

Grove: I will second that. It covered a lot of the concerns I had.

McCarvel: It has been moved and seconded to recommend approval with modifications on H-2021-0013. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

6. Public Hearing for UDC Text Amendment (H-2021-0001) by City of Meridian Planning Division, Located at 33 E. Broadway Ave.

- A. Request: UDC Text Amendment to update certain sections of the City's Unified Development Code (UDC) pertaining to Standards in the Old Town District in Chapter 2; Ditches, Laterals, Canals or Drainage Courses in Chapter 3; Comprehensive Plan Amendments in Chapter 5; and Common Driveways Standards in Chapter 6.

McCarvel: Okay. Next item on the agenda is public hearing for UDC Text Amendment H-2021-0001 and we will begin with the staff report.

Parsons: Thank you, Madam Chair, Members of the Commission. Pleasure to be with you this evening. This is the first of two UDC text amendments that will be coming before you here not only this month, but there is also one planned for next month. This one is being expedited at the request of the Mayor's Office and so I wanted to at least get some of these in front of you. I would also let you know that these have been shared with the UDC focus group and I actually present it to the BCA this Tuesday with the following changes. So, really, this first round of UDC text amendments for this year was really just a mini cleanup. If you recall here -- I think I only have one modification for you to take action on this evening and that's particularly in regards to the -- the first one that you see on your screen this evening. I realized after the print date of the staff report that I needed to -- to wordsmith the height requirements in the Old Town a little bit better and so I was able to do that this afternoon and so as I conclude my presentation I will give you that exact language to incorporate in your motion, but I just wanted to share that with you that as of the print date of my staff report there have been some tweaks to some of these modifications. You also know if you had a chance to look at the public record staff didn't really receive official comments on the proposed changes, but as I was getting ready to prepare the application I did send this out to the UDC focus group and let them know that I was asked to expedite the changes and if they had any comments to provide those back to me and so I did send those to the clerk's office today and now they are part of the record. A lot of the concern had to do with common drive standards that I will touch on a little bit in my presentation and, then, also defining natural waterways versus manmade waterways and I will also share some of that thinking of why staff had added that verbiage to that section of code as well. So, really, tonight there is really three or four areas that we need to focus on. One is increasing the height in our Old Town district. Two, we are making some improvements to Chapter 3 of our code, which pertains to ditches, laterals and drainage courses and the reason why I put those changes this evening is because

we were recently in front of City Council and realized that some of the standards that we had in that section conflicted with our irrigation district standards and requirements and I was asked to minimize those conflicts with those entities and that's what I'm proposing tonight. The other one is modifications to Chapter 5 of our code, which will limit Comprehensive Plan map text amendments to only twice a year and those dates would be June 15th and December 15th and, then, they -- probably the more contentious change tonight is the common drives and I know that the Commission -- not only does the Commission, but also the Council has an opinion on what that should look like moving forward and -- and I also want to let you know that you have -- definitely have input into the proposed changes to the language that I have before you this evening, so don't feel like you can't chime in and ask staff to make modifications to some of this text. So, I will proceed to the first change tonight. So, hopefully, all of you are seeing my screen here. If you recall back in 2019 I brought forward a conditional use permit to allow a height exception in our downtown area and I know the -- the Commission struggled with that. They -- some of the Commissioners felt that 75 was appropriate and some of you wanted to see more of that intensification in downtown that's what Old Town is, is to -- to go vertical and so what staff's trying to do with this particular change is allow for that height exception in a limited area. So, in Chapter 1 of our code we do define our urban core and -- and what we don't want to do is have a knee jerk and just approve a hundred feet all throughout the Old Town boundary, because it is a larger area than just the urban core and so this is our first attempt at allowing an increase in -- in height at the staff level without having to go through that conditional use permit and we are defining that. We are limiting it not only to the core, but we are also having a minimum height of 35 feet and, then, a maximum height of a hundred feet. Now, under the code they -- an applicant, if they wish to go taller than a hundred feet they still can going through that conditional use process. So, again, a hundred feet is allowed outright with staff level approval and anything over that would require action from this body. Again, the next change this evening is ditches and laterals. So, essentially, when we -- some of the changes we have going on here is -- has always been -- lack of a better word of conflict, but really a difference of terminology as what waterways are versus what the city considers a waterway and what the irrigation considers a waterway and a lot of times they don't like to use the word creeks -- creeks or our natural waterways, because in their mind all of the canals throughout the valley are basically just delivery systems for water to farmers and so in this attempt what I'm trying to say is the city does recognize these different terminologies. It's in our code, it's in our Comprehensive Plan, and we want to be sensitive to that, but we don't want to not use that in our -- in our language of our code. So, I tried to at least make it clear whether it's -- we consider it a natural water feature or natural waterway or a manmade water feature, we still want them to all be treated the same. You know, if there is an opportunity to enhance that as part of a development, we want that to continue. But we also want to be sensitive to the fact that if an applicant can't do that because of the irrigation district's rules, that we have to give you and the Council the ability to say, okay, we have the irrigation district doesn't want that, we have to allow -- we have to let those rules supersede what our code is and so in looking at these changes here, a year or so ago we added a definition of linear open space to our definition section of the code and we defined that, but what we didn't do was give the applicants or the -- the City Council the ability to waive fencing along linear open spaces. We gave

them the ability to waive fencing along water amenities, but not that verbiage. So, in working with the city attorney's office and some of that discussion that I heard at City Council, we just went ahead and defined -- we added water amenity and open -- and linear open space to the section of the code. So, that way it's clear that if development has an open waterway running through it and it is improved with landscaping and enhanced as part of the development and the irrigation district doesn't want fencing because of maintenance, that you and the City Council will have the ability to waive the fencing requirements. So, again, it's really just trying to minimize conflict with the irrigation district. The second piece of this has to do with irrigation easements on buildable lots versus common lots. So, we realized over a couple of years ago this -- this code went into effect where we really -- any irrigation easement that was wider than ten feet we really wanted it to be in a common lot and not on the buildable lot for maintenance purposes and we realized the way we wrote the code is we get granted all the authority to the City Council, but what -- what we were finding is a lot of times as an applicant goes through the -- the preliminary plat process they may not have all of those details to figure out how they are going to run the ditches to the property or something may pop up and the irrigation district requires them to run them along the back of the lot and so we get to final plat and if you notice this section of code, it says it has to be vetted through the Council through a public hearing process, where a final plat is not a public hearing, it's a public meeting, and so we realized this code was kind of conflicting or trying to -- was creating more public hearing processes for us, rather than just allowing the applicant to ask for that as -- as part of their final plat change as they move from preliminary plat to final plat I should say and so what we said -- we basically -- rather than requiring a public hearing, we have just said the applicant can seek that -- that waiver from the City Council as part of an application. So, it could happen at pre-plat with all of you or even a final plat without the need of that public hearing. So, we are just trying to clean that up and make it more of a waiver process than a public hearing process. Again, the -- the third change is Comprehensive Plan map amendments. All of you know we -- we updated our Comprehensive Plan about 18 months and we want to give that time -- that plan time to see if it works. If we -- you know, we had a huge public outreach process that we went through. That what the community says, this plan works and why should we change the plan once we adopt a new plan and that's what our Council heard and so they asked us to revert back to the way we used to do things and when we only accepted those applications to be submitted twice a year and you can see here that those dates are currently in code, we are just reinforcing that. So, if anyone wants to change our map, the only time we are going to accept any application is going to either be on June 15th or December 15th. So, what that means for all of you is it could mean a lot of applications or could mean no applications, we will just have to see how that plays out. A lot of this we seem to have gotten a lot of support from not only the UDC focus group, but also the BCA. So, I don't think any of the development community are really concerned with these changes. They understand that and they also want to be sensitive to the plan and, again, this is something that we did when I first started with the city back in 2007, we would bundle all of those applications up twice like a year and just hold onto them until those dates and, then, we would get them scheduled for a hearing throughout the summer and spring months typically. And, then, the last one for your consideration tonight is the changes to the common driveways. I know I have heard on a regular basis from this body

that you really wanted to limit the number of units taking access on those common driveways. The changes I have before you this evening do not do that. Instead, what I have done is -- I have heard what -- my original intent with the common driveways -- this was vetted through the UDC focus group and it was quite a bit of robust discussion over it and not all of us could -- I know a lot of the members of the UDC focus group were not in favor of reducing the number of common drives -- the number of lots taking access from a common drive. So, as part of that effort I actually removed this from the current UDC changes, because I wanted -- staff wanted more time to work with the development community and the UDC focus group on some -- I think study it a little bit more, try to really determine what we are trying to solve with the changes. Again, I was asked by the City Council and Mayor to bring this one forward, because, again, they had concerns, they have been pretty consistent in limiting the number of units as well off of common driveways and supporting your guys' recommendation to that effect. The other component of this is -- is the width of the common driveway appropriate. I know on several occasions we have gone through the public hearing process and we have learned that Public Works has had concerns with -- with these common driveways and how do we extend city mains through that. Typically our code wants -- anytime a project extends mains through a development, we don't want those easements through private property, we want those as dedicated common lots and so what I have tried to do here, rather than reduce the number of units, what I have tried to do is empower the city to allow for a greater width in the common driveways to address some of those Public Work concerns and some of your concerns with parking and the width of these driveways and how do we handle trash collection and all those items that we continually struggle to talk about during the public hearing. So, again, if something -- if the Commission feels that it should be reduced from six to four, that's certainly within your purview tonight. But, again, in talking through these changes, UDC focus group, again, you -- if you look at the public record, they don't really want to reduce the number. If they said we are trying to solve a Public Works issue they are in favor of that as well, but that's what they are trying to understand and we are trying to solve a Public Works, or we really trying to make this code change better and, to be honest with you, this addresses one aspect, but it still doesn't address whether or not six is appropriate or not and, again, in staff's opinion that should be studied more with the UDC focus group, but, again, I will defer to all of you and listen to your -- your commentary on this particular one, but I want to let you know on the public record we had Dave Bailey, Laren Bailey, Dave Yorgason and Cornel Larsen submit comments on these changes and as I mentioned at the beginning of my presentation this evening, I did wordsmith that first change this evening. So, basically, asking you to support staff's recommendation -- modifications after reading it in the area defined as the city core in Chapter 1, any new construction shall have a minimum height of 35 feet and a maximum height of one hundred feet. All other areas in the district the maximum height is 75 feet. So, that is the new language that I am proposing before you this evening. With that I will conclude my presentation and stand for any questions you may have.

McCarvel: Any questions for staff?

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: Bill, with the first one for Old Town, can you give me an idea, just so I'm not making it up in my own head I guess, in terms of what is a hundred feet in terms of stories typically?

Parsons: Yeah. Madam -- Madam Chair, Members of the Commission, it's interesting, we just -- you know, this week we were in front of City Council with the Ten Mile Crossing project and they asked for that height exception as part of their development agreement and that topic came up, too, as you guys spent time on that and it's my understanding that's typically a six story building.

Grove: And for that, as a follow up, what -- how was -- how was a hundred feet kind of arrived? Like is there -- I know we had, whatever, like four stories there roughly for awhile. How -- how did the -- I guess why it's 100 feet instead of like 150 feet, kind of the goal here?

Parsons: Yeah. Madam Chair, Members of the Commission, there is no magic number between the one hundred. I mean, obviously, you guys can -- can do that. I think that's probably the reason why we landed on a hundred was just because we have had a couple of projects in the core that have come in with that height. I know when you look at our Ten Mile area we support taller buildings and higher FARs in those areas and typically when you go down -- most of your downtown areas do have height to them. I mean that's really where you want to see that intensification and you want to get those mix of uses and that walkability and you have to maximize your land use in smaller areas and that's why you -- you get that height increase. But there is no magic number between 100 and 150 feet. I think it's just more of -- that's what we probably envisioned for the city that we probably don't anticipate any buildings higher than a hundred feet all in downtown, but, again, the code still would allow that through a conditional use process.

McCarvel: I have a question for you, Bill. What is -- you said -- is it my understanding they had -- there used to be four houses on a common drive. Okay.

Parsons: Yeah. Madam Chair -- Members --

McCarvel: And that was --

Parsons: That is correct.

McCarvel: That was changed because --

Parsons: Yeah. Madam Chair, Members of the Commission that was changed at the request of a developer. We worked with Brighton Corporation -- during the downturn of the market they acquired the Spurwing Greens development, which is off of Chinden. At the time it was called Tree Farm, and as part of that pre-plat they went ahead and redesigned some of that and the way they designed their common driveways were U-

shaped and they were able to design six homes off of those common driveways and at that time we were like, yeah, if you want to propose a code change we would support that based on the design that they had at the time and we went forward with that and we supported that code change and now as this body has seen, it seems -- it seems to be more and more prevalently used in these developments, more so than I have seen in past years, and so I think that's probably some of the concern of why you guys have always been consistently limiting it to three or four. But, yes, the old code -- under the previous version of the code back in '9 or '10, I believe, it was no more than four.

McCarvel: Right. Okay.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Just a comment. I know that we have talked about this a lot. Every time we have a shared drive that all of us cringe when there is more than four homes on that shared drive. I would like to see it go back to four someday, but I agree that, you know, tonight might not be the night to do that and I would like to see the UDC committee discuss that and maybe have some on-site field trips to look at how these function in some of the developments that have been approved with -- with more homes on a shared driveway, because I just think that they -- they can be very clumsy on the way that they are designed, but I would like to be able to look at that and, you know, see where elements of -- of good shared drives work and where -- where they are challenging, so that we might be able to create better code guidelines in the future to help create the ones that work and restrict the ones that don't. I don't -- I think I'm okay with the changes you have proposed tonight, but I would still like to request that we study this further in the future.

Parsons: Yeah. Madam Chair, Members of the Commission, the other thing to consider, too, is if we get in-fill, right, and we are trying to hit a target density and all of a sudden maybe they can fit six units on there with a common driveway and we have capped ourselves before, because a rule said you can have no more than four. I know in speaking with some of the members of the UDC focus group they actually informed me that the city of Eagle removed common drives from their code and now they have re -- are going back and adding -- adding them back, because they are finding that it works better for in-fill to allow some standard of common driveway. What that looks like I don't know, but I just wanted to share that information with you as well.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: For the -- I mean if it was -- if it was limited it's not capped, they can -- I mean there is still alternative compliance that can allow them to do more; is that correct?

Parsons: Yeah. Madam Chair, Members of the Commission, that is correct. They could -- they could go through the alternative compliance process.

Seal: Okay. Because that's kind of where I'm at, because it is, I mean when we see these things come in and it's -- when it's used -- and my mother-in-law lives over in -- in the Spurwing Subdivision you are talking about and I think that the way that they have done the common driveways there is actually very pretty and open, provides community, but it's off the street, so it's almost a different definition to it, although I understand it's still a common driveway, but where we are seeing it where people are using it -- and my personal opinion is abusing it just to shove as many things as they can into, you know, the space that they have, you know, we should -- I think leaving it at six leaves that there to where now it's on us to, you know, are you against or combat against the people that come in and, you know, swing heavy and say, well, it meets all your code, because personally I don't think that should meet code when we are seeing that. I mean it's something that I think we have all expressed concern about. I think it's expressed at City Council as well. So, I mean from a -- from that perspective I think some change is definitely in order, not that we shouldn't listen to the community input and focus groups and things like that, I just think it's something that's probably been lingering long enough at this point. I think it definitely needs to go back down to what the original was and, then, alternative compliance is always there. Somebody wants to come in and knock our socks off with something, especially for an in-fill project, I'm all for alternative compliance. We have seen a few things come in that have done that, so -- but if you are not willing to do that and you are coming in with the status quo and your only argument is, well, it meets code, then, it would be nice to have a bigger stick to combat that.

McCarvel: Yeah. I think I would agree with Commissioner Seal. I would rather see the standard be four, if not even three, but very much go with four, because that's exactly what we have been fighting lately is we see it used where we know it's going to be an issue instead of -- and I have not seen what was done in the Spurwing Greens area, but the descriptions I have heard that makes sense, where now developers have taken it to say, well, I can use this exactly to stick as many back in this corner, which normally would have been some of the nicer lots in the subdivision and, I agree, I mean I think we have spent way too much time hashing this out on every application that comes through that I would rather see the standard be a lower number and, then, apply for alternative compliance if you have something great in a unique space, because I think we have just spun our wheels on that very topic way too many times and the rest of it I -- I have no problem with all the other ones. I guess we are kind of at our discussion here without closing the public hearing, but I don't think we have anybody signed up to testify anyway.

Weatherly: Madam Chair, you are correct.

McCarvel: Okay. So, do we have more questions for staff? Would we like to close this as far as public hearing or do we just move on? And I guess point of record is I accidentally read directly off the agenda and it's listed as H-2021-0001 and on the staff report it's ZOA-2021-0001. So, for the record we are ZOA. Questions? Comments? Motions?

Holland: Madam Chair, I will make a motion that we close the public hearing for the UDC text amendment ZOA-2021-0001.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing on ZOA-2021-0001. All in favor say aye. Opposed? Motion passes.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: All seems pretty good. I have -- my personal opinion on like the -- the first one, I'm in favor -- I'm -- I'm in favor of having minimums for sure and as we continue to develop downtown -- I'm down here all the time, obviously, but I would be in -- whatever increases those numbers to go up is always going to get my approval. So, if this is where we are at, I will take this. I would be in favor of going bigger, but I know that's not -- there is not usually an appetite for that, so -- and with common drives if anything -- we do drop that I would always be in favor. It feels like every time we have had one of those and we have complained and like sent it back to them with a continuance, they come back and take those out, it's a much better project overall anyway, so, obviously, on the same page as everyone else with the common drive.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: The -- I have mixed feelings on the -- the -- you know, adding the hundred foot maximum on there, so I -- you know, being an old country boy it's -- driving into downtown Boise sometimes it feels like the -- you know, the cityscape is going to fall on you when you are down there anymore, just because it's -- you know, it went from being a -- what seemed like a large throughfare there to what seems like now very small and very confined. So, it definitely will change the way -- the look and feel of things. So, that said I don't think we went crazy with it. We didn't have Commissioner Grove in charge of it. So, we have got -- I think it's a good starting place and I think it's a good place to show that, you know, we are willing to grow and we are willing to try new things as a city and bring things in and bring things up. I think if we want to make our downtown, you know, walkable and livable without it being all streets, that's the way we are going to get it done, so -- and, hopefully, that will actually help to encourage, you know, building out some more of the -- of the Old Town pieces of it. I'm actually very glad to see the -- the thought given to the waterways that are out there, because sometimes that does get contentious as far as what the irrigation districts want, what the city is calling it, what the builder is

calling it, what they think they should do with it, what they can't do with it, things like that. So, I think it will help clear up some of that when we go into -- into future meetings. At least that's -- I'm sure that's the hope. Yeah. And, then, on the common driveways I -- personally I think we should ask for three and if -- if City Council wants to give them four, then, great, but I just -- I think any chance we have to take a swing at that I think we should absolutely do it, because it's just something that people have been taking advantage of at that point and, again, alternative compliance is something that I look forward to. We have had a couple applications come in that have really knocked my socks off and it's been because of alternative compliance. So, I think that there is still plenty of room for people to do that and it allows us to, you know, let them come in and show us something that's going to help us to build that premier community.

Holland: Madam Chair?

McCarvel: Commissioner Holland.

Holland: Without cutting anyone off I'm happy to make a motion.

McCarvel: Go for it.

Holland: After considering all staff, applicant, and public testimony, I move to recommend approval of file number ZOA-2021-0001 as presented in the staff report for the hearing date of April 15th, 2021, with the following modifications: That on the UDC 11-2D-4 we would make the modification as staff recommended to say in area defined as the city core in Chapter 1 any new construction shall have a minimum height of 35 feet and a maximum height of 100 feet. All other areas in the district the maximum building height is 75 feet and that the Council might consider Item No. 4, UDC 11-6C-3B on common driveways, making an additional change to the maximum dwelling unit served, that there was a lot of discussion from the Commission that we would prefer to see no more than three dwellings, but we would at least request lowering that maximum to four dwellings and allowing alternative compliance if someone wanted to seek additional units.

Seal: Second.

McCarvel: Okay. It has been moved and seconded to recommend approval on ZOA-2021-0001 with modifications. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: FOUR AYES. THREE ABSENT.

McCarvel: Who would like the honors?

Seal: Madam Chair?

McCarvel: Commissioner -- oh. Wait a minute. One more item before we leave. I understand this is our attorney's last P&Z meeting with us.