

MOTION CARRIED: FOUR AYES. ONE NAY. TWO ABSENT.

6. Public Hearing Continued from March 3, 2022 for Pinedale Subdivision (H-2022-0001) by Pine Project, LLC, Located at 3275 W. Pine Avenue (Parcel #S1210417400)

- A. Request: Annexation and Zoning of 1.22 acres of land with a request for the R-15 zoning district.
- B. Request: A Preliminary Plat for 12 building lots and 2 common lots on 1.22 acres in the requested R-15 zoning district.

Seal: Okay. And so now we have a file number H-2022-0001, Pinedale Subdivision, which was continued from March 3rd. We will begin with the staff report.

Dodson: Thank you, Mr. Chair. Stole my thunder with the March 3rd. Now I can't do it. No. I'm just kidding. The applications before you tonight for this application are annexation, zoning, and a preliminary plat. The site consists of 1.2 acres of land, currently is on RUT. As you can tell on the map on the left it's essentially a county enclave with zoned property all around it. It's located along the railroad corridor west of Ten Mile and is directly at the terminus of West Newland Street at the southeast corner of the Chesterfield No. 2 Subdivision. It does not have any application history with the city. It's -- Comprehensive Plan is mixed-use community for some reason. However, in my analysis I did analyze it against the medium density residential future land use designation to the -- to the west, because that's where its access comes from. The request before you tonight is annexation and zoning of the 1.2 acres, with a request for the R-15 zoning district and a preliminary plat for nine detached single-family building lots and two common lots. The applicant has revised the plat multiple times to address concerns noted within the staff report. The staff report is -- contemplates ten units, because that's what -- at the time prior to the March 3rd hearing that's what was proposed. Since publication of that staff report the applicant and I have worked together to make some revisions and you get the plat before you tonight. I did write a memo based on this new plat to the Commission dated March 24th that has specific recommended revisions to the conditions of approval based on this plat. The applicant is proposing to construct detached single-family dwellings with a gross density of 7.4 units per acre and an average lot size of about 3,200 square feet, with a minimum lot size of about 2,250. The proposed use is a permitted use within the requested R-15 zoning district and although the lots appear to meet UDC dimensional standards. Access is proposed via extension of West Newland Street as noted, which currently terminates on the west boundary of the site. It is required to terminate within the site as a full cul-de-sac per ACHD. The existing access is from a private access that crosses Ten Mile Creek right here and actually goes up to Pine, which we are glad to get rid of that, hopefully. This access will be terminated upon development of this site and with other approvals to the east it's only going to be a pedestrian access. A multi-use pathway on the east side of the creek for -- if you can see my mouse -- ten foot pathway here for Foxcroft and, then, it crosses where the bridge is and, then, continues to be a ten foot pathway here, which is why the applicant proposed a five foot

pathway here for added connectivity. The Ten Mile Creek as noted does run along the entire east property line and requires a hundred foot easement from its centerline, with 50 feet of it being -- well, almost 50 feet of it being on this site, which further encumbers the buildable area of the property. Some of the noted concerns in the staff report are regarding analyzing the project against the MDR versus the mixed use community as noted and staff decided to do that, because there is no connectivity to the east other than pedestrian connectivity and when you talk about mixed use, you talk about a mixing of uses and you can't do that -- I didn't see it was necessary to do that. So, I -- the comp plan does allow us -- it's not parcel specific, so it allows staff to analyze projects against adjacent designations when they are not separated by arterials. Staff discussed the amount of buildable area once the required cul-de-sac is placed on the site. As you can tell, it takes up a lot of land. So, overall it just -- it's a point of discussion. The difference between the proposed lot sizes and those within Chesterfield -- obviously these are going to be smaller than those lots to the west property. Chesterfield is R-8, so it's going to be a minimum of 4,000 square feet for R-8. These have an average of 3,200, which is below that. In addition, the number of driveways taking access from the cul-de-sac -- so, again, the -- the idea of having multiple driveways just eats up a lot of area right there in the cul-de-sac and you have driveway after driveway after driveway. The applicant is showing shared driveways, which staff does appreciate. Not always -- when staff discussed this in the staff report -- and we have discussed with the applicant sometimes that can be difficult to get the required setbacks for the garages and everything when that occurs. This would be preferred, but staff did not include a condition of approval to require it, because it can be very complicated with getting a building on the lot and at a future date. So, I don't want to mince words or make you guys think that that's what's going to be required. Finally, in general staff just wants to ensure that the proposed elevations can actually fit on the submitted lots. There were 13 pieces of testimony that all stated the same issues that they had with the proposed project just too much density that -- which will impact the traffic, safety, and that it doesn't match the existing development to the west. So, that's pretty much all 13 said the same thing. Some of it seemed like a form letter of kind, but, nonetheless, voiced their valid concerns. Staff does recommend approval of the subject application with the conditions noted in the staff report and I will stand for any questions.

Seal: Thanks, Joe. Would the applicant like come forward?

Hessing: My name is Bruce Hessing. 2338 West Boulder Bar Drive, Meridian. My family moved here in 1886. So, we have been here a while. I have developed probably 2,700 houses. I tried counting them all over a month or so period of time. I was bored during COVID and that's as many as I -- I could remember. So, I -- I enjoy the community. It is my home and I'm thoroughly impressed with you. I usually have my engineer or -- or a planner do this for me, but he's out of country, so I got the wonderful opportunity to -- to be here tonight. I have semi-retired, so what I like to do is I like to find little pieces of property like this one. These are difficult to develop. If you were to see pictures of this little property now, there is -- there is an old structure there that the neighbor kids use as their funhouse. My fun is taking that down and so I -- I have worked with -- Bill and Joe are amazing. I -- I -- I deal with a lot of planners. You got two of the best. And our idea

is to bat this around -- I think we designed it like six times. It's worth it to me to get -- get it right before it gets to you and this is what I have presented. I wanted 12 lots. That was the original application. We sell a lot of this product to retired people. We can get our product out on the market forty, fifty thousand dollars less than -- if compatible to -- to other projects. We like to do that. The -- these homes are narrow. The master bedroom is on the main floor. We like that. And usually people my age like that, too. And that's -- that's our concept. Any questions I'm -- I'm here for you.

Seal: Any questions? Maybe? No? All right. Thank you very much. Madam Clerk, do we have anybody signed up to testify?

Weatherly: Mr. Chair, we did have one person sign up online. It's Daniel Kwok. I think that might have been an error, because he came for the last one and I don't see him in house anymore and that's all.

Seal: Anybody in Chamber want to come up and testify on this? All right. Would the applicant like to come back up?

Dodson: Mr. Chair, I do believe the engineer of the project is online.

Hessing: Yes, he is. He is somewhere in Switzerland I think.

Seal: Would he like to speak or would you like to have him speak?

Hessing: He sent me a text that said, hey, only if you need and I -- I think we are going to be okay. He is a lot more into it than I am, but -- but I think we have got the gist here and --

Seal: Okay.

Hessing: -- he should enjoy his vacation.

Seal: Well, I was going to say is there -- if anybody has no questions --

Grove: Mr. Chair?

Seal: Oh.

Grove: I do.

Seal: Commissioner Grove, go ahead.

Grove: So, I have a few questions that I will kind of try and summarize I guess. This seems -- Commissioner Yearsley, you are going to like this. This seems incompatible with what the cul-de-sac does to this weird piece of property. It seems incompatible with the number of lots that we have here. I think that this is a much more suitable space for

two to five lots at most. I -- I -- I can't wrap my head around having this layout as presented.

Hessing: Okay. I appreciate that. The -- the cul-de-sac does take a tremendous amount of that property. It looks like to me like a third of it. We originally designed this with a private drive and we were going with the zoning to our east and to our south. I -- I get the fact that we would like to get less, because the neighbors to the west have less, but this -- to provide that cul-de-sac for -- for ACHD this was the best use for that property. It -- it doesn't make sense to have two or three lots there. It just doesn't. That's why it was redesigned and redesigned and came up with -- now they have got -- the neighbors to the west have got a cul-de-sac now that's ACHD standard. They could use it instead of a dead end like it's been for I don't know how many years. But that's why it was designed the way we did it.

Grove: Thank you. I appreciate that. I -- I just -- I -- I have some major concerns with the general layout and the amount of lots that are there. I don't -- I don't see it with how it's presented and so I have some general concerns with the number of lots and even the placement of the cul-de-sac. So, I was just wondering, you know, at the R-8, was the R-4 zoning considered for this instead?

Hessing: Because that's what it's zoned for.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: It's requested for R-15 because it's under 4,000 and it is R-8 to the west, which would be a minimum of 4,000.

Hessing: Sorry. Wrong numbers, but --

Dodson: You got a four in there. It mattered.

Grove: So, I guess instead of R-15 did you look at a lower classification in general?

Hessing: No. We were just going with what was to the east of us and to the south of us. I -- I -- when we get to that amount of lot reduction -- I mean we came from 12 down to nine. Any lower than that it -- it just makes it inconceivable to do it.

Grove: I guess the reason I'm asking these questions is because you are not connected to the lots to the east or to the lots to the south, but you are connected really with the lots to the west. So, it's more congruent with the lots that you would be connected to and how I'm looking at the map. So, I was just wondering why that wasn't considered.

Hessing: Well, if I was to do that what I would do, then, would be put in a private drive and take -- and make it four lots and, then, ACHD had heartburn over that and all the

neighbors do, because they want a cul-de-sac and so they come to us, asked us to -- to build this cul-de-sac, which -- which really is the major part of that whole piece of ground is the cul-de-sac. So, we felt we were putting back into the community by providing a standard ACHD cul-de-sac that they really need and in -- in exchange for that we pick up another three to -- you know, three or four more lots, give us our nine that we need to make it pencil, so that it -- it works for the community and it works for us. That's why we did that.

Grove: All right. Thank you.

Lorcher: Mr. Chair?

Seal: Commissioner Lorcher, go ahead.

Lorcher: Mr. Hessing, if you were to be R-4 or R-8 would ACHD reconsider a cul-de-sac to a street that just ended?

Hessing: Well, I -- no. Their -- their demand -- if I remember right --

Lorcher: Is that firm?

Dodson: Commissioner Lorcher, yeah, I have had discussions and reached out to ACHD and they have been extremely firm on the cul-de-sac, unfortunately.

Lorcher: Thank you.

Dodson: Because I had specifically asked if we could do an alternative termination. I was told no.

Hessing: But I think, to answer that, Commissioner, if -- if we were to go to the city standard four lots, we could use a private drive to terminate. Right, Joe?

Dodson: I would need to clarify with ACHD. I still think they want it to terminate in a cul-de-sac even if we use a common drive, which is what Mr. Hessing is referring to.

Hessing: Yeah.

Dodson: Which is the four lots --

Hessing: If we go to the neighbors -- I mean this works. This cul-de-sac works and -- and that's why we redesigned it five, six, seven times, got it to this point.

Lorcher: Thank you.

Hessing: You bet.

Weatherly: Mr. Chair, I do --

Seal: Go ahead.

Weatherly: -- show that Mr. Hessing's engineer is raising his hand.

Seal: Okay. Let's hear from him.

Conti: Good afternoon. Good evening. Afternoon. Evening. I hope you can hear me well.

Seal: Yeah. Go ahead and give us your name and address for the record, please.

Conti: Yep. Antonio Conti at 7661 West Riverside Drive, Garden City. One comment that came through was the design itself with the cul-de-sac and this is the only way we can fit a cul-de-sac on that property. Otherwise, we will have to take right of way from the neighboring parcel, which is not -- it won't be allowed. The overall point of the concerns on the overall density, I think we can map on less than eight units per acre. As it is right now we trim that down to about nine lots.

Seal: Okay. Does that answer the question kind of? No? Yeah?

Grove: Yeah. As good as it's going to be answered.

Seal: Okay. All right. Thank you, sir. Appreciate that.

Hessing: Just one comment.

Seal: Yes, sir.

Hessing: We are -- an R-8 is our neighbor; right? Well, this is 1.2 acres and so we would be fitting within that all right.

Dodson: Mr. Chair?

Seal: Go ahead, Joe.

Dodson: So, the -- we don't tie our density to our zoning anymore. So, the eight, four, 40 doesn't matter for the zoning. I guess that's a little facetious. But it matters in the sense of dimensional standards. But density, no. So, what would be the -- the key factor if you did R-8 would be the minimum 4,000 square feet, which you are going to have to lose lots to meet that.

Seal: Okay. Thank you.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley, go ahead.

Yearsley: I -- I'm sorry, the -- the -- the concept homes that you have provided, I don't know how you are going to fit those on those lots, to be honest with you. You -- you do show one photo in the staff report that shows an existing home that I think would be more realistic to it, because it doesn't have a front door or anything besides that. I mean there is -- it's home to home to home. I mean it's -- it's going to look like an apartment building, to be honest with you, in my opinion. And to me that just does not fit this -- this community. I mean, yes, I realize that it doesn't -- if we -- if we go smaller it doesn't pencil your -- your financials, but, man, I -- I'm struggling to -- to -- to allow something like this, just because we can make it fit. I mean -- so yeah.

Hessing: We can answer that. We -- we have the standard setbacks -- side -- side setbacks that -- those units are 24 to 26 feet wide and they are deep and -- and we build those and so, yes, they do -- they do fit. They -- they do have the standard size setbacks. We are meeting -- we are meeting code, obviously, if -- if we can get to that and so, yes, they are -- they are a unique product. You see them down in Boise. They are 22 to 26 feet wide. They are deeper. They are 1,500 square feet, 18, ten, a few of those and some of them -- like that Lot 2 and Lot -- but some of them are pretty wide lots, so they could almost take a standard size house.

Yearsley: Yeah. I -- I just don't see it. Sorry.

Seal: Any other comments? Okay. Thank you, sir. Okay. Can I get a motion to close the public hearing for H-2022-0001?

Yearsley: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close public hearing for file number H-2022-0001, Pinedale Subdivision. All in favor? Any opposed? Motion carries.

MOTION CARRIED: FIVE AYES. TWO ABSENT.

Seal: I will jump in here. I'm -- I'm kind of with everybody else. I just -- I mean there is -- this being a little in-fill piece of property that I would love to see develop, I -- I just don't see this happening. I can see a lot of issues happening in here as far as the -- when you have the common drive -- I always go back to service vehicles and things like that to where, you know, trash day comes along and you have -- you know, how many trash cans out there, you can't have anybody parking on the street, I mean there is -- basically is no parking. So, somebody decided they were going to have a birthday party, something along those lines, there is just nowhere to do it. There is -- there is no parking in here, other than for the residents, so -- and that's a small amount of parking that's going to be there. So, I just -- you know, as much as I would like to see this happen, I don't see this as the solution, so -- I mean to me the solution with the cul-de-sac needing to be there,

you know -- and, again, I wish we had more control over what ACHD controls within the city boundaries. We don't. So, if they are going to insist on this -- on this cul-de-sac going in there, I mean it would have to be less dense in order for me to be enthused by it or to, you know, want to approve it.

Grove: Mr. Chair?

Seal: Commissioner Grove, go ahead.

Grove: I think if the cul-de-sac even like moved to more of the center of the project, you know, wrapped down, you know, there might be some other options, but I would have to kind of piggyback on what Commissioner Yearsley was saying with how the houses would actually fit. I don't see what -- I guess I don't see how that works and without a demonstration of what that looks like it -- it does not fit with this plat and it doesn't fit with the neighborhood that's actually connected to it. This is not the right product for this space in my opinion.

Seal: And I can see where -- I mean there is a few lots in here where I can see there is several houses that would fit that are kind of the Barber Park area, different places in Boise like that where those would fit pretty easily in here, so -- but the rest of the lots I don't see how you are going to fit something like that in there, so -- you know, again, I just -- I think it's too much for this little tiny piece of land and -- and I sympathize for ACHD holding their ground on, you know, taking up so much property with this -- with the cul-de-sac, but they control the roads, we don't, so if that's what they want in there, then, that's okay, but I just don't think that this density is going to work in there personally. Anyone else? I would love to hear a motion at this point.

Yearsley: Mr. Chair?

Seal: Commissioner Yearsley.

Yearsley: I will make a motion. Let me get to the page. After considering all staff, applicant and public testimony I move to recommend denial of -- to City Council of File No. H-2022-0001 as presented in the hearing report -- hearing on April 7th, 2022, for the following reasons: The -- the -- just the site is too dense for the -- the community that it's abutting up against and it just doesn't fit the -- that subdivision and it's -- it's just overall just too dense.

Wheeler: Second.

Seal: It's been moved and seconded to recommend denial of File No. H-2022-0001, Pinedale Subdivision, for the reasons mentioned. All in favor say aye. Opposed? Okay. Motion carries, which was a motion to deny, so --

MOTION CARRIED: FIVE AYES. TWO ABSENT.