



Planning & Development Services

Boise City Hall, 2nd Floor
150 N. Capitol Boulevard
P. O. Box 500
Boise, Idaho 83701-0500

Phone: 208/384-3830
Fax: 208/384-3753
TDD/TTY: 800/377-3529
Website: www.cityofboise.org/pds

MEMORANDUM

MEMO TO: Boise City Planning and Zoning Commission

FROM: David Moser, Associate Planner
Boise City Planning and Development Services

RE: CAR14-00015 Reconsideration

HEARING DATE: October 6, 2014

BACKGROUND:

On September 15, 2014 the Commission recommended approval of the annexation request to the City Council with an R-1A (Single Family Residential – 2.1 DU/acre) zoning. The application was to request annexation of approximately 16.3 acres located at 6012 and 6050 N. Pierce Park Lane with R-1B (Single Family Residential - 4.8 DU/acre) zoning.

REQUEST:

Based on the concerns expressed at the Planning and Zoning Commission hearing, the applicant noted the following points in support of their requested R-1B zoning. The three points discussed by the applicant for reconsideration include the following:

- A majority of the surrounding neighborhood is zoned and developed with an R-1C (Single Family Residential – 8 DU/acre) zone. The applicant believes the requested R-1B zone is more consistent with the City objectives for higher density development along collectors and arterial roadways than the recommended R-1A zone.
- It is difficult for the applicant to develop a specific plan for the site since they are not a developer and do not intent on developing the property themselves.
- The applicant had no opportunity to discuss the impacts associated with the recommended R-1A zone since this was not addressed until the P&Z Commission's deliberation.

Boise City Code 11-03-03.07.G states the purpose of reconsiderations is to minimize the number of appeals, prevent new information from being presented on appeals, and resolve disputes at the lowest possible level. The Commission has the discretion to reconsider any previous action for good cause (*see* BCC 11-03-03.07.G(2) below). This includes the availability of additional relevant information or information that was not previously available.

Based on the applicant's request, and the options available under the Boise City Code, the Commission can make the following motions:

- Reconsider the action taken on the annexation (CAR14-00015) request. If this is the decision of the Commission then the planning team would advertise for a public hearing on November 3, 2014. The applicant would present additional information to the Commission at that time.

OR

- Denial of the reconsideration request.

RECOMMENDATION:

Based on the zoning and development patterns of the surrounding neighborhood along Pierce Park Lane the planning team recommends that Planning and Zoning Commission reconsider the applications (CAR14-00015).

ZONING ORDINANCE

Section 11-03-03.7.G Reconsiderations of Review Body Decisions

- (1) Purpose
To minimize the number of appeals, prevent new information from being presented on appeals, and resolve disputes at the lowest possible level.
- (2) Applicability
Upon request granted, review body may reconsider a decision for good cause. Good cause includes:
 - (a) The Party requesting reconsideration has relevant information;
 - (b) The relevant information was not brought up at the previous hearing; and
 - (c) The information was not previously available.
- (3) Procedure
 - (a) A request for reconsideration shall include supporting information and shall be made prior to the deadline for filing an appeal.
 - (b) A decision on a reconsideration is not appealable.
 - (c) If a reconsideration is requested, the time to appeal and any pending appeal shall be stayed. If reconsideration is granted and the appeal is withdrawn, the appeal fee shall be refunded in its entirety.
 - (d) If the applicant has modified the application, the review body shall determine if the revised application shall be reconsidered or if a new application is required.

ATTACHMENTS

Reconsideration Request



**TEALEY'S LAND
SURVEYING**

12594 W. Explorer Drive, Suite 150 • Boise, Idaho 83713
(208) 385-0636
Fax (208) 385-0696

September 25, 2014

RE: CAR14-00015 / 6012 & 6050 N. Pierce Park Ln

Request for rehearing:

Given the numerous discussions with the City planning staff, recent adjacent zoning decisions, and the surrounding neighborhoods, the applicant believed the Planning and Zoning Commission had the necessary information to support R-1B zoning for the above referenced Decision. The applicant disagrees with the R-1A zoning decision. The applicant respectfully requests that the Planning and Zoning Commission rehear the request and provide the Commission's review and advice on three items the applicant intends to present to the Boise City Council related the Commission's decision to approve the request with R-1A zoning.

First, given the potential to withdraw of the entire application, the applicant expects to request that the Boise City Council members comment on the potential zoning options and then request that the Council send it back to staff to work with the applicant for a comprehensive review of the zoning questions they raise in their comments. Specifically, this is an opportunity for the staff and applicant to respond to any of the City Council members questions about the advantages of this area of the City being zoned R-1C over the long term. This region of the City already has multiple neighborhoods with R-1C zoning, including adjacent property to currently non-annexed properties. It would be useful to understand under what circumstances, if any, the City Council would support R-1C for these areas, as they are annexed into the City. The applicant believes that R-1C zoning is more consistent with the objective of obtaining higher density closer to downtown, in an area with established connector and arterial streets, very close to a soon to be built new fire station on N Pierce Park Lane, within biking distance of well-established neighborhood commercial development and already served by public transportation and strong schools. Long term, the unincorporated properties in this region may be annexed and many of them may eventually be zoned R-1C. The applicant is prepared to work with the planning staff to address the City Council member's questions about the zoning priorities, with a long-term objective. The applicant supports City Council sending it back for further review with an indication of City Council member's preferences and suggestions.

Second, the applicant will ask the City Council (and the Planning and Zoning Commission during a rehearing, if available) to clarify if an applicant is expected to present a specific development plan in order to obtain a R-1B or R-1C zoning in connection with the applicant's annexation request. It appears that without a specific plan, the uncertainty of the final density and lot placement makes it difficult to

address all the questions asked. As indicated in the application, the applicant is not a developer and at this time has elected not to work with a developer to present a specific plan in making the application.

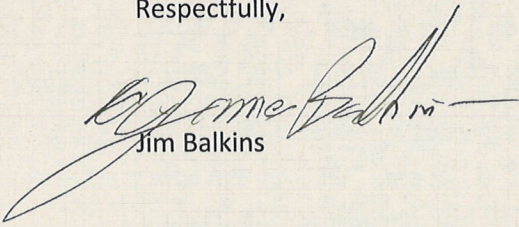
Third, the applicant's interests are currently much better served to continue as an unincorporated property in Ada County, instead of suffering the significant economic detrimental position of annexation with R-1A zoning. Therefore the applicant is only proceeding with the application to the City Council on the assurance of the City staff that the Applicant is permitted (and expected) to withdraw the application (even after the City Council decision) if the City Council's determination is for R-1A zoning. The applicant has no intention of an annexation with R-1A zoning, and would not proceed with City Council hearing, if that is a potential outcome, without the ability to "withdraw" the application after the decision. The applicant did not discuss the adverse impact of the R-1A zoning during the Planning and Zoning Commission meeting since the suggestion for R-1A zoning was not raised until after the opportunity for public testimony closed. A rehearing by the Planning and Zoning Commission would provide the opportunity to address these concerns and firmness of the applicant on this issue.

Again, we respectfully request the opportunity for the Planning and Zoning Commission to rehear this application before proceeding to the Boise City Council on these issues.

Thank you for your consideration.

Please see attached zoning map.

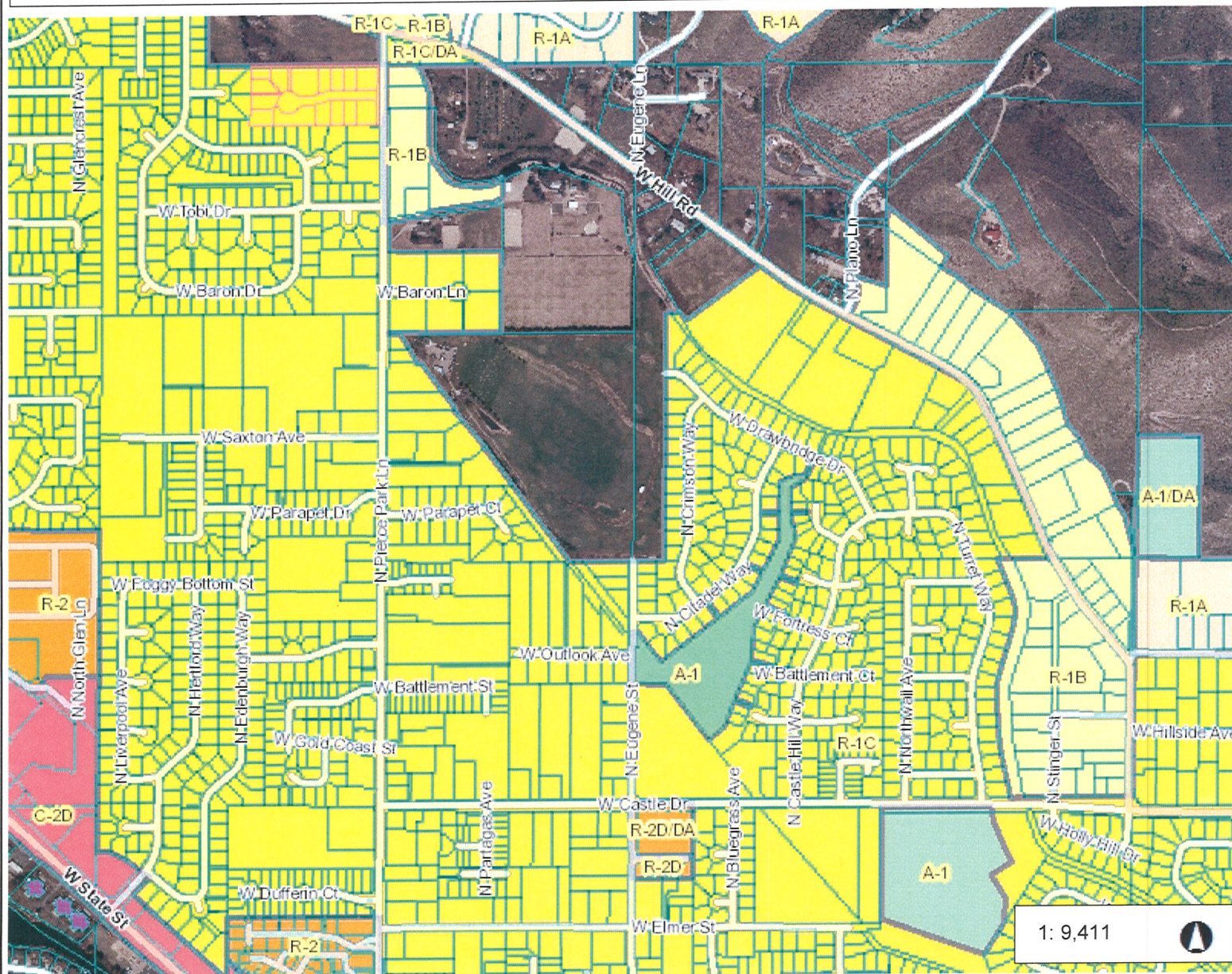
Respectfully,

A handwritten signature in black ink, appearing to read "Jim Balkins", with a long horizontal flourish extending to the right.

Jim Balkins



BoiseMaps



Legend

Roads (8,000 - 25,000)

- Interstate
- Major Roads
- Minor Roads

Preliminary Lots

- Condos
- Parcels
- Parks

Boise Zoning

- Unknown
- A-1
- A-2
- C-1
- C-2
- C-3
- C-4
- C-5
- H-S
- L-O
- M-1
- M-2
- N-O
- PC
- R-1A
- R-1B
- R-1C

Notes

0.3 0 0.15 0.3 Miles

NAD_1983_Transverse_Mercator
Date Generated: 9/25/2014 3:58:22 PM

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION