

CUP11-00090 & CFH11-00036 / THE MICHAELS ORGANIZATION

Location: 1004 W. Royal Boulevard

RECONSIDERATION OF A CONDITIONAL USE PERMIT FOR A HEIGHT EXCEPTION TO CONSTRUCT A FIVE STORY MULTI-FAMILY RESIDENTIAL BUILDING ON 3.42 ACRES IN AN R-OD ZONE. A BOISE RIVER SYSTEM PERMIT IS INCLUDED IN THE REQUEST.

Josh Johnson (Staff) – If I’m not mistaken, I believe we need to vote for reconsideration.

COMMISSIONER BRADBURY MOVED TO RECONSIDER CUP11-00090 & CFH11-00036 FOR THE PURPOSE OF TAKING TESTIMONY THAT WAS MISSED WHEN THIS WAS ORIGINALLY PLACED ON OUR AGENDA.

Commissioner Meyer – I wasn’t here at the last meeting so I will be sitting out on this item.

COMMISSIONER STORY SECONDED THE MOTION.

Commissioner Stevens – Does the maker and the seconder wish to include that we will hear that testimony tonight?

Commissioner Bradbury – That was the intent of my motion.

Commissioner Story – Yes.

ROLL CALL VOTE

COMMISSIONER BRADBURY	AYE
COMMISSIONER STORY	AYE
COMMISSIONER MORRISON	AYE
COMMISSIONER STEVENS	AYE

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Josh Johnson (Staff) – This application is back before you. As at the last hearing a member of the public wished to testify in opposition to the project. Her name is Eileen Barber and she signed up with John Starr. Those two citizens and the applicant team are those only able to testify tonight because they were signed up at the last hearing. We recommend that after our staff report you let the applicant go as normal, then those members of the public, and then give the applicant the chance for a five minute rebuttal.

The issue before you tonight is the height of the structure. The structure is 59 feet along the Greenbelt and 63 feet along Royal Boulevard. The Parks Department’s comments on the original application recommended a limit of 55 feet. Staff had talked to the Parks Department and thought we had worked out a compromise as we were recommending the parapet be raised to provide more modulation of the façade. Further discussions with Park’s staff today revealed they wanted the building held to a 55-foot limit.

As you know they are the recommending body to this and if you wanted to exceed that, you would have that discretion.

Commissioner Stevens – Josh, can you remind me, when we approved this last week was it 55 feet, or was it higher?

Josh Johnson – No, we concluded a condition that referred to these revised elevations in a brief paragraph summary stating those additional heights that were part of the application. At that point we thought the Parks Department understood the additional height, but today they said, no, they did want that 55-foot limit adhered to.

Mathew Bartner (Applicant) – I'm the architect for the project working with Michael's Organization, the applicant. I know you've heard about the project as of last week so I won't belabor the points too significantly. As Josh mentioned, when we submitted for a conditional use permit back in December the project was intended to be a 55-foot height limit. One of the items mentioned in the staff report at that time was the consideration of some additional height to help animate the façade and provide relief to an otherwise flat roofline for the project. We worked within those parameters to bring some additional height, which started the discussion of 58-foot height limit. At that time we did believe the Parks Department, as well as Planning & Zoning, were in agreement of that height extension. Further, moving from that point I worked with the Design Review staff. Again, they were looking for a little more extenuation in the façade and some changes there, so we ended up at the 63-foot limit you see before you today. That is what we are requesting as the conditional use tonight.

Commissioner Bradbury – Just so I'm clear, is the building different heights on different sides?

PUBLIC TESTIMONY

Mathew Bartner – Yes, because of the way the ordinance is written it's written such that the height is measured from the adjacent grade at the curb-line. Our building, because of the flood plain issues and some other things on this site, is actually 4 feet higher than the Royal Boulevard side where the sidewalk is currently, or would be. So we include that 4 feet in the overall height of the building, but on the north side, the Greenbelt side, grade comes up basically to the floor level so that 4 feet is mitigated on that side.

Eileen Barker – I am one of the owners of Kinetics in the Kinetics building and I am representing Kinetics today. Just a heads-up, I did write a letter to the Commission and I would refer to some of the charts in there, so I'm assuming you'll have them there.

First, let me start by saying I love new development. We would love to see the truck terminal replaced with something that enhances the Greenbelt and that serves our city. There are two main concerns with different proposed housing. The proposed height of building above what Boise City Code allows and lack of adequate parking. The current design would harm not only the neighborhood, including Ann Morrison Park, and the Boise River Greenbelt may make the propose project not a desirable place to live. The first concern is that the proposed student housing project is not similar in height to the office buildings in the vicinity.

The table on page one speaks for itself. This stretch of the Greenbelt has 3-story office buildings, including our building. An average typical height of a 3-story office building along this stretch is 45 feet. I did provide elevation of these buildings to staff.

The chart on page two demonstrates a big difference between the Kinetics building, a three-story office, and the proposed project with five stories. The important thing to remember is our building and the proposed buildings are located in different zones. The Kinetics building is located in a C-2D zone with a maximum height limit of 45 feet. The typical height of the Kinetics building is 46 feet, or one-foot above the C-2D zone restriction. The tallest part of the Kinetics building is a single exterior stairwell at 53 feet on the Royal facing side of the property.

The proposed project is located in R-OD zone with a maximum height limit of 35 feet. The typical height of the proposed building is 55 feet, or 20 feet above the R-OD zone restriction. The tallest part of the proposed building in order to accommodate the multiple exterior stairwells is 63 feet along Royal Boulevard, to 9 feet along the Greenbelt. The proposed building exceeds the applicant's stated height exception at 55 feet, and additionally exceeds a limit set by Boise Parks and Recreation at 55 feet.

The last concern is closely tied to the second concern, a severe shortage of proposed parking spaces. The applicant describes the proposed apartments as student housing for Boise State students. However, the project has been placed into the City's multi-family apartment classification for the purpose of the present application. The first chart on page three shows parking spaces to bedroom ratios for the typical multi-family dwelling units. Most multi-family dwelling units are one and two bedroom units. The proposed student housing lists a fourth bedroom unit would create ratios far below acceptable occupant vehicle averages. The proposed structure of 175 dwelling units, again, in which most are four bedroom units, will create 622 bedrooms, for 622 students. The planned 280 parking spaces will provide less than half the student tenants a place to park their cars. This is far below acceptable averages. We could expect at least 60 to 75 percent of students will bring a car to school. The second table on page three illustrates these ranges. The project will be almost 100 spaces short if 60 percent of the students have cars. At 75 percent, this doubles to almost 200 becomes almost 202 few parking spaces.

Mary Watson – Could you inquire if there is anybody else in the audience who would like to testify?

REBUTTAL

Mathew Bartner – I'll touch briefly on the parking issue. The building is a multi-family apartment building. It's not a sorority or fraternity house, it's intended to be a multi-family apartment for grown adults who happen to be college students. It's targeted at college students of Boise State. The site is chosen to be in close proximity of the Boise State campus which we feel will mitigate some of the need for cars. None the less, the project does meet the ordinance for a multi-family building for car parking and we believe it is an adequate amount of parking for the residents.

Regarding height, Eileen is correct. Our building is in a different zone than the Kinetics building. However, I'm going to reference from the staff report, which you have been noted, that the 35-foot height limit is unusual in the R-O zone because it is intended as a mixed use urban development zone. While our project is not mixed use per-say, it is residential use. We do believe it represents a good attempt to be an urban type building and urban type of housing. Not focused on cars beyond what the ordinance requires. It is more focused on pedestrian and bike use coming from the housing to the campus of Boise State.

PUBLIC HEARING CLOSED

Commissioner Bradbury – I've gotten confused about where we are in terms of the height that was approved last week, and that which the Parks Department is asking us to hold this building to this week. If I'm remembering correctly, the height exceeded the 55 feet that Parks had asked and is now asking the building height be maintained. Is that correct?

Commissioner Stevens – My recollection, and of course other commissioners feel free to jump in, is that we had a letter from Parks voicing their support for the revised drawings which included the height increase. That's my recollection and we unfortunately don't have the application in front of us this week so we can't look back, but my recollection is that they supported at the time and what's in front of us now is no different than what we had last week in front of us. If they've changed their mind, which will certainly be taken into account.

Commissioner Story – I think it is a little bit different. I think Parks did come back and say they would like it to stick to 55 feet, verses the 63 feet, which is different than it was last week. That's my recollection.

Commissioner Stevens – I wonder if it would behoove us to hold this over considering we don't have documentation in front of us and we seem to have some questions. Or we could reopen the hearing to staff and get some clarification, if we have additional questions that we want to have answered.

COMMISSION BRADBURY MOVED TO CONTINUE THIS HEARING TO UR NEXT REGULARLY SCHEDULED MEETING DATE TO MARCH 5, 2012 FOR THE PURPOSE OF FURTHER CONSIDERING THE APPLICATION.

Commissioner Bradbury – I guess I would leave open the potential for allowing additional public testimony if there are other members of the public who wanted to testify.

COMMISSIONER STORY SECONDED THE MOTION.

Mary Watson – For clarification, is this to get information from the Parks Department, what the current recommendation is, or maybe get some clarification on what we are looking for, for next time? Maybe staff at this point could answer the question.

Commissioner Bradbury – What I really want is the staff report in front of me so I can be sure I am making the right decision when the time comes to developing. I just feel a little naked at the moment. I don't have a good enough memory as you can see by the gray hair. Even a week is too long for me to remember the details that I would like to try and remember.

ROLL CALL VOTE

COMMISSIONER BRADBURY	AYE
COMMISSIONER STORY	AYE
COMMISSIONER MORRISON	NAY
COMMISSIONER STEVENS	AYE

THREE IN FAVOR, ONE IN OPPOSED MOTION CARRIES.

Commissioner Stevens – We will be continuing that item to March 5, 2012 to get the documentation in front on us that we need.