

Public Hearing for Newkirk Neighborhood (H-2022-0088) by Conger Group, located at 4250 W. Franklin Rd.

- A. Request: Annexation of 23.67 acres of land with a TN-R (Traditional Neighborhood Residential) zoning district.
- B. Request: Preliminary Plat consisting of 63 building lots and 8 common/other lots on 21.11 acres of land in the TN-R zoning district.

Seal: All right. Now I would like to open the public hearing for File No. H-2022-0088, Newkirk Neighborhood, and we will begin with the staff report.

Parsons: Thank you, Mr. Chair, Members of the Commission. The first item on the agenda tonight is the Newkirk Neighborhood. This has been continued a few times, so I'm glad we are -- we are finally here in front of you and I'm happy to see a full Commission tonight. It's -- it's been awhile, so welcome -- welcome to the show tonight, everyone. The applications before you tonight is annexation and preliminary plat. The subject property consists of 21.06 acres of land, currently zoned RUT in Ada county and generally located a quarter mile east of Black Cat Road, north side of West Franklin Road. Physical address is 4250 West Franklin Road here and you can see that on the map here. It -- it actually takes frontage off of Franklin Road with that 50 foot sliver of property and I will -- I will touch on that a little bit more as I get in my presentation. You can see here that on the future land use map the -- the subject property is designated medium high density residential in our Ten Mile Interchange Specific Area Plan and with that particular designation comes certain requirements. One of your roles as a Commission is to find consistency with the comp plan. As you read the staff report getting prepared for tonight's hearing, you probably saw that staff had brought up quite a few concerns in the staff report about some of the design elements that are required as part of that Comprehensive Plan analysis. We have met with the applicant several times and -- and let them know that as -- as this body knows, the comp plan is a guide and certainly when we are looking at projects they are case by case and we have to look at the area holistically and see what else has occurred in the area as part of that discussion and -- and deliberation tonight. So, I just at least wanted to plant that seed with all of you that this area is part of a larger medium high density residential -- residential designated area, but just for illustrative purposes I thought it was important just to help educate you on some of the things that staff does when we analyze a project. So, you know, your -- your job is to find consistency with the plan and the code and our job is to access an application and find -- and do the same thing. We are all -- we are all on the same page rowing in the same direction if you will and so as I mentioned to you, this particular plan property is an MHDR designation and so the graphic on the left is -- represents some of those design elements that we have to look for. It points us to what pages in the Comprehensive Plan we need to focus on and analyze as we do our review of an application in this area. Those green dots that you see there is what we analyzed in the staff report and what we highlighted in the staff report is what we felt was missing as part of the application. Now, keep in mind a lot of the elements that are on this plan are encompassed in the comp plan. For example, density. This particular property does require a density of eight units to the acre

-- well, sorry. A target density of 12 units to the acre, with densities ranging between six and 15 and so when you have competing interests of density competing with design concepts sometimes those don't always mesh and so that's why I really wanted to bring that to your attention tonight and kind of daylight that issue with you. You can see here on the graphic at the right we anticipate heights of one to three stories. The plan does not speak to height in feet in that way. The plan really does speak to stories and that really comes down to how you design a structure. It also mentions that porches and garage -- should be the dominant design feature and not necessarily garages and as I get into my presentation you will -- you will notice that some of the elevations are garage dominated and, then, predominantly a project should have alley loaded project. Now, where we kind of get a little difference in -- between the comp plan and the -- the zoning district that they are requesting is the comp plan -- Comprehensive Plan does want a mix of housing types and so does the zoning district that they are -- they are requesting; right? So, I think that is a good thing as part of this project. Like anything, we want to make sure we look at the long-term viability of this project, because it's something that we live with as a community forever and ever. But at least I just wanted to highlight that with you. So, again, when we -- when we tailored the staff report to you we did find consistency with a lot of the elements of the plan and that's why we did recommend approval. But we did want to at least bring to your attention that there are certain design elements that -- that need to be looked at as part of the plan. Now, certainly if the -- as this body you have -- you will have to make that finding if it is consistent and if you agree with some of the discussion that we have tonight certainly I would encourage you to include that in your motion, some of the elements you don't think the applicant needs to comply with. Again, this is a guide. We try to get consistency as much -- as close as we can. Not every project gets there, though. So, again, the applicant's here. They are requesting a TN-R zoning district. Again that specific zone does require two -- a minimum of two residential products. This particular project will have the attached product, the alley load townhome product -- product and, then, it will also have a multi-family component. The other unique thing about a TN-R -- TN-R zone is that multi-family is principally permitted. So, although you will see a lot of details on the plans tonight for the multi-family development, a lot of the open space amenities and even the site design and elevations will be more scrutinized at the staff level design review process. I just wanted to make you aware that there is a little difference nuance with the TN-R zone and if you look at the Comprehensive Plan and this designation in particular, TN-R is the best aligned zoning designation for that -- this particular site as well. So, we have density that aligns. We have road networks that align. We have product mix that aligns. Again, it really comes down to whether or not front porches and you want more alley loaded product as part of this design element is probably the best way to couch it to you this evening. So, you can see here -- here is the proposed preliminary plat. The applicant is proposing 63 lots. Forty-four of those will be the attached product, which is along the perimeter here up against the railroad tracks and adjacent property subdivision that was approved recently, the Aviation Subdivision. Then you have some internal lots here and here are the alley loaded products, which will have 18 of those townhome lots and, then, the one large multi-family lot here that will have 200 plus multi-family units in the future. As you are aware in the staff report there were a number of stub streets stubbed to this property and you typically -- our policies require stub streets to be extended, along with ACHD. At the time that we had drafted the staff

report, ACHD was recommending that all stub streets be extended and that this Zimmerman Lane, this sliver of property that touches Franklin, be extended as part of this development. This afternoon we -- we had -- the applicant, myself, met with ACHD staff. ACHD did require additional information in order to determine whether or not that was a necessary connection to Franklin. I report to the Commission tonight that I did receive an e-mail from Christy Little at ACHD and she actually -- the applicant did provide the additional information and, therefore, ACHD found that the applicant's traffic study did not -- did support -- or confirm that an additional access using Zimmerman Lane was not required. So, essentially, the TI said -- said, no, we don't need to extend Zimmerman Lane to -- to Franklin. However, the applicant will be required to extend three stub streets in -- in two different fashions and I will explain here. So, essentially -- essentially this West Skyhill Road here -- street I guess. It's stubbed currently with the Ascent Townhomes, that will be extended per ACHD's conditions. The two other stub streets in the Ascent Subdivision are required to be extended, but with future development and the applicant has to provide a road trust for those extensions. So, they will put some money for the adjacent developer to use that money to extend the road and, then, as you are aware, there is a collect -- the master street map does designate a collector street that runs from the southeast corner and, then, ties into that Aviation Subdivision to the west and that roadway will be constructed with phase one of the development and that is part of the development agreement. So, if you really look at the overall connectivity in the area, this is a crucial connection point in order to move people to and through this area without having to use Franklin Road and that's kind of where that public benefit comes in in the -- in my earlier discussion that this is probably -- this is a much needed connection to happen in this area, especially with all the density and multi-family developments occurring in the area. As part of the Comprehensive Plan and also the TN-R standards, pedestrian connectivity is just as valuable as vehicular connectivity and so as part of this submission the applicant did provide a -- a pedestrian network plan for you, so to speak. A lot of the interconnectivity is sidewalks from the adjacent subdivisions and internal to the development. I would mention to the Commission that the city's master pathways plan does not have a -- a pathway designation on this particular project. So, that's why a lot of the -- the connectivity is through the adjacent sidewalks required with the development of this site, which is both consistent with the comp plan and UDC standards. Open space. So, in the staff report we had asked the applicant to provide a revised applicant -- or open space exhibit. After I met with the applicant, determined that the site does meet UDC standards for qualified open space -- it actually exceeds it. I mean, to be honest with you, they have 35 percent open space. I think what we were getting at in our analysis of the staff report is we just needed more details showing how they met it. In working with the applicant, looking through their narrative, the details that were there just didn't quite articulate that in the staff report as well as we could have and so, really, what staff would prefer is that the applicant just provide us those open space calcs and make sure that they are compliant with each phase of their development. As I mentioned to you, first phase of this particular project will occur with the single family and townhome lots and second phase will be the multi-family development. So, I anticipate a lot of those details will be -- will be worked out. And, then, also as part of the consistency with the Comprehensive Plan -- and we talked about this with the applicant as well, is we would like to see additional benches along the collector road -- this arterial roadway -- or excuse

me -- the collector roadway, which is something that's encouraged by the plan as well, along with public art. We conditioned to do that. So, we are hoping that the applicant -- and my indications were from the applicant they are in favor of public art somewhere along the roadway, too, to not only add as an amenity, but also be consistent with the plan. Again here is a blow up of those amenities. As you are aware with single family, multi-family developments, there is a certain amount of amenities that have to be provided for each development. Recently we did a -- a code amendment that when you have a multi-family development that is kind of intermixed with a single family -- so, they are -- they are combined together, they are integrated with one another with -- like this will be, the -- the open space is looked at it as just one 15 percent open space. You don't require the multi-family to provide the baseline open space. So, that's why the applicant has gone into detail to show what's being planned for open space for not only the multi-family, but also the single family, and, like I said, 35 percent is -- is a pretty good increase for open space in this area. And you can see here here is the list of amenities. Staff finds that the applicant is compliant with both standards. Not only the single family standards, but also the multi-family. Again, a lot of the multi-family details will be looked at with future certificate of zoning compliance and design review application. Don't want to touch on this subject too much. I -- I know we have -- we have met with the applicant and just discussed this as well. But as you are aware, ACHD does allow many different standard road typologies -- templates for their -- their local streets. They are starting to push more towards a narrow footprint for roadways just for less pavement, less maintenance costs for all of us as taxpayers. So, this developer has gone above and beyond what's required by the application submittal to provide what would be some additional on-street parking should you have questions with their -- their narrow lots that they are providing along the perimeter. Again, the applicant will be required to comply with UDC standards. Staff did analyze the required parking for the multi-family residential portion as well and they do exceed the minimum standards as part of that development as well. So, now kind of touching back on the elevations and kind of what -- how I opened up the conversation -- again, the Ten Mile Plan does have very specific design elements and I actually commend the applicant to try to have a cohesive design theme, because that's really what the architectural design manual tries to achieve, too, is we want cohesive design where we can get it to -- what I didn't touch on is that some of the lots as part of the subdivision are only 27 feet wide. So, the TN-R zoning district does not have a minimum lot size, like our other -- our other zoning districts and there is no minimum street frontage. It comes down to design like anything; right? If you meet these design concepts, then, you meet the code or you meet the -- the Comprehensive Plan. In this particular case you have a comp plan that wants a certain density. You want a code that wants a certain amount of open space and a certain mix of product type. And when you mix those two sometimes there is conflicts and so when we met with the applicant this afternoon their lots along the perimeter are only 27 feet wide and so they are trying to meet the -- the spirit of the Comprehensive Plan by getting that density -- target density that we are looking for so we can support transit in the future. But with that comes some design challenges and so I think, you know, as staff, again, we have to analyze a project against those design criteria and let -- and determine whether or not it's a good fit. Now, again, as I mentioned to you, a lot of this plan that the applicant's proposing does meet a lot of the things -- a lot of good things of what we are trying to achieve. So, really, again, if -- if this is something that you

support, certainly we understand that the applicant's challenge is with trying to have 30 percent front porches when you will end up with a 27 foot wide lot and still trying to achieve that density of the Comprehensive Plan. In other projects in this area the applicant was successful in having the Council kind of analyze that and have that discussion as part of the public hearing. So, I don't want to try to minimize that the design element isn't important, but what I want to do is make sure that we have the right discussion and anything that you do it's captured as part of the record and that the applicant can take that forward to City Council -- or at least the Council will know the discussion -- the Commission had the discussion and where you weighed in on that issue. And so looking at the -- the public record -- oh, I guess I did want to touch on the -- the common drives real quick as well. So, again, I know the -- the Commission is not too keen on common driveways. In this -- in this particular case I think the applicant's done a good job of only providing one. We did call out that the applicant is proposing four taking access off of one common driveway. As you know, we only allow three off of one side of a common driveway. So, we either have asked -- requested the applicant lose a lot or seek alternative compliance with their final plat application. So, they have the ability to do that alternative compliance with the final plat and ask for that to -- to have four lots. I think in this particular case, because the -- the common drive -- there is one and it's not very long, more than likely staff would support that recommendation. So, in looking at the public record I did not note any written testimony as part of this application and, again, staff is recommending approval with conditions and with that I will conclude my presentation stand for any questions you may have.

Seal: All right. Thank you, Bill. Appreciate that. Would the applicant like to come forward? Good evening.

Clark: Good evening. Members of the Commission, Hethe Clark. 251 East Front Street in Boise representing the applicant. Good to see a couple of familiar faces and several new faces. So, this will be good. Thank you, Bill. So, we are here to talk about the Newkirk Neighborhood and I would like to start out by kind of giving you a little bit of background on the property and, then, we are going to talk a little bit about some of the constraints that we had to overcome as we tried to design this property and -- and, then, through the course of all of that I will respond to some of the comments that Bill made about that balancing act that we have to do between the Comprehensive Plan goals. So, of course, this is a -- an in-fill site -- true in-fill site and in-fill is always fun, always a challenge. You know, the city wants in-fill. We want to do in-fill. But every time you do in-fill there is -- there are difficulties that have to be overcome. This is part of the Ten Mile Interchange Specific Area Plan. I'm just going to call that the Ten Mile Plan, if that's okay with you guys. I was -- I was playing around with the TMISAP acronym and it wasn't any easier. So, let's just call it the Ten Mile Plan. It's also a priority growth area. City services are available. This is a -- this is a project that really needs to go and for -- if for no other reason than the east-west mid mile collector that it will provide that Bill previously mentioned. So, talking a little bit about some of the -- some of the challenges here. So, this is a triangular site. So, triangular sites are always complicated, because you have these areas that are difficult to fill in. But that's also complicated by the fact that we have a mid mile collector that -- with the connection

points that are already designed for us and you can see that this one has kind of a tough angle down on the southeast and, then, it comes across and connects across here. So, that's basically the lower -- call it 15, 20 percent of the site that's taken up by that mid mile collector. We have the railroad and the Kennedy Lateral on the north. That means that access has to come from the south and that access ends up coming through the apartments on the east and the west and, then, in addition we have some grading and we have some slope challenges. There is a significant amount of fall as you come from about here down towards to the south. So, kind of understanding all of that and understanding that a lot of this table has been set for us, let's talk a little bit about the comp plan and Bill made a couple of really important points there, but I think it's really critical that we focus on the fact that this is medium high density residential. There is a lot of stuff in the Ten Mile Plan that's called for that's a lot easier to do in different designations. For example, in the medium density designation it's a lot easier to have a wider lot that allows you to do a porch and I'm going to come back to that in a little bit. But this is a medium high density area. So, we are targeting 12 units per acre and we know the city is serious about that, because some of these other projects nearby were sent back to come back with more density, because, as Bill mentioned, this is an area that the city is hoping is going to eventually be eligible for transit. We got to keep those densities up to be able to do that. So, if we look at the -- see, I have got my silly acronym up here. I forgot to change it to Ten Mile Plan. If we look at that medium high density residential designation -- and, of course, this is not code. This is the Comprehensive Plan. It's policy. It's -- you know, we look through it and we try to identify the policies and apply them where we can. But what we do see is this target of 12 dwelling units and we also speak to a relatively dense mixture of housing types, row houses, townhouses, condominiums, apartment buildings, complexes and so we are trying to land the plane there and meet that density, while also meeting the other requirements of the -- of the Ten Mile Plan. So, if we look at the neighboring surrounding density, those numbers aren't always easy to hit. You can see that actually there is only a couple that have been able to hit the 12 units per acre density goal and it's almost impossible to do without the benefit of apartments, which is why the Ten Mile Plan speaks to that mixture of apartment buildings and other housing types. So, if we look at our site plan we have -- on 21 acres we have 62 single family homes on the west, along with 216 apartment units. Again, overall density of 12.98. So, right at the target. And as Bill mentioned, 35 percent of open space. There is an abundance of amenities. So, on the single family side we have the large one acre park and with all the amenities that are identified here with the playground, the swings, the climbing dome, et cetera. And, again, the 35 percent open space. Now, the housing -- I'm going to come back to the some of the questions -- or the points that are -- that -- per the elevations I should say. I'm going to come back to some of the points that Bill made in just a second. But I do want to point out that these are examples of what the single family townhomes would look like and, then, the alley loaded townhomes would be in the -- the three unit structures like you see here. They would be allocated as you can see on this map. So, the alley loaded is in the -- the kind of purple color and, then, the -- the green is the 44 single family attached homes. Bill already showed you this and this is largely for design review, but we wanted to show you that there is a -- a cohesive design that's already contemplated. So, this is the kind of interesting part of the conversation. I have -- I have been doing this for, believe it or not, getting close to 20

years and I don't think I have ever had the kind of comments at the beginning of the staff report and, then, get to the end of it and say, hey, I'm in agreement with all the conditions of approval. I'm good. So, let's circle back, then, and talk about what Bill mentioned here on the -- on the architecture and the -- and the porches. So, I think it's important first to note that porches -- that's a design review element. That's not part of the -- the platting, that's not part of the annexation. I don't think that that's an appropriate conversation, frankly, for tonight. But it's something that we can bring into the -- to the conversation if you would like. But I think really the question is this question of alley loading and whether the lots need to be made wider in order to accommodate the porches. So, again, the Ten Mile Plan is a comprehensive planning document. Again, it sets forth goals and policies. It's like a Rorschach. You hit as much as you can. This area, as I mentioned before, is medium high density residential, target of 12 units. It calls for a variety of units, just like we have provided. A target of 12 units to the acre doesn't allow for 60 foot lots with room for porches. The larger point that I would make is that this requirement of porches has to be read in the -- in -- in the context of the overall plan. It's much more doable in the medium density areas. It's not really doable in the medium high density areas where you are looking for a higher density limit. But we have worked with the site and the site constraints to get the city a variety of housing types. So, let me bring this back here. So, we have our triplex townhomes over here that are -- in the purple that are alley loaded. The garage is to the rear. We have done what staff has asked for by providing that product. We have done it where we can. Now, we have talked a lot about the Ten Mile Plan, but one thing that we haven't talked about is actual code and the TN-R code specifically states that front loaded product is allowed. This is in -- stapled it too high -- 11-2D-6. Street access properties are allowed in the district and that they are contemplated around the perimeter of the project. So, we have all of this that is -- should also be street accessed and that's for obvious reasons. You wouldn't want to have an alley on the backside that only serves one side -- only has homes on one side. That's going to be a burden for the homeowners association to maintain. So, really, all we are talking about when we talk about this alley loaded question is this middle block here and as you can see, that middle block doesn't have the space to be able to accommodate a driveway. If we were to put a driveway in that driveway would, then, connect -- and you don't want it connected into the park and it can't connect into a collector road, so we don't believe that an alley can really function there and the other option would be potentially to flip those lots. Maybe you put a MEW in the middle, but what that ends up looking like in our view is -- if I can find this. There we go. This is from the Henley Station project just to the west. We think that if you flip those lots like that, then, you end up having the rear facing the front and you have a whole lot of pavement in between and so the -- the -- the block that I mentioned before is going to be a mismatch. It's not going to match the rest of the project. So, we don't think that there is enough depth for it and we also think that it would mismatch with the rest of the project and so from that perspective we don't think it's appropriate to force a square peg into a round hole. So, in -- in short -- and we do appreciate the Ten Mile Plan's goals. We think that we have accomplished them. We do have alley loaded product. We understand the intent for that, but it can't be done everywhere and you can't do that and widen out the lots and still meet the density goals for the medium high density neighborhoods and I would just also point out that the mixture that we have done and the -- and the elevations that you see are very consistent with the

other four projects that are nearby. That was another thing that was something that took us aback a little bit in looking at the staff report, was that these are requirements that haven't been imposed on the other projects nearby. You can see this is also from Henley Station. So, with that, you know, we think this is a really positive project. We think it brings in that mid-mile collector that everybody needs. We have put a lot of thought into a challenging site. We have accomplished the goals of the Ten Mile Plan where we can and we have hit the density targets that the city has for this site and so with that I would be happy to stop talking and answer questions.

Seal: Okay. Thanks very much, Hethe. Do we have questions from our Commissioners for staff or the applicant? Go right ahead.

Wheeler: Thank you, Mr. Chair. Let's see. It is Hethe. Is that right?

Clark: Hethe.

Wheeler: Hethe. Okay. Just double checking. Hethe, with 35 percent of open space, would there have been some ways -- I mean you don't -- that -- that's a lot of open space, which is awesome. Could have there been -- I mean you have a lot of play dough to work with to try to figure something out that might have worked a little bit better. I mean you have a lot of room just to work with lot lines, adjustments of lots where they sit, moving around the buildings and things like that, so -- and you are talking about it being constrained, but you got 35 percent open space. So, what -- what are you seeing that's constrained -- constraining you from not using this excessive open space?

Clark: Commissioner Wheeler, good question. So, a lot of the open space is driven by the -- as I mentioned, we -- we don't have control over where that mid-mile collector connects and so you can see there is massive green swaths, including down in these areas that are south of the connection point over -- on the southeast, which is also fixed. In order to meet the density requirements, you know, we need to have enough apartments. So, on the -- on the apartment side we got about half of the project over there to try to -- to get those numbers up and, then, we end up with about ten acres of single family residential on the west that's left and with -- even with this design we are only at about six units to the acre on that -- on that piece of it and so the more we spread that out, you know, make wider lots or -- or do whatever, we actually push down the -- the densities or -- yes. Push down the densities at that point. So, we -- actually, it's -- it's where you are -- it's kind of like the bag where you put -- putting something in and something else comes out, that's kind of the issue that we are confronted with as a result.

Wheeler; Thank you.

Clark: Uh-huh.

Seal: So, I'm going to ask probably the same question a different way.

Clark: Okay.

Seal: So -- so, you are saying that the 12 units per acre is a requirement. Is that a requirement?

Clark: Commissioner Seal, it is the target that's identified in the Comprehensive Plan is 12 units per acre.

Seal: Okay. So, for the things that you are noncompliant with, your argument is that these are just guidelines. But for the one thing that you are trying to tell us is a requirement, it's not a requirement.

Clark: No, I don't --

Seal: It's a guideline.

Clark: No, I'm not -- I don't think I'm saying that. I'm saying that the entirety of the Ten Mile Plan is a guideline and we are hitting as many of those guidelines as we can, including the target of 12 units per the acre.

Seal: Okay. But the way that you presented it was 12 was a requirement -- that -- that is -- that is what you said. That's -- that's what I want to make sure that we are -- we have a full understanding here is if we are going to talk about the Comprehensive Plan and the Ten Mile Plan as not being requirements, then, neither is the eight to 15, so -- and -- and with that I guess my question to staff is -- is what is the entitlement piece of it?

Clark: Commissioner Seal, I -- I'm trying to make sure I'm tracking you here. So, eight to 12 -- so, 12 is the target, eight to 12 on medium high. These are the bands that we have to hit and so I'm not trying to mislead anyone by suggesting that. What I'm saying is with the -- that in the Ten Mile Plan there are all of these various things that we are supposed to be trying to hit, including the porches, including the alley load, including hitting the -- these density bands that we are talking about and if you are going to put -- if you are going to hit all of -- something has to give between all of them and especially when you are talking about medium high where the city wants more density. That's -- that's the point I'm trying to make.

Seal: Appreciate that. Another question. Is Zimmerman going to be signalized?

Clark: Commissioner Seal, no, Zimmerman won't be signalized. So, what -- so, Zimmerman for -- just to make sure everybody is on the same page. Zimmerman is this private lane that's to the south of the -- of the property. So, ACHD updated their comments on Zimmerman. It is not going to be a local street. Part of the reason for that is that this -- ACHD wants this east-west collector to be the -- the primary collector moving people across the block and if you make Zimmerman a local street, then, it turns into, essentially, a de facto collector. You are going to have people leaving the transportation network in the place that ACHD wanted it and heading straight down. So, ACHD does not want a local street there. They want it cut off just exactly as we have shown here.

So, it will not interface with our mid-mile collector. It will remain as a -- as a private lane and -- but, in addition, I would note that we need to make sure that those stubs that are on the properties to the south can connect. So, there will be some dedication of -- of portions of that to ACHD, so that they can stub in the future. But it will not be signalized, it will remain a private lane according to ACHD.

Seal: Bill also showed that there would be a stub street that's going to connect to the property to the south. Can you show where that's going to be?

Clark: Yeah. It will be approximately here and, then, there will be another connection up here.

Seal: Okay. Anybody else?

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: I have two questions. One a bit more general. Say -- say we decided, hey, these -- these front porches are really important, you know, and this is something that we need to get to. Is there any -- whether from staff or from -- from your side -- any estimate on roughly what that loss in development would be, how many units that would be reduced by and what that might look like?

Clark: Commissioner Smith, this is pretty back of the napkin, but if you are going to have a 30 percent cut porch coverage and deal with garages and do all that, you are probably talking 60 foot lots.

Smith: Yeah.

Clark: I mean it -- it's -- it's going to be significant. I mean you -- you go from a medium high project to a medium project at the very least.

Smith: And, then, my second question is actually for -- for staff. I understand the -- the desire for more alley access, but -- but in light of, you know, the response and comments, I'm just wondering if you are envisioning additional alley access homes, do you have a vision for what that might look like? Just looking at this map here. I am kind of seeing the -- the issue with -- kind of finding that alley access, do you have any -- any thoughts on where that might go, what that might look like?

Parsons: Yeah. Mr. Chair, Members of the Commission, to your point, no, we have not done that exercise. It -- I know we have had correspondence with ACHD and they weren't real keen on doing that either based on the feedback that we got from them, because it does align strange and they do not want -- again, this is a collector roadway and we want to minimize access points to collector roadways. So, if we were to do that there is going to be a lot of conflicts and a lot of access points on that and so that's -- you are almost -- to your point, the only way you could do it is, essentially, take that internal block and rotate

it 90 and, then, have the alley go this way and, then, the -- the applicant's building another -- another street, so they are building an alley plus another street and, then, you are losing kind of that connectivity with the open space there. But you could have the units fronting on open space where there is a street. So, it can be done. You lose open space, to be honest with you, and that's what's going to end up happening here and you are going to have to provide a lot more paving.

Clark: Commissioner Smith, I would just add -- just a reminder that the -- the code does say that the perimeter lots -- excuse me -- the perimeter lots are -- would be street accessed. So, it is, again, just that middle block and, again, if you -- if you are just looking at this and you see an alley where it would go, if -- even if you had enough depth -- and this cursor is struggling a little bit -- that alley would come down here, it would inter -- it would intersect the park, it would -- you wouldn't have spacing from that intersection. It - it -- it really would create a number of problems.

Smith: Yeah. Thank you.

Wheeler: Mr. Chair?

Seal: Commissioner Wheeler, go ahead.

Wheeler: Well, going back to that, I mean you could go ahead and run that street there. I think it's Carson Street just due west -- tie in there and have that -- yeah. Because you have got enough open space to play with. You could cut down that park area there, too. I'm sure you thought of that, too. So, what was kind of the -- the reasoning to not go that direction?

Clark: The reasoning would be that the impact on this intersection -- you would have a five legged intersection at that point into a collector street.

Wheeler: Okay.

Clark: And that would be -- yeah, ACHD would probably hang me if I even --

Seal: Quick question on the common drive. There is arguably five things that are going to take access from that. One is just really a smidgen on there, so -- one of the things that's come to my mind lately -- or I have been educated about is the fact that you can have basically your trash services and stuff like that, they will back in and pick things up instead of leaving things out on the corner. Because we have smaller streets and because we do have pretty high density in here, is that something that you can build into the -- you know, into the HOA or that -- that basically that is going to happen with that common driveway, just to keep all of that off the street.

Clark: So, in other words, the -- the trash service would be at each of the homes?

Seal: Correct. They -- they back in, essentially, is what --

Clark: I mean we can certainly look at that. And this would be something that would be an alternative compliance item at final plat. So, I'm certain that the -- the staff would ask those questions as well. The other thing that I would mention on that is that it -- yeah, it's -- it's four lots that take, but it's a very narrow -- I mean very short run. You know, if we were in a medium density example you would probably have twice the run on that -- on that common drive, so --

Seal: Right.

Clark: -- that's part of the reason and we are also doing those duplex -- or two -- two connected townhomes and so we are trying to keep that consistent.

Seal: Okay. Yeah. And that's part of the reason I ask, is just because they are so -- everything is -- the roads are a little bit smaller, it's right on a corner, you know, with it -- especially the trash bin it just ends up being -- it can be quite a mess.

Clark: Sure.

Seal: And so I understand that it is a short run and these are, you know, pretty small homes, but just -- I know that that is available and it's something I would like to see a lot more of, just seeing how that works and how it lays out, especially -- you know, we have had meetings with -- with developers about that and that is something that they have shown that it's a very good way to do that.

Clark: Okay.

Seal: It eliminates -- eliminates my concerns about it for sure.

Clark: Appreciate that. Thank you.

Seal: Commissioner Grace, go ahead.

Grace: Yeah. Mr. Chairman. Hethe, can you just -- and I apologize if you already addressed this and maybe I wasn't tracking with you, but it seemed like the elevations were a big concern to -- to staff. Can you just address that again really quick about how you --

Clark: Yeah. Commissioner Grace. So, I think there is a couple of things here -- and I - - and I just want to be really clear on it. So, I appreciate the question. In my view the question of porches in general is a design review question and we are not at design review. So, that's -- that's one item. If it is the preference -- or, you know, the recommendation or whatever to accommodate for that by doing one more block of alley load or whatever or to increase the size of the lots, then, I think that's more germane to tonight's discussion and that's more of a 30,000 foot question than the -- the 5,000 foot design review question. And, again, my point to that is we -- we think we have adhered to the spirit of the -- of the rule by doing the alley load where we could and that we have shown, you know, why we think that it's more appropriate to have a mix here for the

remainder of the lots, including as a result of the code that allows for that on the perimeter, the depth and also the fact that we have four other projects that are essentially the same mixture of types that have already gone in in this very area.

Parsons: So, Mr. Chair, Members of the Commission, if I could just piggyback on a little bit of what Hethe said as well, as he is bringing up -- I think our concern wasn't necessarily to -- to Hethe's point -- or the applicant's point is it's not necessarily the perimeter, because that's -- that's established; right? We don't need 15 alleys provided on this site. It really comes down to -- I think our -- our preference or our concern was really this -- these internal lots right here, to Hethe's point, and the code doesn't say thou shall be alley loaded. It says it's anticipated. So, there is some gray area there in code, but certainly that's -- when I -- when I looked at the staff report and analyze it, that's where I think staff was really coming -- was trying to -- to get the point across that, really, this is what's intended to be more alley loaded than the perimeter so much.

Clark: And maybe just add one more thing -- Mr. Chair, if I can.

Seal: Yes.

Clark: You know, the -- the -- the -- the Ten Mile Plan is a guide, so it -- you know, it's something that we do our best to adhere to -- to execute on those policies and, then, even within the guide it has permissive language as to these points. It says should. It doesn't say thou shalt, so --

Seal: Okay.

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: Forgive me if this is -- if this is a silly idea, but, you know, I'm not -- I'm not an architect, so I'm just -- I'm throwing some -- some thought out. I'm wondering, at least on the ally access side, if you could almost -- kind of almost stub an alley way and you -- maybe you lose a house of density on that current non-alley access, but you are able to provide alley access to -- I don't know, maybe half of these otherwise -- street access road, you would essentially have a smaller lower volume street or alley type street kind of going between -- kind of the equivalent, honestly, if you were to -- to take that -- I don't know that -- this Carson Street, you know, minify that and, then, put it, again, exactly alongside that -- that middle section right there, providing alley access to maybe some of those -- at least increasing the diversity of that mix and maybe you lose a house or a townhome in density to provide that outlet onto Carson, rather than onto the collector street. Has that been considered? Is there -- is there a reason why that's a -- kind of bad idea to a layman?

Clark: So, I think, Commissioner Smith, what you are saying is come down like this and, then, out over here?

Smith: Either loop out there or loop out slightly more northward, you know, onto kind of that north-south Carson Street section. You have a -- have a slight traffic turn there.

Clark: I'm sorry, I didn't mean to interrupt you.

Smith: No. No.

Clark: There is -- there is a couple of thoughts that I have there. One is -- and maybe I left that too quickly. But the -- the block that's just to the east of that is deeper and we kind of squeezed as much as we could out of that one to be able to accommodate the internal alleyway. The block to the west that you are talking about isn't as deep and so you have an issue fitting the alley really in any event as a result of that. That's leaving aside things like turnarounds or whatever you might need to be able to allow for that to be safe. There is another element of this, too, is that, you know, there is a lot -- you know, there -- there are folks that want to live in alley loaded products. They don't want any yard to take care of. You know, they just want to -- a complete, you know, lock it and leave kind of a solution. That's not true of probably the majority of the folks that are looking at this product. Most of them want a little bitty back -- a little bit of backyard and so what -- the design that we have done -- allows for is to have some backyard, so, you know, the dog can do its business, but, you know, still reach the -- the density goals that we are talking about here. So, it's -- we are trying to -- trying to balance a lot of stuff, so --

Seal: I will turn my microphone on now. Anybody else? All right. Thank you very much, Hethe. Appreciate it. Madam Clerk, do we have anybody signed up to testify this evening?

Hall: We do. We have Paris Brower. Okay. Thank you. Then we have no one, Mr. Chair.

Seal: Okay. Is there anybody online that's raising their hand? It doesn't look like it. Okay. And with that, since there is no public testimony, would the applicant like to add anything else? Are there any further questions at this point of the applicant? All right. With that I will take a motion to close the public hearing for File No. H-2022-0088, Newkirk Neighborhood.

Lorcher: So moved.

Smith: Second.

Seal: It's been moved and seconded that we close the public hearing for File No. H-2022-0088. All in favor, please, say aye. Opposed nay? Okay. The public hearing is closed.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Seal: With that I will take the first comments, discussions.

Smith: Mr. Chair?

Seal: Go right ahead.

Smith: Just some initial thoughts. I -- I think there is -- I -- I can see a lot of -- of where staff is coming from and there is a lot of this sort of -- you know I look at it and go if you only could just kind of slightly tweak it a little bit and I think a lot of the design review and things like that will be instrumental in this. I think generally the -- the developer seems to be -- have -- have done a -- a pretty good job in trying to balance all of these competing interests and so I think there are, obviously, some contingencies or some content -- all these conditions and there is some conditions that I would like to see added. I think your comment on the -- the common drive is -- is something I agree with and -- and I'm glad you brought that up. But beyond that I think, you know, if this is the -- if nothing changes and this is the worst that we get, I think it's -- it's still a pretty good project, all things considered.

Seal: Thank you. Other comments?

Wheeler: Yeah. Mr. Chair?

Seal: Go right ahead.

Wheeler: Excuse me. I like in-fill projects. You guys have heard me say that multiple times. I like the kind of creativity that can come from them. I like to see the problem solving that happens in unique spots. And this one has its own uniqueness that's for sure and the way to try to put this thing together has been -- it's hard and it's tough in order to accommodate everything from ACHD, to the developer's needs and wants on it all and what also the code requires on it. There seems like there is a lot of latitude in this -- in this zoning, the TN-R within the Ten Mile District. It -- I'm -- and to try hitting those densities along with the -- as much as open space as they have I can see that a lot of it's on that arterial, that collector, is where a lot of that open space is falling into and, then, trying to hit those density loads on top of it, that's -- that's the -- that's the difficulty with this in-fill project here. It would be nice to see, as staff is pointing out, that alleyway drive that could connect there somehow somehow, with an adjustment on lot size, or -- or -- or -- and it's -- and I hate to say it, because like maybe some different design even and -- on that section. But with all the -- with all the efforts that go into trying to figure out how to use these pieces and maximize space, profitability, use, comfort, something that's going to be an attractive product type for -- for client -- for your customers is -- is difficult. This one's a hard -- this one's hard for me. I don't know which -- which way I kind of lean on it, to be honest with you, but that's where -- there has been a lot of thought that has gone in to try to make this thing work and it seems like a lot of time, too, with staff trying to figure out what's going to be the best to -- to move forward with this product.

Seal: Thank you. Commissioner Grace?

Grace: Mr. Chair, I was just going to kind of say something similar to what Commissioner Wheeler said. I think there are some challenges with this product -- or project that -- the shape, the slope. It's an in-fill project. The lateral. The railroad. I think they did a good job with it. I actually tend to agree with the applicant about the alley in that kind of in-fill area there, the -- the -- the box there with the residential single family. So, I -- I'm not sure there is a great solution, but I was persuaded by the -- the -- the -- sort of the argument that that was made by the applicant about why that's not ideal, particularly when they have tried to hit that target density range and it looks like they did. So, I think I will be supporting it.

Seal: I will chime in here real quick. Yeah. In-fill like this is tough. This is a -- this has been a tough area to develop for sure. So, I actually like the -- the way the multi-family is laid out. We have got ample parking in there. We have ample open space, which is also difficult to pull off in here. As far as the alley load, I mean to me either keep it the way that it is, understand that, you know, we are not going to get a hundred percent of everything in here that we are -- that we are shooting -- you know, that we are aiming for. I mean either that or, you know, flip those two blocks and, then, just, you know, make them all alley load. That's about the only possible way I see, you know, that you could pull that off without impacting things or making a five way intersection or some really, you know, atrocious thing like that, so -- I mean one of the -- one of the things I have overall - - and some of the conflict that I see that's coming out of having the Comprehensive Plan, the Ten Mile Plan, and, then, code is we have -- we have some precedent out there where -- that we are seeing and what I don't want to see is more things go on where we have more applicants that say, well, they didn't do it. These guys didn't do it, so I shouldn't have to do it. So, to me if your argument for noncompliance is that somebody else was noncompliant, that still makes you noncompliant. So, I just want to make sure that we are not going down that road any further than we have to and that -- and that's -- you know, we kind of have the competing plans going on here versus code. So, I understand we are not going to meet all of that, but I just want to make sure that we meet enough of it that we are sticking with the spirit of those plans, so we don't get too far off track. Sorry, that was a really long explanation of how I feel about that, but -- but the rest of the project, the -- the -- the one major -- other major -- or the major concern that I have about this is how this is going to link up to the property to the south. That I am concerned about. I can see -- no. Yeah. That one right there specifically. I can see a lot of people utilizing that as they come through, so -- and -- and, again, we are going into a neighborhood with smaller streets, smaller entrances and exits where you are coming onto, you know, a bend in the road right there as well. So, I am concerned about that. I mean to be honest, I would almost rather see that as an emergency access with bollards. I don't -- I -- I guess if I lived in -- in that subdivision I would be very concerned about the level of traffic that would be coming into it. That's -- that's just me. I know there is a lot of connectivity that's provided in this and, again, this is a -- this is a hard -- it's a hard piece of property to develop. That is not lost on me for sure. But that one for sure I -- I am concerned about that. I mean I don't know if I would condition it that way, but it's definitely something that maybe is -- is worth discussing is this -- on this -- you know, if this goes forward in this current iteration. Anybody else want to chime in?

Smith: Mr. Chair, just to make sure I'm on the right page.

Seal: Go ahead, Commissioner Smith.

Smith: Are you talking about the subdivision -- the R-8 on the opposite side of Franklin or are you talking about the southeast along that collector?

Seal: Just to the south where -- if you look at what's on the screen right now, essentially, it's -- it's where Zimmerman is -- the subdivision exits out onto Zimmerman and, then, in the upper right-hand -- kind of in the middle of the triangle there, that -- that's going to act -- that -- that's going to be a -- you know, a major access point to this, so -- and people understand that they are not going to have to traverse through a -- a larger subdivision to get to this, they -- I wouldn't want to go around to Black Cat. I kind of avoid that road altogether anyway. So, you know, I mean this is a really quick alternative to them and -- and where you have a lot of multi-family in there that's -- that to me is just a concern, that you are going to have a lot of people traversing through that subdivision in order to get to this subdivision, so -- which is, you know, part of how it all connects. But that just seems like that would be a lot of traffic load going through there.

Smith: That makes sense. Thank you.

Seal: Yep. I guess, you know, to turn it around, it would be -- if you had something -- if you had the road connecting through, you know, the -- the -- essentially the smaller part of this application that was going into the multi-family and it wasn't on the arterial there, that would be a concern. You know, that -- that's a large traffic load for that, so -- and -- and that's not happening here, but just as an example that's -- to me that's just concerning. Wheeler: Mr. Chair?

Seal: Yes, sir.

Wheeler: One -- one thing here to the applicant. I would -- I would see if you guys could get a little creative with that long strip of road on what to do there. Maybe like some little benches, maybe like some little doggy bag pickups, maybe some little -- because I can see that turning into some place people are going to walk, people are going to walk their dogs, people are going to run, just something like that. Not -- not a condition. I'm just saying just kind of have fun with that to have a long stretch of lawn to be able to deal with on a driveway like that, too. On a drive aisle like that. You could have some fun with it and make it creative and make our town beautiful, instead of just a long drive on asphalt to get to the next point, it's something that you can have a little fun with there with the community and enjoy -- have them enjoy that, too. And with that, Mr. Chair, I would like to make a motion.

Seal: Go right ahead.

Wheeler: After considering all staff, applicant, and public testimony, I move to recommend approval of the City Council File No. H-2022-0088 as presented in the staff

report for the hearing date of March 2nd, 2023, with no modifications.

Seal: Do have discussion on the motion or a second?

Grace: Mr. Chairman?

Seal: Go right ahead.

Grace: Just discussion, because I was going to ask this question before maybe Commissioner Wheeler made his motion and that is --

Wheeler: Oh. Sorry.

Grace: -- that's okay. That's okay. It actually works out well I think. When staff -- when Bill gave his report he encouraged us to put into our motion anything that we thought might be beneficial to provide direction and I'm just wondering whether we adequately did that and -- and I don't know from staff's perspective were there things that we -- you were hoping we would touch on maybe that we didn't or --

Parsons: Mr. Chair, Members of the Commission, I think my -- my point to that is I think we have had a pretty robust discussion about, you know, balancing density, open space, public benefit versus what the code says, what the comp plan does. So, I think we have captured that. But what I was hoping for is if you guys truly do support the applicant's position on no -- because there is a lot of analysis about the 30 percent front porches and a lot in the staff report on the design of the units. So, I just want to make it clear that whatever recommendation goes forward to City Council -- your recommendation for approval it sounds like, that you just include that you supported the -- the applicant's position that, you know, it wasn't necessary for the -- the 30 percent -- or you were good with the alley load, the -- the front loaded garages since the TN-R zone allowed for that or something to that effect, so at least we can capture that in a DA, so, again, we don't get -- a -- a year from now we -- we understand that, yeah, we talked about it and we -- we knew what we said, but we had a discussion and we determined that it wasn't something that we required, because that's what we did on some of those other projects. So, I just -- I just want to make sure we have a clear and clean record moving forward.

Seal: Mr. -- Mr. Smith, go ahead.

Smith: Sorry. Was there a second? Does there need to be a second before --

Seal: There has not been a second. We are still discussing, but with what Bill just added, would you like to change the original motion?

Wheeler: Amend the motion? Yeah. If I can go ahead and amend that motion to state that we are okay with the -- with the -- without the alley loaded driveways and the requirement for 30 percent of the porches on the -- on the residential.

Parsons: I can work with that and wordsmith that a little bit for you, but, yeah, you are good with garage dominated street access -- 44 of the lots having street access and no - no porches -- the 30 percent porches.

Wheeler: The 30 percent porches, yes.

Parsons: Based on the design as shown. And, then, what about the townhomes? Are you good with that, too, on the alley load?

Wheeler: On the alley load on that? Yes.

Parsons: Thank you.

Grace: And I would second that.

Seal: Okay. It has been moved and seconded. Well -- to approve File No. H-2022- 0088 with the aforementioned modifications. All in favor, please, indicate by saying aye. Opposed nay? Motion carries. Thank you very much, gentlemen.