county, although these maps are somewhat dated, because, again, there is one to the north now, northeast corner that you can't see, what's Pura Vida, which has now been annexed. So, a little history on this project. The applicant submitted a previous proposal in June of 2020. This proposal consisted of 353 building lots, all single family detached. It was scheduled for the October 15th Planning Commission meeting. Staff mentioned to the applicant at the pre-app that there was issues and, then, when this went in -- when the staff report was released for the October 15th Planning Commission staff recommended denial. Based on that the applicant withdrew the application. Then they resubmitted this one in January of 2021. So, a few months -- few months later. This proposal is virtually the same with the exception that there is 24 or less lots. There is some slightly enlarged open space in several areas and there is 30 single family attached units at the northwest corner of the project. As I mentioned, staff does -- staff has had two pre-apps, multiple discussions, and in the staff report that we didn't support this project as proposed. The Comprehensive Plan recommends six acres to the south and west for a low density residential. The remaining 74 acres is recommended as medium density residential. At the time of the first -- at the time of the staff report when it first went out only one comment had been received. Since that time we have 11 more letters that have been received. The issues expressed are transition -- or a lack of transition in density. The R-15 zoning being inappropriate. Lack of sidewalks and -- and the -- the reasoning from the citizens of lack of sidewalks to be able to fit more houses. Inadequate green space. This being fringe development there were some concerns listed about school capacity, road design, and proposed usage of Vantage Point Road, which I will get into shortly. So, here is the proposed zoning for this project. The applicant proposes

R-8 on the western portion of the site. So, over here this will be residential eight. On the eastern part, which will be over here, this is proposed as R-15. R-8 requires 4,000 square foot lots in a 40 foot lot frontage. R-15 allows 20 -- or 2,000 square foot lots and it does not have a lot frontage requirement. This is important, because the applicant has requested R-15 zoning, so that they can do private streets that would not be allowed under R-8 or R-4 zoning. All of the development is proposed -- all of these lots would meet the minimum requirements of R-8 -- it's unnecessary, again, except for the reason of wanting the private streets. As proposed this zoning would zone the denser portions of the property to the less dense zoning -- so, this is the denser area, detached. These would be zoned to the less -- less dense -- or sorry. This would be zoned -- the denser area would be zoned to a lesser zone district -- less dense zone district and the lesser dense portion of the site over here would be zoned to the higher density zoned district. Staff has also mentioned to the applicant that we have a -- we have some issues with the transmission of lots. To the southwest the development proposed lot sizes of 6,000 to eight -- or sorry -- 6,000 and 6,500 square feet. That's in here. The applicant has noted in a response letter that future development in the unincorporated land directly adjacent -- that would be down here and vacant now -- would likely develop into density of 8,000 to 9,000 square foot lots and a density of three units per acre. However, the future land use map actually recommends this area for less than three dwelling units per acre. So, staff is not convinced that that would be the case. At the middle south, which is here, here, and around in here, the development does include prior roads and it includes common open space as a buffer between the 80 feet and 120 feet, between the smaller lots of the subject property, which are here and the larger lots, which is in Vantage Point Subdivision here. These are one acre lots. At the southeast, like I said, the larger lots are proposed at approximately half acre. So, here these lots are bigger. Again they are about a half acre. However, if you notice the way that they are turned, they are turned long wise, so even though these are half acre lots, this particular house is going to be looking at three houses. So, that the density we believe does not transition very well. I mentioned that in the staff report. I incorrectly mentioned that this whole area was phase nine, when it's actually three different areas. Phase nine, phase four, and phase seven. Staff does appreciate that the applicant proposes to limit many of the houses in this subdivision for one -- to one story, including many of them that are in here. At the time that the staff report went out the applicant had submitted drawings proposing additional screening and buffering in this area. The Planning Commission is to determine whether the applicant has provided an appropriate transition in lots to the Vantage Point Subdivision. Everybody hear me and see me okay? Okay. The fire department has noted that this development can be serviced by the fire district, but has noted that there are concerns with this. Here is some of the concerns. The major one is that there is a large subdivision, 329 lots, that's only going to have one access. Now, it has multiple points -- or it has two points of access to Eagle Road, one to here and there could be an emergency access here, but what's important to mention is that only Eagle Road is the only point of access. If Eagle Road was blocked for any reason, then, the fire would have to go all the way around. This would really slow down the time. Fire has mentioned that they prefer a connection to Lake Hazel to the north. They had mentioned that they think the preservation of the southern rim would prevent such an access. Planning isn't convinced. We know that maybe there could be some discussions about the properties

to the north to get a northern access in here, but we do have concerns with only one road in, one road out. The west end, which is in here, does fall within the five minute response time, but the majority of the subdivision is outside of that five minute response time as you heard this evening. The nearest station right now has a low reliability rating. This would improve if and when the new southern station were built, which, in fact, you are going to hear that case next tonight. Fire has also noted that the gates would cause delays. Staff would prefer, as I said, that the applicant work with one or some of the property owners to the north to achieve access to Lake Hazel to give a second point of access out of the subdivision. The applicant has noted in their March 17th response letter that Pura Vida, Pinnacle and Lavender Heights Subdivisions -- Subdivisions are all at the same distance or further and have the same reliability as Skybreak and they were approved. However, staff notes that these other subdivisions have access from multiple streets, not just one street, and although Pura Vida has only one access from East Lake Hazel, it has a development agreement that limits the number of lots that can be built until there is a bridge built to the east. So, it's really not apples to apples. Pura Vida is also less than half the size of this development. The applicant has submitted a fire phasing plan, which includes 59 lots in phase one, only phase nine -- only phase nine proposes access from anywhere other than Eagle Road -- or, sorry, phase eight, would be the one up here. Phase nine here only has emergency access and I'm going to talk a little bit about that shortly. So, here is access. As already -- as already mentioned, all lots, except for 15 in phase eight, which would be the phase that is over here. All of these lots utilize Eagle Road as the only point of access. Phase eight cannot be built until Pura Vida builds out. So, unless this happens this phase here isn't going to happen. Phase nine does not have any improvement access. There is an emergency access only easement that's allowed here, which makes appropriate access for this particular phase, but this -- all 23 lots here cannot be served at present unless the applicant gets legal access to do that. Staff has concerns with supporting a project where we do not know if we have legal access and the developer at this point does not seem to have control over that. This applicant -- this application proposes 112 lots to be served by a private road and two gates. I have outlined in the red outline here -- this is the area that would be served by the private roads. The private roads proposed as narrow as 27 feet and you have no sidewalk or landscaping. The applicant's comment in their letter that 27 feet is a minimum width for ACHD, but it does not meet the ACHD template, because there is no sidewalks here. These roads -- because these roads aren't built to the minimum ACHD standards, they pass the maintenance costs onto the homeowners in perpetuity or the homeowners association, as -- because they don't meet ACHD standards, if there were financial constraints or anything else in the future, ACHD would not accept these roads. Staff does not understand how narrow roads and sidewalks is innovative or preferable to streets without sidewalks. Staff has asked the applicant to explain why this is preferable, other than the ability to increase lots or reduce building costs and the only explanation we have gotten is that it provides an intimate setting and that there is a demographic that prefers a gated community. Staff has concerns with supporting this feature without sufficient justification and what precedent you have set for future requests to build roads that don't meet minimum templates. The applicant has requested alternative compliance to allow 112 lots to be served by two gates and two emergency gates, three common driveways off of a common lot. The planning director -- there is the -- the planning director has

denied this request for alternative compliance, believing that none of the conditions for alternative compliance was met. One thing I do want to mention -- in their most recent response letter the applicant noted that the reason why the private streets are built as such is they are intentionally designed without sidewalks to prioritize using streets for walking, biking, and communing with neighbors and the cars are supposed to be a secondary use. However, staff is skeptical, because given the location of this subdivision we have on the periphery of the -- of the city, every resident is going to have to drive through this subdivision to get in and out. So, maybe -- they may be able to walk around within the subdivision, but they are still going to get in their cars and drive anywhere. Parks, amenities, and open space. The applicant states that 14.99 acres or 18.8 percent of open space is provided and these parks and amenities include a three-quarter acre tot lot with play structure, climbing rock -- climbing rock and outdoor seating, which you can see here. A one acre open sports park, which you can see here. Pathways along the Farr Lateral, which you see here. And there is also a pathway coming along this slope here. There is a golf cart pathway here. So, this would provide golf cart access into the Boise Ranch Golf Course. There are several dog parks. There was one shown here. There is one shown there. And there is an entry park, which you can see here. Staff does believe that some of these amenities would be valuable amenities, such as the sports park and the tot lot. However, aside from much of what -- aside from that, much of what they are crediting as open space -- and I will show you here. Much of what they are crediting as qualified open space is buffers along roads, endcaps, open space that could not have been used anyway, like the slopes or the area within the Farr Lateral, and not all of it is landscaped per the UDC requirements. You have to have a one tree -- if there is a pathway you have to have one tree per hundred linear feet. In addition to that for common open space you have to have one tree per 8,000 square feet. We don't see that within the area of the Farr Lateral or around the slope area. It's important to note that although the applicant has submitted a chart showing which open space meets the minimum dimensional requirements of the UDC -- so it meets our minimum requirements. For example, 50 by 100 feet and/or an open area on both ends -- the applicant is requesting that the city annex this property. There are no present entitlements. So, the Planning Commission and the City Council get to decide if this project is a quality of such that it is in the best interest of the city to annex. Staff thinks a development of this size, 80 acres, should have more quality usable open space and more of it compiled together and oriented in more convenient locations. The applicant has submitted a pedestrian circulation plan with this proposal. All the private streets that are shown without sidewalks are being reflected as pedestrian connections. The Planning Commission should decide if those really are pedestrian connections and whether this is appropriate open space and amenities. Here is the proposed pedestrian plan. Again, you will see that all -- that the roads that do not have sidewalks or pathways here -- many of them there are shown as a pedestrian connection. Here is just a picture of the elevations and overall we believe that the elevations are quality and we support what they are doing with that. You can see the single family residential, as well as a duplex style elevation. Staff recommends denial of this project. Staff does not believe this project substantially complies with the Comprehensive Plan and is in the best interest of the city. This is why. There is only one access road for all but 15 lots and the applicant has not demonstrated legal access for 23 of the lots in phase nine. We believe that there is an inadequate transition of lots to the

lots in the Vantage Point Subdivision. We are struggling with the higher density zoning for the lower density area and the lower density zoning for the higher density zoning area. We really think it's just for the purpose of allowing the private roads. We don't support it, because we believe it's located on the fringe. There is only a few places where it's adjacent to the city limits. We don't believe it's an in-fill development. We don't support it because of the narrow private streets with no sidewalks. It does not meet the Comprehensive Plan for a walkable community. Although fire says they can serve it, they have expressed concerns with this development. There is some quality open space, but much of the open space being credited as not usable, even if it meets the minimum dimensional requirements. The applicant has noted school capacity will not be an issue, because it's age targeted. But unless it's deed restricted there is no way we can enforce whether or not it's going to be above 50. So, it may be sold -- it may be marketed as over 50, but, again, we can't enforce that unless there is some sort of deed restriction. With that I will stand for your questions or comments if the Planning Commission has any.

Seal: Thank you, Alan. And tonight I think we are going to do things just a little bit differently where we are going to go ahead and let the applicant come up and speak and, then, we will ask our questions of staff and the applicant and, then, we will go forward with the public portion of it. So, at this point would the applicant like to come forward?

Weatherly: Mr. Chair, I just need some clarification. Deb Nelson, if you are on the line can you, please, raise your hand. I see two accounts that could be you, but I'm just not quite sure which one you are. Thank you. One moment. Sorry, Deb, I lost you. Raise your hand again, please. Thank you. One moment.

Seal: Okay. If you would -- if you would like to state your name and address for the record and you will have your 15 minutes.

Nelson: Before I get started may I have access to share my screen, please?

Weatherly: There you go, Deb. You should be able to share now.

Nelson: Thank you. Well, good evening, Commissioners. Can you see my screen?

Seal: Not yet.

Nelson: Okay. Let me try again. Okay.

Seal: There we go.

Nelson: It's working now. Good evening, Commissioners. My name is Deborah Nelson. My address is 601 West Bannock Street. I'm here on behalf of the applicant and also members of the development team are here with me as well and available to answer any questions. I'm going to start with a brief fly through of the development. Thank you. And with that I'm going to begin a PowerPoint here as well. Skybreak is a premier golf community targeted to empty nesters. We are super excited to bring this project to you

this evening. We are disappointed that we have not been able to come to terms with staff. As you can tell from staff's presentation that after a year of working with staff we don't see eye to eye on how to best use this unique property that has its own challenges and opportunities for this great development and so we will try to address all of the concerns that have come up. We did provide a detailed written response to the staff to address each and every one of these concerns, because there just isn't enough time during a hearing to try to cover all of them. So, I hope you have had an opportunity to review that and certainly we would be available to answer any questions you have about those, but -- but in some -- we meet the city code requirements that are appropriate for this site. We certainly fulfill the goals of your Comprehensive Plan and we are ready to bring forth this great development and -- and describe it for you this evening. It provides a unique living opportunity for Meridian residents that are looking for an exclusive community with exceptional rim view lots and designed for that active adult living. It's integrated into the adjacent Boise Ranch Golf Course with a cart path for easy access. Over a mile of pathways wind through the neighborhood. Generously landscaped boulevards and endcaps welcome residents home and create a sense of place. Homes with premiere architectural finishes, inside and out, match the quality of this exceptional property. The property is designated as medium density residential in Meridian's recently adopted comp plan, which requires three to eight homes per acre and Skybreak's proposed density is squarely within that 4.1. Skybreak provides the necessary transition and density between the medium high residential designation to the north, which requires eight to 12 homes per acre, and the low density designation to the south with three homes or less per acre. Additional roof tops in this quickly developing area of Meridian helps support the future commercial and retail uses along Eagle Road, Lake Hazel and Meridian Road, including the recently approved Pinnacle project, which has neighborhood commercial at Lake Hazel and Locust Grove. The 77 acre Discovery Park and the new South Meridian Fire Station site are just a half mile to our west. Pura Vida was just approved to our northeast. So, we are close to shopping, healthcare services, employment opportunities and regional transportation arteries. The Skybreak site plan embraces the property's challenges and opportunities. The southern rim with a 50 to 60 foot drop along our east end provides exceptional view lots, along with an opportunity to protect that natural hillside with open space and a pathway. The lack of road access along our northeast and east and southeast due to these existing developments makes this site ideal for a gated community, because it doesn't block any road's connectivity. The golf course on our east side, of course, provides its own great opportunity to connect with pedestrian pathways and a cart path. A large existing home will remain, so we will surround it with other large custom homes. Attached housing in our northwest transitions to high density development planned to our north. Larger custom home sites, along with open space and landscape buffers, transition to existing low density homes to our southeast. Smaller lots and homes on the west along east Eagle Road transition to larger lots and homes in the east along the rim. All of these will meet the R-8 dimensional standards in your code. A portion of the Skybreak community is gated and utilizes private streets to create a more intimate neighborhood setting within the larger Skybreak community. The development team has done extensive marketing and polling of past and future homeowners and has found that a demographic of senior homebuyers prefers the security that a gated community provides. The gates do not create any pedestrian

barrier. The sidewalks and pathways are not needed. The gates slow cars and the narrower private streets are intentionally designed without sidewalks in many locations to provide a pedestrian lifestyle where residents walk and convene in the streets and engage with each other. The development team has done other communities with the same private street design and customers pay a premium to be in these gated communities. Everyone views the street as walking paths that cars are allowed to drive on. We have a video to illustrate this that we will show at the end if we have time. The Skybreak property is ideally suited for a gated community because of several factors. The steep natural hillside of the southern rim. The lack of road connectivity on our eastern end above the rim due to the golf course to our east, the Vantage Point Subdivision on the southeast, and Pura Vida recently approved on our northeast, which does not include any road below the rim and down to connect to Lake Hazel. Where we can connect to surrounding properties we do. Below the rim in the northeast corner. Three additional places on the north. Our western entrance and two places on the south. Skybreak includes premier open space and amenities. The developer has researched and interviewed past homeowners and used the city code to plan the most productive amenities for this new neighborhood. Skybridge's planned open space amenities far exceed city code requirements, providing 15 acres and 18.8 percent qualified open space and providing 14 amenities where only four are required. Skybreak's open spaces and amenities include -- in our three-quarter acre park we have a play structure, seating benches, shade structure and climbing rocks. We have two dog parks, because they are in such high demand by residents, each with open vision fencing, dual boot system, and seating benches. Our one acre open sports area with pathways, seating areas, and landscaping includes a large grassy central space to accommodate sports activities. Our natural hillside area is 2.82 acres, including native grasses and a natural hillside path with open views that everybody will enjoy. Here you can also see the golf cart access to the Boise Ranch Golf Course and one of the two ten foot regional pathway segments this development will provide. Our entry park makes an attractive statement upon arrival and also caps the tree line collector where residents walk, with seating areas and specialty tree plantings and landscaping along the central collector and endcaps adds aesthetic beauty and passive open space areas throughout the development. This slide in particular illustrates the value of that endcap landscaping to create a beautiful neighborhood, add privacy, and enhance walkways. Skybreak has over a mile of constructed sidewalks and pathways, including a half mile of multi-use regional pathways and a unique natural hillside path similar to neighborhoods in the Boise foothills, plus a loop around the entire development and none of those include the walking paths that we consider paths within our private street network. That is over and above that description. In addition, Skybreak is a half mile walk to the city's 77 acre regional Discovery Park. Skybreak provides great transition to surrounding developments. This overview slide I think really shows the efforts that have been made to create that smooth transition to the high density development to our northeast and the low density development to our southeast. Consistent with the Comprehensive Plan we transition through buffering, screening, and transitional densities and our northeast Skybreak transitions to the higher density Pura Vida development with smaller lots, continuous open space along the rim, and street connectivity above and below the rim. And our southeast has a great transition to Vantage Point with buffering, screening, and transitional density. Here you can see

that southeast area in more detail. On the west end we provide separation with a 50 foot wide landscape buffer around a local street, a one acre park, plus berming, landscape screening and concrete walls to ensure no headlights disturb the neighbors. We originally had planned to continue this open space buffer with a pathway along the southeast border as well, but the neighbor said they preferred backyards to a pathway, we adjusted our plan and moved the pathway to the north of those lots. Instead where we directly abut the county lots in the southeast we have provided larger half acre lots with increased setbacks. This cross-section shows the transition areas of the road, plus the 60 feet of landscaping and also the cross-section of the park that provides over 108 feet of separation to the property line. Those areas have berming and heavy landscaping screening. Along the road where there -- where there are two T intersections in response to neighbor concerns with headlights, the developer has added six foot concrete walls on berms with heavy landscaping to block all light. This slide illustrates the wall placement, along with the heavy landscaping and the significant open space buffering that is provided here. You can really see the difference. In the limited area where we directly abut existing homes in the southeast corner, we provide half acre lots, doubled the rear setback to 30 feet, and tripled the side setback of the corner lot to 15 feet. The orientation of these lots is ideal for creating a bigger open space, larger setback between the house and our neighbors. We also agreed on that corner lot to pull back the building footprint from the rear 45 feet on the north side and angling down to 110 feet on the south side as an accommodation to the adjacent land owner. In addition to all of these accommodations on our property to create transition, when considering compatibility to surrounding uses it's appropriate for the Commission to look at the facts of those uses. Here the adjoining homes are setback 50 to 75 feet from the property line. So, for all of these reasons Skybreak provides more than sufficient transition to surrounding developments. Water, sewer and all other infrastructure is adjacent to and ready to serve this site. The developer has had several meetings with Joe Bongiorno in the fire department over the last year. Joe's March 3rd comment letter, his final letter in the record, clearly states this project can be serviced by the Meridian Fire Department. Joe requests opticom devices on gates and a wildland safety plan for the natural hillside and the applicant agrees. The site entrance is within the emergency response time goals for the fire department and other first responders and, most importantly, it is within a half mile of the planned fire station near Discovery Park. Skybreak is anticipated to have a low impact to schools based on the empty nester target demographic, but, regardless, the school serving Skybreak has capacity. Hillsdale Elementary and Lake Hazel Middle School are within planned capacities and Meridian -- or, excuse me, Mountain View High School just -- was just expanded and is within the capacity range the city determined was acceptable in considering the Pura Vida development in the same area just two months ago. ACHD has reviewed and approved the proposed development with conditions of approval that are all acceptable to the developer. The already underway improvement and widening of Eagle Road and Lake Hazel road provide ample capacity for -- for the trips that are generated by this development. ACHD has conditioned phase nine in the southwest on having access to a public road. So, staff's concerns will be addressed by that condition already. The Skybreak neighborhood includes 328 attached and detached single family homes in varying sizes and price points, ranging from the low four hundreds to over a million dollars. Most of the homes are single story to appeal to empty nesters. Homes

are all near your walking paths and open spaces and have walking and golf cart access to the Boise Ranch Golf Course. Large rim view lots accommodate custom homes and provide the executive housing that we have heard city leaders requesting during the Comprehensive Plan hearing. We are really excited to bring this premier golf community to Meridian and if we have time, as the chairman allows, we would show a short video about a successful gated community that has been developed in Boise by the same developer with the same street design that's proposed here.

Seal: Unfortunately, the 15 minutes is up.

Nelson: Okay. That's fine. It's in the record if anybody has the opportunity to review it. Thank you for your -- for your attention and be happy to stand for any questions.

Seal: Okay. At this time are there any questions from the Commissioners to the applicant or staff?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I thought with the development that had happened to the northeast of this project that there was conversations about having road connectivity when this was to come before us. Was that -- was I misunderstanding that or did that get planned out?

Nelson: Chairman. I would be happy to address that question if it was to me.

Seal: Go ahead.

Nelson: Commissioner, Mr. Grove, the Pura Vida development to the north didn't -- was not approved by the city requiring any access down the rim. I think that they looked at the natural hillside and saw that it wasn't suitable for placing a road there. The top portion of Pura Vida does -- above the rim does connect to Skybreak, but there is no connection between the top portion of Pura Vida down to the lower portion of Pura Vida creating that Lake Hazel connection and the city approved in that way.

Seal: I was going to say for clarity I was actually going to ask on the same question for the Pura Vida, because I remember that coming in and one of our main concerns was the fact that it had very limited connectivity to everything that was above the bluff. So, that was a huge concern for -- you know, as far as connectivity and response time from the Fire Department and kind of hinged on what was going to be connected as far as their ability to build that out.

Yearsley: Mr. Chair?

Seal: Go ahead.

Yearsley: So, I have been on the homeowners association board of a premier subdivision for the last 13 years and seeing the problems that have come through with developers leaving the association with the design of the development. How do you address the gated community with no sidewalks and no parking and very -- you have got the rim lots, but you have got a lot of high density areas for parking on both sides of the street, getting access through the streets and, then, actually providing walkability. I -- I struggle to see how that's going to work.

Nelson: Chairman, Commissioner, it actually is just medium density, it's not high density in there, and the -- the layout and design is very intentional based on prior developments that the developer has done successfully and demand from residents that want to live in exactly that type of development and the streets are purposefully narrow. They are still wider than the city requirements for a private street and they match the size for a public street for ACHD, but they are purposely designed at that size to slow cars down. So, it is designed to be more of a pedestrian area behind the gate than it is designed to be a vehicular speedway and -- and so that that design is intentional desired by our homeowners and successful in other locations.

Holland: Mr. Chair?

Seal: Go ahead, Commissioner Holland.

Holland: Hi, Deb. We -- we have seen a few of these gated communities that have -- the gates come down more for ornamental reasons than actually functional reasons. Are these going to be ornamental or are they actually going to be functional gates that close where they there is a keypad that they have to enter to come into the subdivision?

Nelson: Chairman, Commissioner Holland, it -- it will be functional. They will be functional gates and that's why they will have the opticom devices as requested by Fire, so that they can have quick fire access. But it is exactly that functional security that the homeowners are looking for in this type of community.

Holland: One more follow-up question. So, I know staff had some concerns about the way open space was configured, because a lot of it's on a lateral and some of it's in areas that are not usable for open space. It certainly looks like there is -- there is a good amenity package and a number of different types of amenities, but do you have any comments to try and -- were there conversations with staff where there was any go between that would have made them a little bit happier? Would you be willing to still consider doing a larger open space, a more central open space amenity moving forward with the project?

Nelson: Chairman, Commissioner Holland, there -- there was a lot of discussion with staff over a long period of time about -- about the open space. There were some adjustments that were made with the new application with that larger park on the south, but the -- the open space is very intentionally designed and it's -- it's spread throughout -- it's a very large property and so it's spread intentionally throughout the property to serve a large number of residents without having one central large location that everybody has to walk

a long distance to. We have got connections from -- to each of these smaller areas through our landscape pathways and so it creates a network. We don't need that central large part here either, because we are right next to the 77 acre Discovery Park of the city and I know that the city always looks to where your regional parks are when you are deciding how large an amenity open space package needs to be. Here we far exceed what the code requires. We are just presenting something that we think our homeowners want and desire that works well for this site and the type of demographic that we are catering to that isn't what staff prefers.

Holland: Thank you.

Yearsley: Mr. Chair, follow up on this question.

Seal: Go ahead, Commissioner Yearsley.

Yearsley: The emergency access for the -- that you showed us to the south of your property, that's a private lane. Do you have an agreement with the owner to access that private lane?

Nelson: Chairman, Commissioner Yearsley, yes, we do. And it's been recorded.

Seal: Okay. Do we have any other questions from our Commissioners? All right. Hearing none, we will go ahead and take public testimony.

Weatherly: Mr. Chair --

Seal: Yes.

Weatherly: -- we had several people sign in, none of which indicated a wish to testify.

Seal: Okay. If anybody else would like to testify, go ahead and raise your hand within Zoom or if you are in chambers please raise your hand. Gentleman in chambers, go ahead and come up and state your name and address for the record.

Rankin: Hello. Thank you for having me. My name is Stephen Rankin and I live at 3062 North Firelight Place. This is not my neighborhood, but I would just like to say as a resident of a community that does have a lot of empty nesters, as he said, I would say the importance of the sidewalk is absolutely vital. You're going to have elderly people living in a neighborhood with other people who drive in that neighborhood, you are going to need sidewalks. I walk my dogs every day. I'm sure a lot of empty nesters have dogs every day and I think, again, the importance of sidewalks should not be overlooked. That's all I got to say.

Seal: Okay. Thank you very much. Do we have anybody else in the audience who would like to come up and testifying? Anybody else on Zoom? I was going to say, it looks like Chief Bongiorno -- oh, we got one person raising their hand right now.

Bongiorno: It can wait.

Seal: Go ahead, Chief Bongiorno, you can go ahead and talk now and we will bring the other person in if you would like.

Bongiorno: Okay. Mr. Chairman and Commissioners, I just wanted to address the comments that Alan had earlier on the project. So, yes, excuse me, I can -- the Fire Department can service the project. The Fire Department can service any project that is built within the city boundaries. The concern that I have is what -- what's it going to look like and so as it stands with this particular project, Station 4 is down the road. The chief, as he alluded to earlier, our response times are extended and we are -- we are kind of stretched at the moment. So, with that, if Station 4, with the low reliability rating that they have, if they are not available, the next fire station that's closest is going to be Engine 14, which I checked the reliability rating as of last week and their rating actually has come up a little bit. They are sitting at about 81 percent, whereas before they were at 78 percent where Station 4 was. So, with the two stations with lower reliability ratings, my concern was that fire station is ten minutes away, you know, just using Google Maps, that's not using -- you know, going ten over or whatever Boise fire department allows for their fire engines and, then, after that the next closest station would be Boise Station 17, which is 11 minutes away and, then, I believe you come back to Meridian for the next closest, which would be 12 minutes away. So, again, I believe Chief Blume likes to use the term time is tissue. So, if it's not a structure fire and let's say grandma is having a heart attack, that time that it takes for us to get there or for the Ada County Paramedics to get there, that tissue is dying and so that's what we are looking at is if Station 4 is out of their quarters, it's going to be a very long response time out to this project and, then, as Alan alluded to, if you use the GIS map that our GIS people have built for us, the front third falls within that five minutes, but once we get back into the subdivision and we get deeper into these streets, it's going to take more time. So, for us this project would look a lot better once station -- the south station, if it gets approved by Council, it would look a lot better. So, that's kind of what the cause -- the concerns were with the Fire Department. You can build any -- you can approve -- approve any project anywhere, we will be there. It's kind of like the Field of Dreams, build it and we will come. Build it and we will be there. It's just a matter of what's it going to look like and -- and that's where this project falls. So, for us that's kind of our biggest concern or my biggest concern with the project and, again, if the station -- if the south station right around the corner was built, man, it's a no brainer then, because the fire station is right there and it's -- it would look a lot better.

Seal: Okay. Thank you. Appreciate the comments and thanks for --

Bongiorno: Thanks for your time tonight.

Seal: Uh-huh.

Weatherly: Mr. Chair, I see one person raising their hand. Kathy White, I see you. One moment.

Seal: Okay. Kathy, if you want to unmute yourself. Do you have anything -- anything else going? Please unmute.

White: My -- my name is Kathy White. I live at 3804 East Vantage Point Lane. The three concerns I will mention are the following: Sidewalks are lacking. Sidewalks offer -- offer safety for pedestrians. Our subdivision, it was built 20 years ago, it does not have sidewalks. Twenty years ago our subdivision was rural. Also it only has 16 homes, which sub -- substantially decreases the safety issue. Skybreak has 20 times the homes of our subdivision. How safe will it be for all those individuals in that subdivision without sidewalks? And to me it seems the lack of sidewalks only benefits the developer's bottom line. My second concern is Skybreak markets this no sidewalk subdivision as ideal for senior citizens. I do not see a senior citizen center, a swimming pool, or any real amenities. Flashy videos in my opinion and marketing a subdivision as unique and special does not make that a reality. My third concern that I will mention is the lack of a fair transition from our subdivision to the proposed subdivision. Our subdivision consists of larger lots. Our home sits on an acre and a quarter and it is feasible and reasonable that the developer, especially with such a large development, could work with five adjacent homeowners by putting one single story home behind each of us. That is also respectful to these five homeowners who have view lots. As the lady just mentioned for Skybreak in her presentation that view lots are important. So, please, respect our view lots in regards to transitions and the city planning staff has rejected this plan twice and we are also asking you to deny it as well. We would like to work with the developers to improve the transition between our rural -- you know, our acreage subdivision and hope the Commissioners will require a division of -- or subdivision of substance and less verbiage. Thank you for your time.

Seal: Thank you. Okay. Is there anybody else online that would like to testify? If so, please, hit the raise your hand button within Zoom. We are not seeing anybody pop up there and nobody else in chambers. Okay. Would the applicant like to come back?

Nelson: Thank you, Mr. Chairman, Members of the Commission. Well, we can keep these points brief, then, and stand for anymore questions you have. Just a few things I want to highlight just in case it's not clear. We do meet the definition of private streets in your code and meet the width requirements in your code. In fact, we exceed them. The streets need to be 24 feet wide in your code and we are 27 feet wide and your code does not require private streets to have sidewalks. So, we are not asking for any change to your code in that regard. We -- we believe that this is a level of preference. Not every homeowner will choose this. In fact, our homes that are outside of our gates do have sidewalks, are not gated, and so there will be a choice that's available to consumers that they can make a selection based on what they desire. Turning to a few comments about fire. We appreciate Joe's comments that really when that new station is built there is no concern and that new fire station is going to be coming on line about the same time we have homes coming online here. But in the meantime with Station No. 4 and the comments about reliability and accessibility to our site, we are in no worse position -- in fact, a much better position than developments that have been approved by the city in recent months in the same area -- with Pura Vida that is immediately to our northeast that

was approved to use the same Station No. 4, as well as further back the Brighton Pinnacle project and they are over three miles to the -- to Station No. 4. Much further distance. And so the -- the expectation has been as the city has considered all of these developments, that the new station would be coming online to aid and shortening that time frame. As far as accessibility, this slide that's in front of you now I think illustrates very well how if there is a disaster on Eagle Road and somehow a truck has got to go around, well, there is roads that have been developed through The Keep and that is the point of these interim collector road networks that are developed off of the arterial, that there are places fire trucks can go around. If some -- if a truck did have to go a longer distance and we are in no different position than any other development, including Pinnacle to our north were that to happen. So, we appreciate that the Fire Department is always balancing these concerns and safety. We appreciate that they did carefully review our development, meet with us many times about how it could be serviced and we ask for your approval consistent with how the city has approved other developments in our area. And, finally, just, again, to touch on open space, you know, in -- in addition to what is around us, which is so important, not just a regional park that we talked about before, but let's not forget that we are next to a golf course. It is -- it is like having an -- that large amenity within our development, because our development is designed to take advantage of that golf course and so every resident in our neighborhood will have pathway and golf cart access to get down to that golf -- that golf course. We don't need to add a larger central amenity when you have those two off-site larger resources. And -- and, again, this is a matter of preference, like the sidewalk. The developer has carefully considered what their target home buyer desires through extensive interviews and charetting processes they are not interested in providing a community center, because that's not what's in demand for this type of development and that's not what they want to provide here. They have really carefully thought about what that open space is going to look like, how it's going to live, how it's going to provide that aesthetic beauty. The landscaping impacts are critical to how this development feels when you enter it. We don't want to take all those off and put them in a central park. We are -- we are not targeting the type of homeowner that desires that central amenity. And it's certainly in the developer's interest to succeed in this regard and because we meet your city code, we would ask the Commission to follow your city code and give us a recommendation for approval based on that and let the developer have some creativity and discretion in how they meet demand. So, with that I would stand for anymore questions you may have.

Seal: Okay. Thank you. Commissioners, do we have any other further questions?

Yearsley: Mr. Chairman?

Seal: Go ahead, Commissioner Yearsley.

Yearsley: So, with regard to the golf course community, is it just because you have a pathway to the golf course? Is that the only amenity? I'm -- I'm trying to figure out how you tie the golf course to this subdivision besides just the pathway to golf course. I just don't see it. Is there anything else that I have missed from the golf course? Is there any like putting greens, any of that that's associated with the subdivision?

Nelson: Chair and Commissioner, actually, there is quite a bit here and primarily it is access, but to the -- to develop a residential development immediately adjacent to a golf course is the amenity. That's how a lot of residential golfing communities are developed is proximity. It's being able to get into a golf cart in your -- in your driveway and head down to the course. That is what makes that amenity. We also have had to negotiate that pathway to get out onto the golf course. We didn't just happenstance get to add that and so that was worked out with the developer and I think that the -- the putting is something that could happen in that large grassy area where we have got room for sports. I think that's a nice idea.

Seal: Okay. Do we have any other questions from our Commissioners?

Grove: Mr. Chair?

Holland: Mr. Chair?

Seal: Mr. Grove, I heard you first. Go ahead.

Grove: All right. I will ask a couple, but I will just ask one right now, just kind of following up on that last question. So, with the northeast portion of this project where the golf path does go through, does that connect directly to the course or does that go through another subdivision for that connectivity to the golf course?

Nelson: Commissioner Grove, it goes directly.

Seal: Do you have a follow up, Commissioner Grove?

Grove: I will wait. I will let Commissioner Holland go ahead. I got to rethink my -- that was just a follow-up question that I didn't actually plan, so I will get back to the one in my head.

Seal: Okay. Commissioner Holland, go ahead.

Holland: Thanks, Mr. Chair. Deb, so tonight we have a little bit -- always have a tough challenge when staff recommends denial of a project, because it -- it puts us in a specific spot where we can't recommend approval of a project if staff recommended denial, because we don't have conditions of approval to move forward on. So, we get to a point where we either have to work to make some recommendations for -- for the applicant to come back to us with some of those changes and do a continuance where we can look at seeing if there is ways we can find some middle ground on some of the concerns that are raised by staff and see if we can find that middle ground or we have the option of recommending denial, so it just moves forward to Council so they can deliberate. I always hate this recommend denial and have something go forward to Council. Certainly they have the ability to request staff to create conditions of approval, but what is your -- your hope tonight? Are you hoping that the Commission can give you some recommendations and we can continue this to a future date where we can discuss and maybe negotiate

some of these challenges or would you prefer to see us move forward with a recommendation of denial?

Nelson: Commissioner Holland, that's a great question. It's -- it's not a great position for us to be in where we have worked really hard with staff to try to get here, but that's exactly why we did propose -- in our written response proposed conditions of approval. We tried to address each and every detailed concern that was raised and so I just apologize in advance for the ten page letter, but that's what it took to -- to go through each and every item, so that you knew that we had thoughtfully considered each of the items raised by staff and at the end of our letter we propose conditions of approval that we think would be appropriate for your consideration. If -- if the Commission had an opportunity to review those or would like to discuss them, we would be happy to engage with that. Of course, if you are ready to approve us and need time to craft conditions of approval, we would certainly support that. If -- if the -- if the notion, though, is that you think we are still too far apart from staff and -- and you want us to go back and work again I guess we want to communicate to you that we -- we have exhausted that effort and it -- I think it's obvious from the presentations tonight that we just have a different opinion about these same items, so -- I mean Alan describes his -- his point of view on each of the same items we have addressed and so you have gotten to hear that and now at this point if you are inclined to agree with us, we would welcome and appreciate your support as you look to your code and the comp plan to base that decision. But if you are not there, then, I guess we would prefer a denial to an indefinite deferral.

Holland: So, I guess I could follow that question up, Mr. Chair, if I can.

Seal: Yeah. Go ahead, Ms. -- Ms. Holland.

Holland: To see if staff had comments on the proposed conditions that the applicant put forward. I'm assuming that staff would ask for more time to review those if that's the direction the Commission goes and I'm not saying that -- we certainly have a lot of things to deliberate on this evening and we will -- we will talk through all those items, but I'm just curious where staff is at before we decide to keep this open for deliberation with the -- with the hearing open or -- or go to deliberation closing it.

Tiefenbach: Yes, Ma'am, Ms. Commissioner, I -- I'm assuming you want me to speak directly.

Holland: Thanks, Alan.

Seal: Go ahead, Alan.

Tiefenbach: Leaving aside other comments that I had on some of the stuff that's been discussed, purely just talking about the conditions that you speak to, I guess it depends on what your issues are going to be. There is -- there is some pretty significant -- I mean in regards to, for instance, private roads, if they had to widen the roads and they add sidewalks, that could be a significant amount of redesign. There could be some significant

redesign in regard to whether or not the infrastructure fit. So, if we are talking simple, like tweaking some open space, I think that's easy. If we are talking about there is some issues with the road, there is issues with the access, you know, you have to -- they -- they only have emergency access from the south. They don't have full access. We are talking much bigger issues and I don't think we could just craft conditions of approval, it almost might be a withdrawal and resubmittal of a new application.

Seal: Do you have any follow up, Commissioner Holland?

Holland: No follow up for now. I think I will just be interested to hear what the other Commissioners have to say and we can talk through that, whether we do that open or closed on the hearing.

Seal: Okay. Do we have any other questions from our Commissioners?

Lorcher: Mr. Chair?

Seal: Go ahead, Commissioner Lorcher.

Lorcher: For -- this is for staff. I know one of the huge concerns was emergency access and only one access point on Eagle Road because of the proximity of the current fire station. But we are also -- if it's not tonight, it's soon that we are looking at a new fire station. If we postponed a decision tonight until the new fire station was approved or not approved, would that change staff's recommendation for this project?

Tiefenbach: Thank you, Commissioner. I guess the -- the issue is not just one thing. It's a -- it's a number of things. I think that if the fire station was approved and Mr. Bongiorno said it was funded and capped, then, sure, that would eliminate our concerns with fire access. We would still have issues with the parks. We still have issues with the density, with the narrow roads and those sidewalks. So -- so, yes, it would remove one of the seven issues that we have.

Lorcher: Okay. But there is more than one, so --

Tiefenbach: Yeah. Usually if there is -- you know, we will usually do what we can to try to make recommendations with conditions and in this case there was a number of things to the point that we just thought we were either going to be conditioning a whole lot of things or we were just going to have to say we can't support it as it is.

Holland: Thank you.

Bongiorno: Mr. Chairman?

Seal: Was that Commissioner Yearsley?

Bongiorno: Chief Bongiorno.

Seal: Oh, Chief Bongiorno. Go ahead.

Bongiorno: Thank you, sir. Mr. Chairman and Commissioners, I just wanted to reiterate that south station has not been approved yet. We are going through design and you are going to have the zoning in front of you tonight, but the -- it has not been budgeted for to construct it and it has not been budgeted for staffing. So I want to make sure that that's clear, that it has not been approved, it's not -- it is not moving forward. We are only doing design at this point.

Seal: And, Joe, do you have a ballpark timeline on how long that generally takes before you would be able to service from that location?

Bongiorno: I believe if both fire stations move forward, I believe -- trying to remember Chief Butterfield's timeline. I believe the south station would open in July of 2023 and, then, the north station would open like three months after that. And I don't know if Kris is still on the line, if that's correct or not. I don't see him, so -- but it was -- it was roughly July of 2023.

Seal: Okay. Thank you. We appreciate that input.

Bongiorno: Yes.

Grove: Mr. Chair?

Seal: Go ahead, Commissioner Grove.

Grove: Yeah. I have a question for you in regards to how -- how this is laid out a little bit. You have a fairly blank canvas and there are several shared driveways that have been laid out. Is there a purpose behind so many shared driveways on this project?

Nelson: Yes. So, there are -- there are a number of common driveways in the development that creates efficiency and access and -- but everything is designed in accordance with your code for that. Within the gated community we have a request for alternative compliance only because your code requires that for a private street to access a common driveway, but that -- that issue has now been appealed to the -- and that will be decided by the Council.

Seal: Okay. Any other questions by the Commissioners?

Parsons: Mr. Chair? This is Bill.

Seal: Go ahead, Bill.

Parsons: I just wanted to just provide some context on this -- this application and just because, you know, the applicant is correct, we have been -- probably spent over two years discussing development of this site and we are definitely -- I appreciate all the

meetings that we have had with the applicant on this, because I think it's been -- it's worthwhile, it's definitely eye opening to sit down and talk about 40 acres in an area that's rapidly developing and how to get all of these pieces to align. Just from -- from staff's perspective this really comes down to a timing issue. Is this really the right time and that's what the purpose of annexation is. You know, one of the findings is is this in the best interest of the city and you as that body has to make that recommendation. The other piece of it -- it's not as simple as just continuing this and working with staff, coming up with appropriate conditions. In our mind, at least from our perspective, we -- the director or staff has acted on the applicant's alternative compliance request and the private street application and we got denied both and that is the director's decision to do that. Now, the Council -- the Commission doesn't have the ability to overturn the director's decision, but the Council does. So, that's something that the Council will have to take under consideration based on your recommendation tonight. But to me if you were to continue this and have staff work with the applicant, your motion would almost have to say you need to incorporate public streets within the entire development, because that's really where we are at. In order for staff to support an alternative compliance request there is certain findings we have to make and certain criteria that has to be met in order to be eligible for alternative compliance, as Alan alluded in his presentation. He did not -- it was his professional opinion that they did not provide that justification of why this is equal to or better than code, the requirements of complying with code, meaning why should we allow 112 lots when the code says you're allowed up to 50 as an example. So, that's kind of where we are at -- on that portion of this development. So, it does get a little bit dicey in tonight's deliberation, where you guys are trying to find that balance of us all the time collaborating working together, but as the applicant alluded, you know, sometimes we are kind of to the point where we kind of agree to disagree. Staff is of the opinion that there could be consolidated open space. We talked about if we were to support this project that we will put some restrictions in a development agreement that would limit the number of phases that come on throughout -- within a certain time frame. There is a lot of moving parts here to try to get this to align with trying to meet the goals of the Comprehensive Plan and the requirements of the code. If -- we have denied the project -- the application, essentially, they are not meeting the code. That's how it works. We don't feel private streets are appropriate in this development and -- and that has been discussed with the applicant and, again, they wanted to move forward and get some input. Of course, you guys have an option to weigh in on whether you think private streets are appropriate. But, again, you don't have the ability to overturn that. And Alan and I shared with the applicant a list of concerns, we shared with them some ideas and, again, we are to the point where we kind of agree to disagree and that's -- that's really why we are here tonight. It really is if it's at the point -- it's at the public forum and all sides -- views are looked at and you guys deliberate on it. So, I will turn it back over to you, but I just -- I just wanted to at least give you some context that, you know, it really comes down to, again, kind of my closing remarks, just timing. Is this the right time for this development. I think the one thing that has occurred from the previous applications to this one is that we have annexed additional properties in the north -- northeast of this site or to the north of this boundary of this project. So, we have annexed more property than -- we realize the constraint out there. We are trying to address of those. But, again, we are talking about a fairly large development, 323 lots, and that's why we have kind of been cautious and been trying to

work with the applicant to get an appropriate fit for that area. Hopefully I'm not too long winded, but I just wanted to share some of that insight with you. It's not as simple as just continuing it and negotiating out conditions.

Seal: Okay. Thank -- thank you, Bill. Appreciate the perspective on that. Commissioners, do we have anymore questions for the applicant or staff? Okay. Hearing none, need a motion to close the public hearing.

Grove: Mr. Chair?

Seal: Commissioner Grove.

Grove: I move to close the public hearing for Skybreak Neighborhood, H-2020-0127.

Holland: Second.

Seal: Okay. It has been moved and seconded to close the public hearing for hearing item number H-2020-0127, Skybreak Neighborhood. All those in favor say aye. Any opposed? Okay. The motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: All right. Who wants to start us off?

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I don't mean to be -- but anytime you hear a -- an honest something -- it's usually not the case. I have to admit the premier community is in the eye of the beholder and at this point I don't view this a premier community. I think I -- I look at it as a -- trying to pack as many homes on 80 acres as they can, in my opinion. In this area we are on a rim lot. If you look at the homes around this, they are either a half acre all the way around or acres or larger. I would refer to see this as an R-4 at minimum with all private -- with all ACHD streets. We have -- we have private streets within our community and -- and we have to devote significant amount of our HOA dues to maintaining those private roads and they have got a lot of private streets, no sidewalks, to me this does not fit this area and I think I -- I just -- I can't -- you know, with the amount of common driveways they have with the number of homes on this, it just feels like they are just trying to stuff as many homes in this subdivision -- or the subdivision as possible. So, I don't see it as a premier community and I don't think it fits this area and I can't recommend it even going forward.

Seal: Okay. Thank you, Commissioner Yearsley. Anybody else want to jump in?

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I will keep it somewhat short. I have a lot of issues with this as it's presented to us. From the amenities, to the shared drive, to the gated community as -- as it's laid out and I have no doubt that if they were to build this that they could sell those homes.

Seal: Okay.

Grove: I don't know how fast, maybe 20 years from now, and so I have concerns there. But I don't -- I could probably list ten different things that I have concerns with, but I would be in favor of denial on this one.

Seal: Thank you, Commissioner Grove. Commissioner Lorcher or Commissioner Holland?

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Being the new kid on the block here and in my short term with the committee, we haven't denied I think anything that -- during my time, but Chief Bongiorno makes a compelling argument and when the police chief doesn't see that this is the best use at this point in time, I would be hard pressed to say yes.

Seal: Thank you.

Holland: Mr. Chair?

Seal: Commissioner Holland, go ahead.

Holland: I would agree with my fellow Commissioners. While I think there is certainly some nice components to what they tried to do here and I -- I always appreciate the aerials, it's nice to see the marketing, but I really want to focus more on the plat than what the marketing shows. A couple of the bigger concerns I have. The transition to the south, transition to the east, while they provide some lots that gives that transition, they could have provided more that -- that gave a better transition and a -- in a lower density area to that kind of R-4, not the -- and I know that they -- they proposed R-15 just for the reason of trying to get the private streets, but it -- it comes across misleading. It's -- it's almost that they are -- they are trying to just get it in there as tightly as possible. So, I -- I'm not a huge fan of private streets in general. I would much rather see them be public streets. I like sidewalks. I have been in neighborhood that don't have sidewalks and it certainly can work, but typically what ends up happening is you have guest parking along the side of the road and you end up having people not walking along the curb area, they are walking right down the middle of the street and in the nighttime, especially if you have senior citizens and it's a targeted community, I would have concerns about having senior citizens walking down the middle of the road even though I can understand the intent of

what they are suggesting, I just don't think it's -- I don't think it's going to work as well as suggested. I also don't really love age restricted communities, because while there might be a market for it right now, it actually will lower the value of those homes in the future, because they are restricted to a certain age demographic if they really do have a restricted community and while there might be need for that right now, our community -- those change over time and I hate to see a subdivision that can't have -- won't say what was promised or would need to change or adapt in the future and so I -- I'm not a big fan of age restricted communities. I would rather see a community that has targeted maybe towards seniors, but I don't like the age restricted necessarily either. There is certainly a lot of challenges and I -- it's always hard for me to recommend approval of a project when staff has a lot of concerns as well and it's not just one or two small things. So, I think our hands are a little bit tied tonight.

Seal: Yeah. I tend to agree with you on that. I mean there is -- I had concerns outside of just what the staff had in there. I mean the no sidewalks and private streets are a big one for me as well. As I look at it and as I have said before, I mean developers -- and although there is cost associated with it and I don't want to discount that, they have an infinite number of chances to get it right. We get one. So, this just doesn't feel right and until it does and there is more agreement on what's been done or what can be done, then, I definitely would side with staff with it, but I don't get to vote in this one, so that said I'm more than willing to take a motion at this point.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: After considering all staff, applicant, and public testimony, I move to recommend denial to the City Council of file number H-2020-0127 as presented during the hearing -- as presented during the hearing date on April 1st, 2021, for the following reasons: So, a higher density zone for the lower density area. The lower density zoning versus higher density zoning. R-15 to R-8 located on the fringe of the city limits and not an in-fill development. Narrow private streets with no sidewalk does not meet Comprehensive Plan policy for a walkable community. Some of the qualified open space that might be credited, is not usable, even though it meets minimum requirements. And I just don't think it fits the area. It's not -- the surrounding element is -- is more of a lower density community and this to me feels like a very high density community.

Seal: Do I have a second on that?

Holland: I will second.

Seal: Okay. It has been moved and seconded to recommend denial of Item No. H-2020-0127, Skybreak Neighborhood with the aforementioned reasons. All those in favor say aye. Any opposed? Okay. Motion carries as recommended for denial.

MOTION CARRIED: FIVE AYES. TWO ABSENT.