

4. Public Hearing for Driftwood Townhomes Subdivision (H-2025-0051) by Brighton Corporation, generally located north of W. Ustick Rd. (Parcel #R1931270100) on the west side of N. Venable Ln.

- A. Request: Development Agreement Modification for a new agreement for the subject property and update to the development plan and associated provisions from multi-family residential townhomes on individual lots.
- B. Request: Rezone of 5.01 acres of land from the C-C to the TN-R zoning district.
- C. Request: Preliminary Plat to re-subdivide Lot 1, Block 1, Driftwood Subdivision into 61 building lots and 5 common/other lots with private streets on 4.81 acres of land in the TN-R district.

Lorcher: All right. Moving on to Item No. 4 on the agenda is H-2025-0051 for Driftwood Townhome Subdivision, off of Ustick, for a development agreement modification, rezone and preliminary plat. We will start with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. As you noted the applications before you are a request for a development agreement modification, a rezone and a preliminary plat. This site consists of 4.81 acres of land. It's zoned on C-C. It's generally located north of West Ustick Road on the west side of North Venable Avenue. The Comprehensive Plan future land use map designation is mixed-use community. This property was annexed with C-C zoning in 2008 with a commercial -- for a commercial development. A development agreement was required with the annexation, which was later modified in 2016. A new development agreement was approved in 2022, which replaced the earlier agreements and changed the use from commercial to multi-family residential. The existing development plan allows for the development of 57 two and three bedroom -- excuse me -- two and three story townhome style multi-family dwelling units on one building lot on the northern portion of the property at a gross density of 11.85 units per acre and two commercial buildings on the southern portion of the property. The drawings there on the left side are the existing entitled conceptual development plan and the building elevation directly below that. The applicant is proposing a new development agreement for the northern portion of the property with a new conceptual development plan as shown there on the right for 61 two-story townhome dwellings on individual building lots and updated building elevations. The proposed development is very similar to the previous plan, except the Community Center and the Plaza area has been removed and four additional dwelling units are proposed for an increase in density of .83 units per acre. The same number of dwelling units is proposed adjacent to existing homes to the north in Woodburn Subdivision and to the west in Woodburn West Subdivision. One fewer unit is proposed along the west boundary adjacent to the large residential parcel. The additional units are located along the east boundary of the side adjacent to Venable Avenue, which shouldn't impact adjacent residential properties. A mix of front loaded and alley loaded townhome dwellings are

proposed with access provided from internal private streets and alleys. The proposed townhome dwellings are a desired housing type in the mixed-use community future land use map designation and the proposed density of 12.68 units per acre is consistent with the density range of six to 15 units per acre desired in MUC. A rezone of 5.01 acres of land is requested from the C-C to the TN-R zoning district to accommodate the proposed development plan. A preliminary plat is proposed to re-subdivide Lot 1, Block 1, Driftwood Subdivision, into 61 building lots and five common and other lots with private streets on 4.81 acres of land in the TN-R zoning district. Subdivision of the property will allow individual units to be sold, which should allow for owner-occupied and rental options, rather than just rental options. The subdivision is proposed to develop in one phase. Access is proposed via North Buckstone Place, a local street at the northern boundary of the site and Wind Drift Lane, a proposed private street, along the southern boundary of the site via North Venable Avenue, a collector street. Private streets and alleys are proposed for internal access. The director has approved the proposed private streets contingent upon Council's approval of the proposed plat. Sidewalks are proposed along internal streets, except along the eastern north-south alley. Staff recommends a four foot wide sidewalk is provided along the west side of Alley A for safe pedestrian access and that is in this location right here. As you can see the -- the blue and the -- the blue sidewalks are proposed, as well as the five foot wide detached pathway and sidewalk there in pink. Because this site is below five acres in size qualified open space and site amenities are not required. A total of .51 acres of common open space is provided, along with a dog waste station, as a pedestrian focused amenity. Settlers Park exists to the east, which is approximately an 11 minute walk and provides active and passive recreational opportunities. Additionally, a city community center is planned directly across Venable Avenue to the east, which will provide additional recreation and amenities. Written testimony was received from Eli Bensky, Brighton Corporation, the applicant, and they are requesting a modification to the development agreement and they will cover that in their presentation. Staff is recommending approval with conditions. Staff is amenable to the applicant's request for a modification to that DA provision just by the way. Thank you.

Lorcher: Would the applicant like to come forward?

Johnson: Yeah. It should pick you up from the table.

Bensky: Good evening, Madam Chair, Members of Commission. Eli Bensky, 2929 West Navigator Drive. Thank you, Sonya. As mentioned we are here for Driftwood Townhomes for the preliminary plat, rezone and development agreement modification. As mentioned we are generally located off of Venable and Ustick. I'm getting the full set up today. Can you guys hear me?

Lorcher: Yep. Go ahead.

Bensky: Okay. Perfect. This property is located in the future land use designation of mixed-use community. We are not proposing a modification to the land use map. The current zoning is community business. We are proposing a rezone to traditional

neighborhood residential. We are proposing to keep the southern properties commercial. As mentioned this property has already been plotted and has a prior CUP approval. The previous plot was for four lots. There was the commercial lots to the south, the commercial drive aisle and, then, Lot 1, Block 1, which is what we are here today talking about. Lot 1, Block 1, was one lot with the 57 multi-family units. As mentioned the units that are directly abutting the residential portion that is already existing, that configuration and lot count remain the same with the current proposal. We are proposing 61 buildable lots, five common and open space lots, with a total density of 12.7 units per acre. The expected density within the mixed-use community future land use map designation is -- sorry -- is ranging between six and 15 units per acre. So, we do fit just right in the middle of that request from the Comprehensive Plan. As mentioned this property is served by internal private streets notated here in the red and the middle portion of the homes are accessed via the alley or what we like to call a carriage lane and that's notated in the blue. Part of the road improvements that we are doing with this is we are going to be providing a center turn lane at the Venable and Wind Drift intersection. One thing to note -- and as Sonya mentioned, this is part of our condition modification that we are requesting. We have previously agreed with the city parks to help manage the signalization of Ustick and Venable. The wording on it is the top portion here. We wanted to simplify and clarify our involvement with that signalization. Because it is completely disconnected from our development we wanted to make sure that it was clear that this is a CDA that if entered in we will, then, manage. We can't force the CDA to go through, so we just wanted to make sure that that verbiage was very clear and so what we are requesting is the second portion, that text in italicized. I'm going to go ahead and move forward.

Lorcher: Will you go back for a second so we have a chance to read that, please?

Bensky: Of course.

Lorcher: Okay. Thank you.

Bensky: As mentioned we are providing four foot wide attached sidewalks throughout the development. On the perimeter of the development there are going to be five foot wide detached sidewalks. This will help better circulate residents to the greater Meridian area with Settlers being across Venable, as well as some of those commercial community services. There is a fuel station, a salon across Venable. So, all this -- all these will help articulate that movement of pedestrians. As Sonya mentioned, she -- they -- the staff has recommended that we put in that sidewalk to the -- on the west side of that alley. We are okay with providing that access there. In red, that red dot, that's where we are going to be putting the dog waste station. We thought there is going to be a lot of people moving with their dogs walking over to Settlers, so that's a good stopping point for people to pick up after their dogs and make sure that they are disposing of waste before they are entering into the park or coming back from the park. Driftwood Townhomes really is the middle of what's happening around here and I will get more into detail in regards to the uses that are surrounding this site. But in the middle you will see the townhomes and, then, on each side you will see the other intensities of uses. Single family homes are a lower intensity of use. They allow for people to have that personal autonomy. They allow

for people to just have their own space. We do have that transition of townhomes where people might not be ready or financially able to move into a single family detached home. Townhomes allows for a little bit more autonomy, more than in a multi-family building and it also allows people to start that process into ownership, since these will be individually platted they have the opportunity to buy and/or rent. At the higher intensity of uses we have the commercial and multi-family. Directly to the south of this property we have commercial and directly to the east of this property we have multi-family. The image that's -- that's in this slide for multi-family that is actually what's there for the multi-family directly to the east. So, in terms of scale they are not like eight floors. They are not huge. They are just two-story multi-family. I believe they are eight-plexes. So, that just gives you a - a visual of what that transition is here in the area. This gives you an aerial view of what is happening in that area. So, in red is where our project is located and surrounding that directly is the single family dwellings to the north, to the east the future city community center. Settlers Park. As I mentioned the commercial where there is the fuel station, some salons. I believe there is a -- not sure if it's a doggy daycare or a doggy puppy store, but dog-related. And, then, there is multi-family. Across Ustick there is more single family dwellings. There is bigger multi-family also in that area. And, then, as you get closer to Meridian you know that there is more commercial and more residential on that side. Here is what our front access Type A homes will look like. They are combination of either attached in three or attached in four. The visual here shows what it looks like for the four attached. All of them have a two car garage with a two car parking pad. So, each home will have parking spaces for four vehicles. Those are the ones that are going to be located at the perimeter. So, the people that -- or the residences that are directly north that they will see a traditional style home, yes, they are attached, but they won't see garages or, you know, any lights in their back. It will just be a traditional backyard and, then, the second style of home that we have are the carriage lane homes. These are the ones where the fronts are just the front access doors and, then, the garages are in the back. These are the ones highlighted here in pink that are at the center and facing Venable. One thing to notate is that all of our homes will have sidewalks that connect directly to these pathways, including these carriage lane homes. With that I conclude my presentation. We concur with the conditions of approval with that request and modification of Condition 4.A.1.4 and we request your recommendation of approval for the preliminary plat, rezone and development agreement modification for Driftwood Townhomes. I stand for any questions.

Lorcher: Commissioners, do we have any questions for the applicant at this time?

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: Just one quick question. With the width of Wind Drift was there a reason that you decided to make that private instead of keep it public?

Bensky: Yes. Madam Chair -- let back backup for you. In the previous -- in the previously recorded plat that was its own lot and it was originally supposed to be a commercial drive

aisle. In order to have the access shared between the commercial and these private streets we thought it would be best to have access from the private street.

Gelsomino: In the -- for the Venable and Ustick signal has ACHD agreed to having you manage the contract for the construction?

Bensky: Madam Chair, we have not entered into that CDA yet. We are in conversations with them.

Gelsomino: So, it's still -- still in discussion. Okay.

Bensky: And that's the main reason for the clarification in -- in the verbiage is we have not entered that agreement yet. So, it got kind of sticky. We wanted to make sure it was clear.

Gelsomino: Okay. Thank you.

Lorcher: All right. Thank you very much.

Bensky: Thank you.

Lorcher: Mr. Clerk, do we have anybody signed up to testify?

Johnson: Madam Chair, nobody signed up in advance, online or in person.

Lorcher: Is there anybody in Chambers that would like to testify? Would you like to come up? Hi. If you could just state your name and address for the record.

House: Lisa House. 994 West Ashton.

Lorcher: Okay.

House: So, I'm just north of the subject property.

Lorcher: Okay.

House: And my concern is not getting the approval and starting the building unless there is approval on the signal. It's already horrible there and with the new property that's being, you know, expanded from Settlers Park, it's -- that's going to increase traffic. I mean -- and you could sit there for like ten minutes trying to get out of the neighborhood, so --

Lorcher: Okay.

House: -- the only thing.

Lorcher: We will address that with the applicant. Thank you. Anyone else in Chambers? Would the applicant like to come back and clarify again the -- or any other comments?

Bensky: Thank you, Madam Chair. We understand that traffic is a concern, especially in that area with Settlers Park. There is people that are using Venable to access Settlers Park. I have done it before, too. So, that only adds to it. I would like to note that ACHD is not requiring the signal. They have done their studies. They are not requiring it with the development. It's something that they have deemed not necessary. It's something that we still also believe needs to be there, that's why we are willing to enter into that CDA with ACHD and the Parks Department, but because it's not required in our development we don't want it to be tied directly to the development as it's already deemed not necessary. We have previously done something like this where it wasn't part of our development that deemed it necessary. However, other factors that are happening in the area deemed a signal necessary and we entered into a CDA. The signal out at Discovery Park off Lake Hazel, that was in that same modality where we came in after and we helped, we did a little bit of a partnership there as well. So, we are more than willing to help with that, it's just not with the development, because they are not tied, if that makes sense.

Lorcher: Is your organization also for the development of the commercial use in front of this as well or is that a different company?

Bensky: St. Luke's owns that property.

Lorcher: Okay. All right.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: I have a lot of concerns about how vehicles are going to move through this development. We have seen several similar to this and there is a lot of congestion when you have these private streets and, then, you have the units really close together where you don't have space between the units, there is not space for cars -- vehicles to park between the driveways and so I'm wondering if the applicant would be open to adding at least the same amount of parking spaces as you have on the north into the south at minimum and, then, also if there would be a possibility of adding a larger parking space in the north and in the south for utility vehicles, like Amazon delivery, furniture delivery, HVAC trucks, contractors, you know, tree trimmers. When you have those size of vehicles that park on these 24 to 27 foot wide streets it just creates a lot of issues with safety, especially on trash day and you have all these -- you know, all these trash cans and you have these large vehicles and you have people coming home from work, it's just really really a challenge. I don't love alley loads, but they have become more common and even when you have that 20 foot driveway with those alley loads it's just so narrow when you have, you know, delivery trucks coming and I live in a patio home community and during the holidays I probably counted 20 different Amazon, FedEx, you know, type of trucks coming a day and so I have a lot of concern about that with these narrow private

streets and so I'm wondering if that was anything that was discussed and what -- what might be done to -- to rectify that possible situation.

Bensky: Madam Chair. Thank you for that question. Are you -- just for clarity are you meaning the parking stalls that we have there at Buckstone? Are you requesting that we add additional parking?

Perreault: Correct. There is, what, about six stalls there?

Bensky: Yeah.

Perreault: I just think that's such a really very small amount. If someone's going to have people over, an event, definitely think we need at least that many on the south side of the property.

Bensky: Thank you for that clarification. We have thoroughly looked at the parking in this area. It is pretty tight as you can see. I mean it's just under five acres. I don't believe we could fit additional parking. That's something that I think we could probably talk about. Yeah.

Wardle: Madam Chair, Commission Members, Mike Wardle, also of Brighton. 2929 West Navigator. I would just point out that all of the interior block frontages there is -- there is no conflict with driveways there, so there is parking all the way around that interior block. Plus all of the units have the two parking stall pads in front of their garages. So, it's not like there is not going to be a good share of parking. But, obviously, under any circumstance there is the hundred year party or whatever, but -- so this is not deficient. It's -- we understand the concern, but there is really no way to add more to it than what it is. But it's basically the same concept as we have in all of our Cadence projects, which will allow parking on one side and in this particular case where there is no garage frontage on that -- on those alley units we have got all of that frontage to park.

Lorcher: Any other questions?

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. Looking -- so, Commissioner Perreault and I might have to have a discussion, because I actually really like alley load homes, but -- so, that's not my concern. My concern is looking at this northeast section of the property, the boundary with the -- the property to the north in that kind of corner there, I'm seeing like six -- a six-to-one ratio looking backyard to backyard and that for me is kind of the thing where I don't -- it causes me a little bit of pause. The -- this Commission's been pretty big on transitional space and I -- I think as a whole -- you know, at a high level this does a good job transitioning from single family to -- to this commercial. But I'm curious about this kind of transitional pocket here and I'm curious if there has been any discussions internally about other

approaches or ways to mitigate that or -- or has there been any discussion or planning or trying to solve for that?

Bensky: Yes. Let me grab my laptop. I actually do have an additional image that will help answer this a little bit better. One second.

Smith: Okay. Thank you.

Bensky: And to clarify, Commissioner Smith, you are speaking of these units right here on the northeast side? Or are you talking --

Smith: I'm talking about the -- the north -- that's the northwest. I'm talking about the northeast right against Venable.

Bensky: Okay. On that corner.

Smith: Yeah.

Bensky: Okay. Thank you. So, we have looked at different configurations. We had tried doing a three attached there instead to, obviously, make that a little bit less. What ended up happening is kind of a game of rotation. So, instead it ends up putting two fours over here and, then, same thing -- this is a single user -- or a single residential with this out lot out here. It -- it was really difficult to figure out essentially who ends up with an additional lot. I don't want it to sound like we weren't thoughtful in this process, but when you have a backyard neighbor who has that corner lot, whose lot ends up being I guess trapezoidal in the backyard, it is really hard to accommodate how many lots and units are back there. I have an image of what that looks like streetwise. So, this is actually their backyard, the house in the brown. It looks a lot wider on the aerial than it does in -- like when you are doing a street view. So, I took that based off of like that yellow star. That's where that is. So, I don't know if that helps with that qualm at all, but it is -- I mean it is difficult to plan those lots when -- when the backyard itself is like that. When you look at all the other neighbors, when it's a two-to-one ratio with all their other neighbors, it's just because it's a corner lot.

Smith: Thank you.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: So, I was just looking at the kind of ratios or percentages of residential to other uses in this mixed-use community area and it feels very heavy on the residential. I know you already have a CUP that's approved for a similar size project. So, it's not something that's necessarily going to be anything that staff would assess at this point, but just wondering if you took any of that into account and -- or had made that a consideration as your, you know, requesting to change this to TN-R?

Bensky: Yes. It is one of -- Madam Chair, Commissioner, it is one of the considerations we make when we are rezoning, especially when it's in a mixed-use area. We do work closely with staff to make sure that we are not hitting over the threshold of what's allowed in those residential uses and we do try to look at not just what's in within that mixed-use area, but even further than that. Usually if the residents can benefit from more than just what's directly adjacent to them we also take that into account.

Lorcher: Any other questions for the applicant? Okay. Thank you very much.

Bensky: Thank you.

Lorcher: May I get a motion to close the public hearing?

Smith: So moved.

Stoll: Second. It's been moved and seconded to close the public hearing for Driftwood Townhomes. All those in favor say aye. Any opposed? Motion carries.

MOTION CARRIED: SIX AYES. ONE ABSENT.

Lorcher: I know that the site is small and they have adjusted it, but the previous application that was approved for two-story and three story there before, even though there is more -- technically more units, it's -- we lose the -- some of the height and the density as far as the number of apartments are concerned and they did mention that the north boundary did not change. So, since we have already -- we have approved it before, I don't know if we had heartburn when we approved it before or not and there is nobody here for public testimony in regard to those adjacent lots to the north. I don't -- I don't have a problem with the way they have set it up right now. I think whenever there is going to be density, you know, drive aisles and service trucks and garbage and Amazon trucks and whatever that is always going to be a challenge, because that's the way our community works these days where we are seeing more possible box trucks, but I do know Amazon delivers with a lot of vans as well and that's just part of our way we do business these days. People like it home delivered. So, again, the -- the parking stalls - - although it would be lovely to see more, but the fact that each driveway has two spots that you can park around the entire alley load with a couple extra, I'm okay with that as well.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: Yeah. I -- I think I tend to agree. There is a lot of things that give me -- I have -- you know, I have nitpicks with this that I would like to -- you know, if I could wave a magic wand I would like to see a little bit different, but I don't think there is anything in here that is outright offensive to me. I think I -- I -- I am big on mixed-use, not just meaning residential next to commercial, I do think that this is kind of small enough of a project

where it naturally integrates with the surrounding area, contrary to some others that are -
- are much larger kind of neighborhood block size kind of breakups. So, I don't really
have too much of concern with this. Sure, I would like to see a little bit better of a transition
in that one corner. Sure, I would like to see a little bit better of a parking scenario, but I
don't think there is anything that is, you know, crippling to this project kind of the changes
that have been made that we shouldn't approve it if we have approved it already.

Lorcher: Okay. Thank you.

Perreault: Madam Chair?

Lorcher: Commissioner Perreault.

Perreault: So, I really appreciate that -- that Brighton's taken in to consideration to have
townhomes that -- that can be owner occupied. That's really an important part of our
community and I realize all of the -- the adjustments and stressors that come with
urbanization and -- but, I -- I just am -- for -- for me I'm just not in agreement with a rezone
from C-C to TN-R. I really feel like it's too heavy residential in this area for the mixed-use
community intention. I -- this whole corridor on Ustick Road from Linder to Meridian Road
just doesn't have a lot of community serving uses. Got a little down at the end of Linder
Road. We don't have any on the -- on the -- you know, on the Meridian Road side. There
is just -- just a small couple of businesses there, but because of the park there just isn't a
lot of -- of community serving uses. So, I would really prefer for this to stay -- to -- to not
be a residential use. So, that being said I -- I will be voting in denial this evening.

Lorcher: Okay. Thank you.

Stoll: Madam Chair?

Lorcher: Commissioner Stoll.

Stoll: I like the project. It's I think a nice -- nice compromise on the transition between
the -- the area for the residential. I appreciate the fact that there is concern regarding
traffic. I have that same concern regarding the increasing amount of traffic in our
community, but it doesn't meet the -- ACHD's warrant for a signal -- signal to be put into
place and I think that the Parks Department and the applicants have come up with an
approach that will actually get the signal put into place, if the agreement can be completed
between the three parties, in a faster time period than if we just wait for ACHD to do it to
-- when it meets their warrants. So, I will be voting in favor of the application.

Lorcher: Okay. Any other comments?

Smith: I guess, Madam Chair, I -- I would ask if we could pull up the requested change
for the modification -- requested modification if that's what we want to add before anyone
makes a motion, just so we can make sure we get that right.

Lorcher: Sonya, do we have to add it into our motion or is it already in the staff report?

Allen: Chairman, it is not in the staff report. It was in the applicant's response to the staff report. It's in the public record.

Lorcher: Okay.

Allen: If you would like me to read it off I could -- can.

Smith: I guess, yeah, I just -- I just want to make sure we are -- we are changing it to the -- to the right verbiage if -- if staff and the applicant are in -- in agreement.

Lorcher: Thank you.

Smith: Or if there is a second reference as -- as defined in this -- yeah. I will -- I will -- I have this here.

Lorcher: Okay.

Smith: We can pass. We will make do.

Lorcher: All right.

Smith: Madam Chair?

Lorcher: Commissioner Smith.

Smith: After considering all staff, applicant and public testimony I move to recommend approval to City Council of File No. H-2025-0051 as presented in the staff report with a modification to re -- to -- to modify Condition 4.A.1.4 to read as follows: Settlers Park requires a signal at Venable-Ustick intersection as part of their mitigation for the future community center. The developer will -- will continue to pursue a cooperative development agreement if the city's Parks Department, ACHD and the developer enter into CDA the developer will manage the construction of the signal.

Sandoval: Second.

Lorcher: It's been moved and seconded to approve Driftwood Townhome Subdivision with the one modification for signalization. All those in favor say aye. Any of those opposed?

Perreault: Nay.

Lorcher: And one nay. Motion carries. Thank you very much.

MOTION CARRIED: SIX AYES. ONE NAY.

