



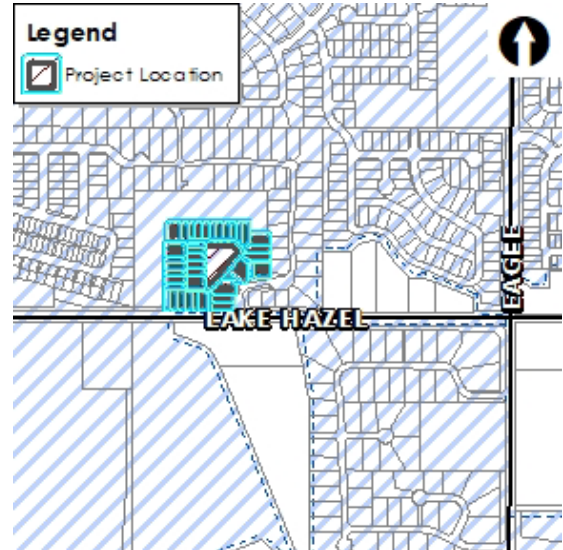
COMMUNITY DEVELOPMENT DEPARTMENT

HEARING DATE: 08/09/2022

TO: Mayor & City Council
FROM: Alan Tiefenbach, Associate Planner
208-489-0573

SUBJECT: H-2020-0037
East Ridge - MDA

LOCATION: North side of E. Lake Hazel Rd. between S. Locust Grove Rd. and S. Eagle Rd. in the southeast ¼ of Section 32, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Development Agreement Modification to remove the single-level height limitation on single family residences within Impressive East Ridge Subdivision No. 2 and No. 3 (Village Product Area). NOTE: The 25 ft. height maximum is not being modified.

II. SUMMARY OF REPORT

A. Applicant / Representative:

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

B. Owner:

G20 LLC – 4824 W. Fairview Ave, Boise ID 83706

III. STAFF ANALYSIS

History: The Impressive East Ridge development is approximately 41 acres and was annexed, zoned to R-4 and R-15 in November of 2017 as the East Ridge Estates Subdivision Preliminary Plat (H-2017-0129). The approved project allows the construction of a residential subdivision consisting of one hundred thirty-nine (139) residential lots and seven (7) common lots. A development agreement (Instrument #2018-052339) was recorded. Conditions of the development agreement included, in part, prohibitions on direct access from E. Lake Hazel Rd., specifications on building elevations, and required open space and amenities including a clubhouse, sitting areas, and a neighborhood park.

In 2019, it was discovered concessions that had been presented in a letter by the Applicant to the City Council at the 2017 public hearings to address community concerns had not been included in the

original development agreement. These concessions proposed restrictions including increased western setbacks, additional landscaping, and a height limitation to one-story *and* 25 ft. maximum for all 96 houses in the R-15 zoned area (Phases No. 2 and 3, also known as the Village Area). In March 2019, the City Council directed staff to record these additional restrictions as an addendum to the development agreement (Inst. # 2019-021791).

In 2021, the applicant requested a second development agreement modification (H-2020-0096, Inst. #2021-025636). The purpose of this modification was to propose a slightly reconfigured plat (same number of lots) replace a required clubhouse and pool with a dog park, propose changes to the elevations, and remove some of the requirements (such as fencing type and setbacks) that impacted a property directly to the west which was now under different ownership. The Final Plat for Impressive East Ridge #1 (FP-2018-0062) was approved by the Council on July 17, 2019. Impressive East Ridge #2 (FP-2021-0002) was approved in February of 2021, and Impressive East Ridge #3 (FP-2022-0003) was approved in February of 2022. The majority of homes in Phase One have been constructed.

During the building permit review of houses intended for Phase 2, staff noted several houses had bonus rooms on a second story. As provision 5.1.g of the existing development agreement states “all product in the Village Area is to be single level with a maximum roof height of 25” staff denied the permits. The subject development agreement modification is to remove the second story restriction and allow two-story elevations with bonus rooms. The 25 ft. height maximum will remain.

Staff has received several phone calls from concerned neighbors in regard to this proposed change. Concerns include houses that were previously limited to one story now having second story windows looking into their yards and the potential for monotonous higher rooflines. In addition, approximately 6 months ago staff received at least one phone call from a homeowner who was under contract for one of the constructed houses in Impressive East Ridge No 1 and was doing due diligence to confirm the 25 ft. one-story provision was really a requirement of Phases 1 & 2.

Staff does support the addition of bonus rooms on a second story because the height limitation of the houses will remain 25 ft. However, staff understands the concerns of neighbors who have purchased homes in Impressive East Ridge Subdivision No. 1 with confidence regarding the existing development agreement restrictions. **Staff recommends removal of the single level restriction with the condition that any second story windows not face Lots 2-20, Block 2 of Impressive East Ridge No 1, and Lots 9-18, Block 2 of Lavender Heights Subdivision No 2** (please see attached supporting exhibit). Also, staff supports the inclusion of the new two-story elevation the applicant has provided into the development agreement with the requirement that houses on Lot 61-97, Block 1 of Impressive East Ridge Subdivision No. 3 (the perimeter lots facing East Ridge 1) vary in approved building elevation and home type with no two identical home types on adjacent lots. This is to ensure if there are two story homes built along the perimeter (which are not allowed under the present development agreement), there is a variation in architecture and rooflines as viewed from the adjacent houses.

IV. DECISION

A. Staff:

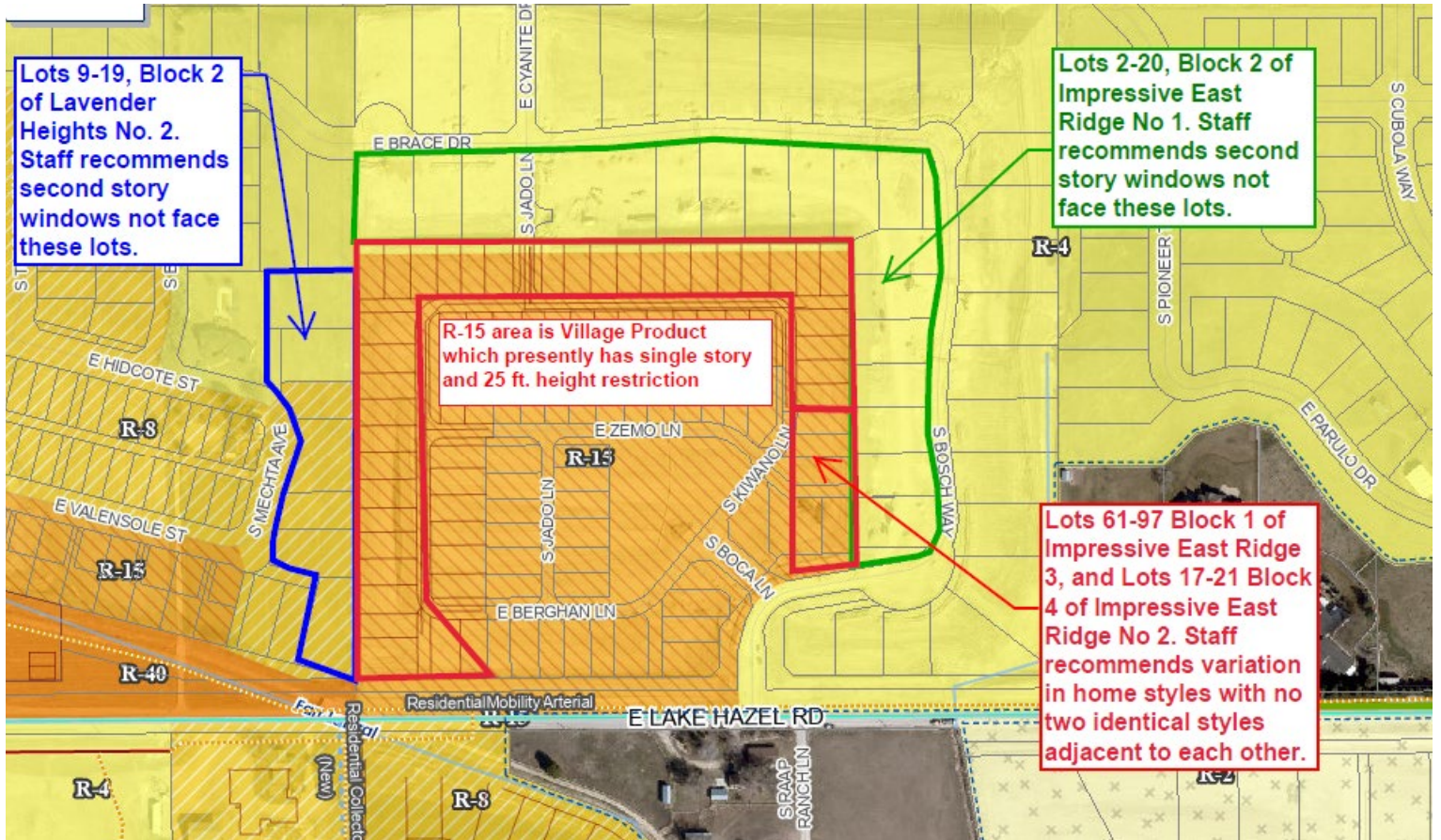
- 1. Staff recommends the City Council approve the addition of the two-story elevations and the amendment to Development Agreement #2021-025636 as follows:**

5.1.g All product in the Village area (zoned R-15) to be ~~single-level-with-a~~limited to a maximum roof height of 25 feet. Second story windows shall not face Lots 2-20, Block 2 of Impressive East Ridge No 1, and Lots 9-18, Block 2 of Lavender Heights Subdivision No 2.

5.1.m Houses on Lots 61-97, Block 1 of Impressive East Ridge Subdivision No 3 and Lots 17-21, Block 4 of Impressive East Ridge No 2 (the perimeter lots facing East Ridge 1) shall vary in approved building elevation and home types with no two identical home types on adjacent lots.

V. EXHIBITS

A. Supporting Exhibit



B. Proposed Elevations to add to Development Agreement.



Chandler A



Chandler B



Avondale A
(NOT TO SCALE)



Avondale B
(NOT TO SCALE)



Gilbert A (w/ Bonus)
(NOT TO SCALE)



Pima A (w/ Bonus)
(NOT TO SCALE)



Tempe A
(NOT TO SCALE)



Tempe B
(NOT TO SCALE)

C. Existing Development Agreement

5. **CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:

- a. Except the public street access to E. Lake Hazel Road from East Ridge Avenue, direct lot access to E. Lake Hazel Road, an arterial street, is prohibited in accord with UDC 11-3A-3.
- b. Future development of this site shall be generally consistent with the preliminary plat and building elevations depicted in Exhibit A of the Staff Report attached to Exhibit "A" to the Findings of Fact Conclusions of Law and the revisions noted in the staff report.
- c. The applicant shall comply with the submitted home elevations attached in Exhibit A.4 of the Staff Report attached to Exhibit "A", Findings of Fact Conclusions of Law. The rear and/or side of structures that face arterial or collector streets (Lots 2-5 of Block 1, Lots 55, 56, 59, 60, 63, 64, 67, 68, 71 and 72 of Block 2), shall incorporate articulation through changes in two or more of the following: modulation (e.g. – projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. Single-story structures are exempt from this requirement.
- d. The site shall develop with a minimum of 10.54% open space (4.32 acres) and shall include the following amenities specific to the Village Concept and other amenities that would be for the use of the estate lots as well as the Village concept. The amenities specific to the Village concept include a dog park, water feature and outdoor ramada. Amenities that would be shared by both the estate lots and the Village concept include a neighborhood park that includes a large grassy area, a shade structure and sitting areas.
- e. Timing for the construction of the amenities is proposed as shown on the phasing plan in Exhibit A.2 of the Staff Report attached to Exhibit "B" of the Original Development Agreement, Findings of Fact Conclusions of Law.
- f. The 5-foot detached sidewalk and 25-foot landscape buffer along E. Lake Hazel Road shall be constructed with the first phase of development.
- g. All product in the Village area is to be single level with a maximum roof height of 25 feet.
- h. All product in the Village area is to be age restricted.
- i. All 6 estate lots to be single level with a maximum roof height of 25 feet.
- j. Rear Setbacks for Lots 1, 2 and 3, Block 3 shall be 45 feet measured from the north property line.
- k. Rear Setbacks for Lots 6-23 shall be 45 feet.
- l. Side yard setbacks shall be 7.3 feet for homes on the Rim.