

Seal: Oh, you're right.

McCarvel: Oh, yeah.

Yearsley: I apologize. It was a great motion, by the way.

Seal: Thank you. I will just rewind. Good point.

McCarvel: Do you want the motion to open as well or do we want --

Yearsley: I will motion to open the public hearing on this application.

Grove: Second.

McCarvel: It has been moved and seconded to reopen the public hearing on H-2021-0074. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: Commissioner Seal.

Seal: Okay. I move to continue file number H-2021-0074 to the hearing date of January 20th, 2022, for the following reasons: So, that they can get the final ACHD report and they have a chance to hear our input from the city planning staff. The alignment of the collector to Joy be strongly considered for the reasons presented in the Commission hearing this evening and that we see a reduction or possible elimination of the common driveways.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Could we add in a condition for the open space and amenities to be better distributed through the non-age restricted areas?

Seal: And what Commissioner Grove said.

Yearsley: I will second that.

McCarvel: It has been moved and seconded to continue H-2021-0074 to the hearing date of January 20th. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

6. Public Hearing for UDC Text Amendment - Collector Street Setbacks in Residential Districts and Landscape Buffers Along Streets (ZOA-

2021-0003) by Brighton Development, Inc.

- A. Request: Request to Amend the text of the City's Unified Development Code (UDC) pertaining to the Dimensional Standards for the Residential Districts in Chapter 2 and Landscape Buffer along Streets Standards in Chapter 3

McCarvel: Last item on the agenda is Item ZOA-2021-0003, UDC Text Amendment, and we will begin with the staff report.

Parsons: Let me pull that up real quick again. There we go. Let's finish strong this evening. Last item on the agenda tonight is UDC Text Amendment. This one actually comes from an applicant, so it's not really city initiated, and we are -- we are here tonight to really discuss cleaning up some code conflicts with you. We have been working with the applicant here for several months on trying to solve this puzzle for them. So, over the last year or so this -- this body has been seeing more and more homes that are fronting on collector streets and the purpose of that is, one, we want to have these walkable, livable communities. We call it a traditional neighborhood design where you have on-street parking, tree lined streets, detached sidewalks and, then, homes that provide connectivity to those walking paths and what we realized is through some of those approvals that we have done we have realized that our residential districts don't align with that design concept and what I mean is in order to achieve what we are talking about this evening an applicant would need to go through the alternative compliance to do it and so by us working with the applicant and bringing forth this code change we are eliminating some steps in the process and trying to get the code to align to allow these types of things, which is actually more consistent with our traditional neighborhood zoning districts. We have two. We have traditional neighborhood commercial districts and we have traditional -- traditional neighborhood residential districts and if you were to compare these side by side in the TN-R zone person could do what the applicant's proposing this evening under that zone by -- and all they would have to provide is the on-street parking, parallel parking is typically what we see, a six foot parkway, a five foot sidewalk and an eight foot setback to the living area. But that's, essentially, what we are doing here and you would not have to provide that in a common lot. So, currently the -- the two code -- two code sections that we are trying to amend tonight is, one, the residential districts in Chapter 2 and, then, also the requirements for landscape buffers that they are allowed to either be in a common lot or a landscape easement and addressing the maintenance of that and how that would be addressed. So, that's what I really want to hit on tonight. If the applicant wants to go into some of the ACHD requirements and all of that, I will let him do that, but I'm not going to do that tonight. I'm just trying to lay the context for you that we have a conflict, we are trying to align with other sections of the code, and, hopefully, this makes it better for others to do the same thing and we get more variety in the city -- allow people to do this throughout our community and start getting shorter block lengths and more walkable communities, particularly in our mixed use areas. So, the graphic that I have before you this evening is really just one snippet of the changes. So, this really does affect all of our districts from R-2 all the way to R-40, but the language is consistent throughout. So, essentially, what the applicant is doing is adding a footnote -- or modifying the footnote to

say that when you have -- front the homes on collector roads and you are having alley access or local street access to that you are able to take advantage of a buffer easement, rather than a common lot. You do a minimum -- eight foot on-street parking, eight foot tree-lined streets, five foot sidewalks and, then, your setback will be ten feet, for a total setback of 23 feet. At the end of the presentation there is a nice little illustrative graphic that the applicant's put together to show you how all this is tied together. But, essentially, under the TN-R zone, to put it simply, they can have a 19 foot is all that's required for the building to be from the back of curb. This scenario 23 feet. So, again, the goal is to get the building set back from the street, but not so far back that it's defeating the purpose of what we are trying to achieve here. So, again, after the revision of the staff report the applicant came up with some of this language, but you can see as Today I see that through logic some common sense approach took place and we decided -- he decided to provide a preferred language. Staff looked at that and said it makes a lot more sense to combine it into one cohesive sentence. The only thing that staff would ask to the preferred language highlighted below is that you add the word homeowners as part of that sentence. So, it would say maintained by the property owner or a homeowner or a business owners association, because it's going to be either residential or commercial and, then, I will go ahead and transition to the graphic here to show you how this will all work. So, essentially, like I described to you, there is the planner strip. There is the parking. the parallel parking. Bike lanes. Sidewalk. And, then, overall setback of 23 feet while still maintaining the required parking standards. So, I also mentioned to you that this does comply with a lot of ACHD's templates as well. So, again, we are only -- we are cleaning up a conflict. We are trying to align with what ACHD will allow as well and try to eliminate future, you know, add greater flexibility to code. So, with that I will conclude my presentation and stand for any questions you may have.

McCarvel: Okay. Why don't we hear from the applicant first.

Wardle: Madam Chair, Commission Members, Mike Wartell, Brighton Corporation. 2929 West Navigator in Meridian. It is unique that we are here as an applicant, because this is actually something that would apply to and benefit any such developments in the community. I'm going to ask Bill -- just so that you can kind of understand a little bit more background of what it is that we are proposing to do and why and it's not really that complicated, but particularly in our Pinnacle project or Apex Subdivision out in south -- south Meridian we have some alley loaded lots and in the phase that's coming before you soon to the west of that we have some local street loaded lots that would face -- these homes would all face onto that residential collector and the -- the graphic to the right simply shows that there will still be the 20 foot landscape easement. It will be maintained by the homeowners in this particular case, but at least we don't deviate from the anticipated benefits of the spacing and the type of tree canopies and so forth that would be desired in a more traditional neighborhood. There are two graphics that I just want to show you from ACHD's livable street design guide. This first one is actually the residential collector with front loaded housing and the reason that I have circled this is to simply illustrate that that's exactly the street that we would be proposing to construct in this Pinnacle project where you have the five foot detached sidewalk, eight foot plantar strip, the -- the parking bay that will be just as it depicts here, will have elements of the -- the

corners that will identify that, then, bike lanes and, then, the part -- the travel lanes. They do have the -- the second graphic in their manual shows a rear or alley loaded product in this particular case, though, they don't show the bike lanes that we have on the street. So, I just wanted to show that they -- they have provided both possibilities for a residential collector street in their street design guide. We go for the -- the bigger and more appropriate and, then, Bill showed you this where we actually maintain the parking off the alley or the local streets, so there is no -- you know, no limit to the off-street parking behind the garages and, of course, the -- the green outlined landscape buffer and, then, the ten foot from back of sidewalk set back to -- a minimum ten feet to the face of the homes. Bill mentioned the traditional neighborhood zoning. That goes down to eight feet, but in this case we are saying a minimum of ten. Now, Bill showed you this particular item and the footnote simply states that it has to be alley or rear loaded, has to be on a collector that has the landscape buffers and a minimum of ten foot setback and it applies -- just this footnote -- modification applies to all. When we were going through this process -- and it's been actually over the course of the last three or four months, my original recommendation was the top part of this was kind of trying to finesse something that was really unclear, but, then, staff came back with the recommendation -- the or and we agreed with that is the better way to go, because it clarifies it in much simpler language and we certainly don't have any issue at all with the inclusion of homeowner maintenance. So, obviously, we encourage you to -- to do this. But one of the reasons that we are doing it is based on our own experience. We developed -- beginning about 22 years ago a project -- and this photograph actually is from September of 2006 -- of the Mill District at Harris Ranch and I have two photographs. The one -- the first one will be the one looking to the west down -- I can't remember the street name, but this shows what character we are trying to achieve. Interestingly enough in this particular case, even though this is kind of the collector street going out to Eggart Road, we would actually have a little bit -- well, a wider sidewalk, wider planting strip, the on-street parking, plus, then, the bike lanes. The homes depicted in this particular photograph range from about 78 to 85 feet separation from face to face as you go down the street and there is articulation, because not all of them are, you know, set to a rigid standard. There are some closer, some a little bit further apart. The next view is looking to the east and, again, it shows kind of how those -- those homes are relatively close to the street. But in this particular case, again, the sidewalk is new standards a little bit wider. The planter strip is three feet wider. There are bike lanes on the street and so we -- we provide actually a better scenario than this and looking down that street the closest separation that I saw on this one when we measured it was about 78. Now, the reason for it is that we could land a Boeing 737 Max under the current standards, because it would be -- under the way it's -- your current code works that's exactly 113 feet face to face across the street, which in a traditional kind of a feel is a big separation. If we go to the proposed amendments it actually drops 20 feet out of that, goes back to about 93 feet of separation. But it gives you, then, a streetscape that provides the type of living environment that I think we all want for the community. So, it only applies where there is a collector -- a residential collector street. Has to have on-street parking. It may or may not have bike lanes, but in our particular project it would and, of course, now that the standards are the eight foot planter strips and the five foot sidewalks and, then, a minimum ten feet from the back of sidewalk to the face of the home, it gives us the canopy, it gives us the separation, it gives us all the elements of a

livable street and accomplishes something that in this particular case is fairly small, because it's -- some of the conversation that we had with staff we noted that if -- and I think Bill alluded to it -- we would only have to have about three and a half acres of T-N zoning in there to accomplish at all, but it just didn't seem appropriate to throw a little bit of a T-N into a project and we could do this and we agreed with staff that alternative compliance was really not the best way to do it, because that leaves so much subjectivity in the process. So, amendment is the proposed and preferred way to accomplish it. Be happy to answer any questions that you have, but we ask for your recommendation to the Council that these amendments be approved.

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

Yearsley: Madam Chair?

Wardle: Semi applicant.

McCarvel: Commissioner Yearsley.

Yearsley: So, I'm just trying to get a feel around this. So, we are talking about a residential collector. Are we talking like the mid-block collector road or is this -- I'm not quite sure what -- what type of -- what road we are actually referring to as a residential collector.

Wardle: You mean specifically here or in any circumstance?

Yearsley: Well, in this circumstances, you know, because when I -- when we -- well, just as an example, we have just looked at that last subdivision that came through, they have that -- pretty much that main mid-block collector. Is that -- that section of road that you are referring to would that be applied to that piece?

Wardle: Yes. Madam Chair and Commissioner Yearsley, those mid-mile collectors that ACHD has in their master street plan is that type of roadway.

Yearsley: Okay.

Wardle: Now, let me just go back to the illustration that's on the screen. This particular road system -- you will see that the ones to the right are not a collector, but because of the way that the -- the grid works there is a draining -- you know, a collection kind of a thing that's occurring and this particular roadway just happens to have a wider requirement from ACHD than we would do for our local streets, but, you are correct, any of those mid-mile collectors would be a residential collector and could use this type of standard if they chose to design that way.

Yearsley: Okay. And, then, with that ACHD shows on those mid-mile collectors access to homes off of that collector. Is that what we are proposing or is this mostly just alley -- we are only allowing alley loaded facing those homes?

Wardle: I was surprised, frankly, when this -- I was searching through ACHD's information and found this particular illustration where they have a front-on -- you know, front loaded.

Yearsley: Yeah.

Wardle: Obviously, in their planning they anticipated that that could occur. I don't know that I have seen one that would be -- at least in recent approvals. Certainly there would be streets from older designs in older subdivisions that would be that particular case, but they may not have, you know, the -- the type of parking and the bike lanes and so forth that we would have in the modern standards. So, this was the one that -- that we are looking at, frankly, is -- it would either have to be an alley -- could be a common drive. Kind of a nasty term. Or it could be a local street and it will be unique in this particular one, because the -- the homes will be, essentially, the same -- looking across the street one will be served by an alley, the other will have a local street and so on that local street people will be looking at the rear of the homes for about ten or 12 lots versus the front that they would typically see, but the streetscape going into the project on the residential collector would have a consistent design and relationship -- functional relationship would be consistent all the way through.

Yearsley: Okay. And that's what I was just curious about, because I -- I don't know if I -- actually, this is -- I don't think that this is a bad proposal for an alley loaded home to bring them a little closer, but I was really concerned that we were going to start allowing access onto those collectors, which is not what we were -- not what I have typically seen or --

Wardle: Yeah.

Yearsley: -- I think we don't typically want. So, that's what I was just wanting to clarify.

Wardle: Well, Madam Chair, I agree with that and I don't think you are going to see a lot of it. I think it will only happen when you are designing a traditional type of product, rather than a conventional lot. I just don't see conventional lots coming forward, because -- and this is the other item that -- that we worked through with staff. Under the current code technically that 20 foot landscape buffer would have to be a common lot. Well, in this particular case, going back to -- it would mean that the lots on the east side of that collector, if they had a common lot, the alley could not be public, it would have to be private, because now ACHD has this strange requirement that if the -- if the lot doesn't directly have frontage you can't have a public alley.

Yearsley: I see.

Wardle: So, we are just trying to solve a number of little interesting twists and turns in the city's code and ACHD's requirements and we think that, again, it's -- it's not a dramatic thing, but it accomplishes an objective that I think will foster good design and --

Yearsley: I agree. I think anything we can do to get rid of private roads in a subdivision

like that is beneficial, so --

Wardle: I appreciate your time and just ask that you pass it along with an affirmative recommendation.

McCarvel: Any other questions? Okay. Thank you. Madam Clerk, did we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we do not.

McCarvel: Okay. I'm assuming no more comments from staff or the semi-applicant. With that could I get a motion to close the public hearing on H-2021 --

Grove: It's not H.

McCarvel: Oh, ZOA. Sorry. ZOA -- there we go -- 2021-0003.

Seal: So moved.

Lorcher: Second.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing ZOA-2021-0003. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

McCarvel: Staff and everybody agrees and -- insert -- add the homeowners association in their for them.

Seal: Actually, quick question on that. Madam Chair, for staff, is homeowners or homeowners association?

McCarvel: I think he said property owner --

Parsons: We make it grammatically correct.

Seal: Okay.

Yearsley: So, what you are asking for is a modification to change property owner to homeowner in the motion; is that correct -- what I'm hearing?

Lorcher: I think he's adding it. Property owner might not be the homeowner.

Parsons: No. I want to make it clear that if it's a common lot that's maintained by a

homeowner's association, but if it's an easement, then, it will be owned by the property owner -- or maintained by the property owner, unless --

McCarvel: So, property owner or homeowners association or business owners association. You want all three of them in there.

Yearsley: Oh. Okay.

McCarvel: Yeah.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of file number ZOA-2021-0003 as presented in the staff report for the hearing date of November 18th, 2021, with the following modifications: That the language submitted by the applicant be added and the w-- ith the inclusion of the word homeowners being added to the text.

Yearsley: Second.

McCarvel: It has been moved and seconded to approve -- recommend approval of ZOA -2021-0003. All those in favor -- with modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I move we adjourn.

Seal: I second.

McCarvel: It has been moved and seconded to adjourn. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

MEETING ADJOURNED AT 8:58 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS.)

APPROVED

RHONDA MCCARVEL - CHAIRMAN
ATTEST:

_____|_____|_____
DATE APPROVED

CHRIS JOHNSON - CITY CLERK