

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

MINUTES • April 6, 2015

City Hall – Council Chambers

6:00PM

FINAL

COMMISSION MEMBERS PRESENT

- Stephen Bradbury, Chair
- Rich Demarest, Vice-Chair
- Milt Gillespie
- Douglas Gibson
- Chris Danley
- Steve Miller
- Rick Just
- Angel Dimeo – Student Commissioner

PDS MEMBERS PRESENT

Scott Spjute, Cody Riddle, Leon Letson, Todd Tucker, Ted Vanegas, Brent Moore, Meagan Curtis, Sara Cray and Amanda Schaus (Legal).

I. CONSENT AGENDA

CUP15-00010 / Payette Brewing Company

Location: [733 S. Pioneer Street](#)

SPECIAL EXCEPTION FOR A BREWERY WITH TASTING ROOM WITHIN AN EXISTING 32,000 SQUARE FOOT BUILDING IN AN R-ODD [Cody Riddle](#)

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

CUP15-00006 / ISS River Partners, LLC

Location: [1201 & 1219 W. River Street](#) & [604-614 S. 13th Street](#)

SPECIAL EXCEPTION FOR A ± 45,300 SQUARE FOOT SELF-STORAGE FACILITY AND A CONDITIONAL USE PERMIT FOR A HEIGHT EXCEPTION FOR AN 80-FOOT TALL OFFICE BUILDING ON 2.57 ACRES IN AN R-ODDZONE. [Cody Riddle](#)

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

PUD15-00003 / Serrano Court Condo Owners Association

Location: [8600 N. Ulmer Street](#)

CONDITIONAL USE PERMIT FOR A 13-UNIT PLANNED RESIDENTIAL DEVELOPMENT ON 1.7 ACRES IN AN R-2D ZONE. [Leon Letson](#)

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SUB15-00011 / Serrano Court Condos

Location: 8600 N. Ulmer Street

PRELIMINARY AND FINAL PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 13 BUILDABLE AND 4 COMMON LOTS ON 1.7 ACRES IN AN R-2D ZONE. Leon Letson

The applicant is present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

CUP15-00009 & CVA15-00004 / TAEC

Location: 801 E. Reserve Street

CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATION FACILITY THAT INCLUDES A 65-FOOT TALL MONOPOLE DESIGNED TO RESEMBLE A TREE. C-2/DA ZONE. A VARIANCE TO REDUCE THE SIDE YARD SETBACK IS INCLUDED. Ted Vanegas

The applicant is not present and in agreement with the terms and conditions of the project report. There is no opposition to this item.

MOTION: COMMISSIONER DEMAREST MOVED TO APPROVE THE CONSENT AGENDA WITH THE FOLLOWING ITEMS: CUP15-00010; CUP15-00006; PUD15-00003 & SUB15-00011; CUP15-00009 & CVA15-00004.

SECONDER: COMMISSIONER GIBSON

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

II. DEFERRAL AGENDA

CAR14-00028 / ALC Architecture

Location: 1789 S. Broadway Avenue

REZONE OF 0.7 ACRES LOCATED AT 1789 S. BROADWAY AVENUE FROM L-OD (LIMITED OFFICE WITH DESIGN REVIEW) TO C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW).

Leon Letson

MOTION: COMMISSIONER JUST MOVED TO DEFER CAR14-00028 TO A DATE CERTAIN OF MAY 4, 2015

SECONDER: COMMISSIONER DEMAREST

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

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III. REGULAR AGENDA

CUP15-00012 / BRS Architects

Location: 8610 W. Overland Road

CONDITIONAL USE PERMIT FOR A DRIVE-UP WINDOW ASSOCIATED WITH A NEW FAST FOOD RESTAURANT IN A C-2D ZONE. Ted Vanegas

APPLICANT TESTIMONY

NO NEIGHBORHOOD ASSOCIATION TESTIMONY

PUBLIC TESTIMONY

Lana D. Hale: (1320 Chase St.) Spoke in opposition to this item. Provided Exhibit A.

Susan Fenrich: (1415 Chase St.) Spoke in opposition to this item. Provided Exhibit B.

APPLICANT REBUTTAL

PUBLIC TESTIMONY CLOSED

MOTION: COMMISSIONER GILLESPIE MOVED TO APPROVE CUP15-00012 IN ACCORDANCE WITH THE CONDITIONS OF APPROVAL IN THE PROJECT REPORT.

SECONDER: COMMISSIONER DEMAREST

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

CVA15-00003 / YESCO

Location: 9411 W. Fairview Avenue

VARIANCE TO EXCEED THE MAXIMUM HEIGHT AND BACKGROUND AREA FOR A FREE-STANDING SIGN IN A C-2D ZONE. Todd Tucker

APPLICANT TESTIMONY

NO NEIGHBORHOOD ASSOCIATION TESTIMONY

PUBLIC TESTIMONY

Dave Huddleston: (9614 Irving St.) Spoke in favor of this item, as long as light pollution is considered.

APPLICANT REBUTTAL

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Brad Dillon: (2777 South Orchard) Property owner spoke in favor of this item and addressed the concern of light pollution.

PUBLIC TESTIMONY CLOSED

MOTION: **COMMISSIONER GILLESPIE MOVED TO DENY IN ACCORDANCE TO THE PROJECT REPORT.**

SECONDER: **COMMISSIONER GIBSON**

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Reconsideration

CAR14-00015 / Judith Balkins

Location: [6012 Pierce Park Lane](#) & [6050 Pierce Park Lane](#)

ANNEXATION FOR 16.3 ACRES LOCATED AT 6012 AND 6050 N. PIERCE PARK LANE WITH R-1B (SINGLE FAMILY RESIDENTIAL-4.8 UNITS/ACRE) ZONING. [Todd Tucker](#)

PUD15-00001 / C15, LLC

Location: [6012 N. Pierce Park Lane](#)

CONDITIONAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT COMPRISED OF 58 DETACHED SINGLE FAMILY HOMES ON 16.12 ACRES LOCATED AT 6012 N. PIERCE PARK LANE IN A PROPOSED R-1B (SINGLE FAMILY RESIDENTIAL) ZONE. [Todd Tucker](#)

SUB15-00002 / C15, LLC

Location: [6012 N. Pierce Park Lane](#)

PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 58 BUILDABLE AND 11 COMMON LOTS ON 16.12 ACRES LOCATED AT 6012 N. PIERCE PARK LANE IN A PROPOSED R-1B (SINGLE FAMILY RESIDENTIAL) ZONE. [Todd Tucker](#)

CHAIRMAN BRADBURY RECUSED HIMSELF

Todd Tucker: Mr. Chairman, members of the Commission, the subject property is located on the east side of Pierce Park Lane south of Hill Road and north of Castle Drive. This presentation will cover three items on the agenda this evening. CAR14-00015 is a request for annexation into Boise City with the zoning of R-1B, PUD15-00001 is a planned unit development for 62 detached single family homes and SUB15-00002 is a preliminary plat for a subdivision with 62 buildable lots and 11 common lots. If you will remember, the annexation and rezone portion of this project was submitted last year. The commission decided to recommend approval of the annexation to City Council but with the zoning of R-1A instead of the requested R-1B zone. Later, the Commission agreed to reconsider the application if it was accompanied with a development proposal. The associated PUD and Subdivision fulfilled this request. The planning team is in support of the requested R-1B zone. You can see from this image that the vast majority of the area is comprised of R-1C zoned properties. There are two small areas zoned R-1B and in

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the area outlined in black that is bordered by Hill Road to the north, State Street to the south, Collister to the east and Pierce Park to the west. There is not one parcel that is zoned R-1A. The density proposed is 3.84 dwelling units per acre which is roughly midway between the allowed density in the R-1A zone and the R-1B zones. The entrance road to the development is improved with detached sidewalks on both sides. In addition, the stub street that extends south is also improved with detached sidewalks. The remainder of the streets will have attached sidewalks, as the traffic will be much less on those roads. There are three pedestrian pathways extending to the border of the subdivision. Two to the north that will connect to the access road along the Farmers Union Canal and one to the south for future connection if the golf course property redevelops in the future. The applicant is providing two amenities. One amenity is a fitness loop that will utilize the fire access road and sidewalks to complete an almost half mile loop. There are four workout stations located in two separate locations on the south side of the fire access road. The other amenity is the use of drought tolerant landscaping within the common areas. In addition, I would like to note that although not technically categorized as an amenity, Valley Regional Transit is requesting accommodations be provided for a transit stop to be provided on Pierce Park Lane adjacent to the development. This would not only provide an amenity for the residents within the subdivision but residents in the area that do not live in the subdivision. The development will include a mix of one and two story homes. The lots along the perimeter of the subdivision are larger than the interior lots and allow for larger homes. The majority of the homes are front loaded from the street however, the home designs do not present a garage dominate street frontage. The garages are integrated into the façade of the homes with windows in the garage doors. There are several letters in opposition included in the project report and a couple others that were submitted after the report was published. The concerns center around density and lot size, site layout, traffic, open space and outdoor recreation area and finally, compliance with the Comprehensive Plan and the Collister Neighborhood Plan. I'll try to address each of those now. As you can see in this exhibit the proposed subdivision is very similar to other subdivisions in the neighborhood with exception with the large lots located to the south west. The planning team does not feel the compatibility is an issue with regard to density and lot size. The entrance road is located right on the south property line which concerns the neighbors. There is an existing platted access easement located on the north 12 feet of the lots that abut the subdivision and the applicant is proposing to locate the detached sidewalk and landscape strip within that easement. There is a recommended condition of approval that requires a six foot tall fence be constructed along the south side of the sidewalk to mitigate both visual and sound impacts on the neighbors to the south. I would like to note that if the detached sidewalk and landscape strip were shifted to the north out of the easement and solely on the subject property, this would not have a negative impact on the project as a whole; there is room to accommodate that. The applicant is in disagreement with a recommended condition of approval related to the five proposed lots that directly abut the subdivision to the south/west. The condition requires that no more than a two-to-one ratio of lots in this location and that the homes be only one story. I was informed that the applicant was not necessarily opposed to reducing the number of lots from five to four, but they are opposed to the height limit restriction placed on those lots. The planning team does feel that this condition will create a transition from the existing large lot subdivision to the proposed development. Last Wednesday, on April 1, 2015, the ACHD commission approved this subdivision. The ACHD staff report had no concerns with the road layout or the impacts to transportation network in the vicinity. As you can see the impacted collector and arterial roads in the area are well below capacity. In addition, when the property to the south redevelops there will be more options for alternative routes in and out of this development. The development is providing a total open space of 71,937 square feet which is over ten

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percent of the site. However, not all of that is landscaped open space; some are pathways in the fire access road. The total landscaped open space is a little over eight percent at 57,877 square feet. I would like to note that the property is very close to the foothills, which offers a variety of outdoor opportunities for hiking and biking. In addition, the lots provide deeper backyards than we typically see and will offer residents the opportunity to recreate on their own property. As far as the Comprehensive Plan, I won't site all of them but there are seventeen principals and policies from the Comprehensive Plan identified in the project report and six objectives and policies from the Collister Neighborhood Plan. I would like to address one issue that's been brought up by the neighbors regarding the large lot designation in the Comprehensive Plan. The density range listed, as you can see in the upper left, is typically between one and two dwelling units per acre. As you can see in the image on the bottom right, the area identified as large lot is 117 acres. At two dwelling units per acre that is 234 total parcels. There are currently 68 buildable parcels within this area and the project has 62 lots. That totals 130 parcels leaving the potential for another 134 parcels in this large lot area. As such, the planning team feels that the proposed development complies with this criteria listed in the Comprehensive Plan. In conclusion, the planning team does recommend approval of all three applications with conditions of approval for the planned unit development and the subdivision. Just a reminder that the annexation, rezone and subdivision are recommendations to the City Council, and the planned development decision is final by this body unless it is appealed to the City Council. That concludes my presentation.

Chairman Demarest: Thank you. Okay, time for the applicant. Please state your name and address for the record.

APPLICANT TESTIMONY

Jim Conger: (4824 W. Fairview Boise, ID) First, I would like to thank the planning staff for their hard work and experience they provided and assisted throughout the planning stages of this project. It has been invaluable. I would also like to thank you, the Commission for granting that thirty day deferral that you did thirty days ago to help us work on some final planning items. We are pleased to be here. Obviously, after eight months of planning with any well vetted project, we have been able to reach out to neighbors, work with the staff of both ACHD and the City of Boise in numerous, numerous meetings. We were not able to address all neighborhood items but we did make some great changes to the application and have a plan that we are very proud of that's in front of you today. I will run through the design elements and amenities of this project. First with the site plan, we're going to have basically a first class boulevard look and feel as you come in and enter off of Pierce Park; big trees, nice landscaping. Our whole plan in this area was to just to have the visual effect as you come in just bring you in and draw you into the center of the project. As Todd did indicate, our site plan during our rework in the last thirty days did increase our open space from 6.4 to 10.2 percent. Yes, not all of that is physically landscaped but all 10.2 percent of that is physically used in our amenities and in our planning. We have designed our entry boulevard from day one with no front-on housing. Again, our goal was to have this boulevard feel and look as you come in, so we utilize common drives to get the homeowners often in and we are able to ascetically have a more pleasing entry with the architectural design of the side of those homes instead of having a whole bunch of fronts on that boulevard, that's extremely important to us and that has been a planning theme from day one that helped us keep a nice clean street scene. This same area that you see here, we reduced our density by 27 percent in the last thirty days. We shifted that density over to the east but it reduced

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homeowners and it reduced homes in-between the existing set of homeowners. We heard that loud and clear from at least one neighbor and we had several meetings with the City of Boise staff requesting to shift that density over to the east. We also, throughout the theme of this development, stuck with the 29 foot streets. You will hear that tonight; keep a narrow intimate feel with detached sidewalks, that is a traffic mitigation theme that we definitely believe in. This slide is going to illustrate again what Mr. Tucker had indicated. We have the canal access from a pedestrian standpoint to the north and the future pedestrian connection to the south. This would definitely be a big enhancement to the east/west pedestrian traffic. As you come into our neighborhood, I'm just going to walk you through our designed common areas and landscaping. We talked about the boulevard look, the landscape buffers as you come in, we continued the theme of landscaping inside of our development, those are useful enough for small ball throwing, things of that nature, but their big advantage is to shield or to landscape and buffer the side of all of the residential homes. We do not like having the homeowner's home to the front of the street and we can continue that theme all the way through. You will hear some comments about some existing trees, things of that nature, we do have existing red cedars that this landowner planted twenty years ago that will be maintained, that is the photo on the right, those will be incorporated into the backyards. We also did additional deep yards for not only for people playing in their own backyards, but because of the existing vegetation. The two on the left are very typical of what we have on the entire perimeter on our north and east boundary which is the vegetation against the canal, all of that vegetation stays, it's in backyards and is planned for accordingly. Water wise landscaping, that is an amenity, we think are of great importance, we feel that water conservation is important and should probably play a role in even more projects as we start moving forward. You know, recent government actions in California and certain parts of the land we see that changing and being a big item, in some partnerships with Tahoe Homes, who's one of the builders and we have done that in Harris Ranch as well when we did some of the other infill developments out there and from xeriscaping to water wise plans, that's very important to us. Six, is the fitness loop. This is one of our amenities as well. This is almost, it's a little bit under but almost a half mile loop that goes around the development. This is our second one; we also incorporated one in a Meridian development that is just getting planned and coming off of the ground. We had a lot of confidence and support in the other City and we're hoping we have it here. We are a big believer that this is going to keep the homeowners and children in their own neighborhood to do workouts; it's somewhat a little bit more enjoyable. We have four stations, as you can see, one, two, three and four they're core workouts, they're muscle building activities that are incorporated with your walk or jog around the almost half a mile loop. This, as a side note, anybody that has a dog obviously this will be a fantastic almost half mile dog walking loop that will get used on a daily basis, so yes this part of our 10.2 percent open space and yes we feel it will be used very much more than ordinary items that get put in some parks. Moving on to slide seven, Mr. Tucker also did a good job of showing, his slide might actually be better than mine, this had the floor plans if anybody was more interested in them, but our elevations have been a big deal through the development and the planning park of this project. It's important to note that we have secured Tahoe Homes and Zach Evans Construction, both talented, both young but veteran companies that will be exclusive builders in Belmar Estates, it's not going to be an open development it is locked into the two builders and locked into the architecture that we have submitted because we will have a common theme of landscaping all the way to finished architecture. Each of these homes will range from 2,000-3,800 on those bigger lots that we will discuss in a minute, the four versus the five lots, starting in the low 300's and going up of course. You're going to hear a little bit tonight about the access easement. This easement that's in front of you, it was basically created with a subdivision to the south. Boise City and ACHD

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formalized and accepted this easement with their approval of Clarendon Hill Plat in 1992, so this isn't new information that you will see, it went through the City in 1992, and it is a twelve foot easement for access purposes that is on their property. I think in support of this easement, it's been fully known and more importantly honored by the adjacent homeowners as you can see on this slide. The red line is the property line and the yellow line shows the distance of twelve feet over to the access easement so the pole fence was put in by our land owner basically, and that twelve feet was never touched or never landscaped or never improved by the existing homeowners that you will hear from tonight. That was set aside because it was going to be an access easement in the future. Our development team has reviewed this easement in very much detail and is very comfortable in using it, we converted it to pedestrian, we think that the easement itself is silent to whether it is vehicular or pedestrian, and we think a pedestrian is a win-win for a situation that currently has access ability across it. We will landscape in-between it and maintain it with our homeowner's association. There is a condition of approval from staff that was different than our application that they request we put a six foot fence across this at the twelve foot access easement, we are not disputing that. Moving on to the only condition in the staff report that we have some issue with it is condition 9.2(e) and 9.3(a). We believe the five lots actually live with the existing neighbors but we are fine with the four. The larger picture which is on the bottom is the house to the left or to the south when I go back to the side. So you'll see that two story home that's staring at you from our property is the house on the left which has our two and a half lots facing and the other two and half lots facing on the north, or the upside of that is really the passive side of that existing neighbor, it's their garage, it's the backside of their house. So I guess why am I still talking about it if I'm fine with going from four lots to five lots, so I'll say it on record, we are fine with the four lots, we are not fine with the single level restriction. The house straight behind us on the left, which would be the south which is the bottom photo, is two stories and is two stories to us. It is a daylight basement to them, but it is a two story to us. So we just request on these two conditions, we are fine with the four lots, but we respect a two story building just like any other residential house or residential coded lot in there across the street.

Chairman Demarest: Mr. Conger, we've done a little over our ten, but you're entitled to twenty minutes, were going to make sure that the neighborhood association has the same amount, so do you want another five?

Jim Conger: No, I'm done in less than two.

Chairman Demarest: Alright, very well.

Jim Conger: Again, we are ok with the reduction of lots however, these larger lots will be family orientated and will require two stories. In closing, we have a great new community that maximizes the existing services in the area and the infrastructure, thus avoiding more sprawl, we're using the existing sewer, water, and everything that is there and streets. We will be building very nice, well designed homes that put our new families close to schools, churches, parks, foothills of course other commercial services along State Street. We do not agree, again with the staff report 9.2(e) and 3 on the single level restriction and we respectfully request that that be allowed to be two stories. With that, I will stand for any questions and save any left over time for rebuttal.

Chairman Demarest: Thank you, ok. So are there any questions for either the applicant or staff?

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Commissioner Gillespie: Mr. Chairman, so just a quick question for staff, does staff agree with their interpretation of that access easement?

Todd Tucker: Mr. Chairman, Commissioner Gillespie, yes it is a platted easement.

Commissioner Gillespie: So, I was interested in reading Deputy Chief Gervais comments and his letter dated 2/26/15. So this is his normal conditions of approval and he talks about his comment three was: “access should be provided so that homes are located not more than 150 feet from an approved fire department access roadway, so I get that that’s why we have the fire access road along the northern side of the development but I was interested in if someone could talk to me about the far south/east I believe lot 32, do we believe that, I assume you do believe that from the road to that house is 150 feet or less?

Todd Tucker: Mr. Chairman, Commissioner Gillespie, those three lots in the bottom right will be accessed from a common driveway and per code a common driveway can’t be more than 150 feet in depth which allows the fire department to drive down that common driveway.

Commissioner Gillespie: So we can count common driveways for the purposes of calculating access without an easement?

Todd Tucker: Correct.

Commissioner Gillespie: Thank you. Mr. Chairman?

Chairman Demarest: Commissioner Gillespie.

Commissioner Gillespie: Last quick question then one comment. So Jim, as we’re driving in from Pierce Park, we’re driving east through the new street, there’s trees on every side, the first thing we pass is a three lot driveway, there’s three lots taking access in the first cut, that would be lots 2, 3 and I guess 4, then we keep driving and then we get to the second major cut heading north from the access road and there are five lots taking access in one cut, presumably 100 foot wide cut, and you’re thinking that that’s going to work at five driveways side by side by side, or are you thinking of creating a common driveway and then access treeing off of it or what are your thoughts on that?

Jim Conger: Yes, Mr. Chairman, Commissioner Gillespie, yes you are correct the person coming in is a common drive which is a 20 foot, which meets fire code, of course we have the 150 foot length, we get to the second cut, it is the same 20 foot driveway that’s shared, we are putting five houses on that common drive, your code allows six. They are a shared driveway; that is the requirement, which will be one shared driveway with two homes on the left and three homes on the right.

Chairman Demarest: Any other questions of the staff or the applicant from the Commission?

Commissioner Gibson: Mr. Chairman?

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Chairman Demarest: Commissioner Gibson.

Commissioner Gibson: Question for staff, could you explain a little bit more the concept of the transit node and where that would appear on Pierce Park?

Todd Tucker: Mr. Chairman, Commissioner Gibson, are you talking about for the Valley Regional Transit?

Chairman Gibson: Yes, specifically I'm looking at the same site plan that Gillespie was and it's indicating a grassy storm water basin in the area where you more than likely have the node, so could you explain that a little bit more, what the final result would look like?

Todd Tucker: Commissioner Gibson, the Valley Regional Transit comments weren't very specific, they just indicated that they would like a transit node or a transit stop in this location or adjacent to the property and they indicated that they would like that to be a concrete pad that meets ADA standards, so that later they can come in and put a shelter on it. They weren't specific as where that would be located on Pierce Park frontage just that they requested that it be along Pierce Park, so that would need to be worked out with the developer and Valley Regional Transit of the exact location of where that would be located.

Jim Conger: Mr. Chairman, Commissioner Gibson, in our brief conversation with Valley Ride, Mr. Tucker is correct from what we heard from them as well. They are looking for a concrete pad for delineation. They will provide the sign; we will most likely place their sign for them. They discussed putting it at the north end of our property behind that detached sidewalk on Pierce Park, so we would definitely have ample room, we have over 37,000 square feet in that front area of common area and more than happy to accommodate that, and we will accommodate that. It will go in our landscaped area just south of that future fire road.

Commissioner Gibson: Mr. Chairman?

Chairman Demarest: Commissioner Gibson.

Commissioner Gibson: Two more questions, one more for the applicant. As far as access to the irrigation canal right-of-way is that what I'm seeing on the plan that you've got something going up to the canal?

Jim Conger: Yes, Mr. Chairman, Commissioner Gibson, we do have two accesses to it. We have our water take out here, we have our neighbors to the south, this neighborhood has a water take out that comes right on our property and goes right down our lot line and we'll provide them their services as well and are required to provide, service better or as good as what they have today. But ours will take off the existing point that is right here.

Commissioner Gibson: One more question.

Chairman Demarest: Commissioner Gibson.

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Commissioner Gibson: Specific to the description you've got for the entry drive, could you explain the fence along the southern property boundary that would be contiguous to those three existing lots on Baron Lane?

Jim Conger: Mr. Chairman, Commissioner Gibson, so yes with that requirement it is a six foot solid fence. So at this point it most likely be, we just did that East Valley project in east Boise and it was a kind of a high-end wood, we don't want to come across strongly, but I don't think vinyl is the right application for the development we're creating, but it would most likely be a wood fence at this point, not six foot dog eared cedar and that could be of record, that is not what we build, but it would be a high-end wood picture framed type fence or a high-end vinyl fence, it would be one of the two.

Commissioner Gibson: Mr. Chairman.

Chairman Demarest: Commissioner Gibson.

Commissioner Gibson: So the intent is that it is a visual barrier but not necessarily serving any acoustical purposes?

Jim Conger: Commissioner Gibson, we believe that's not a sound wall by definition but sound, and we know a little bit about sound, deflects by hitting a surface of different densities, so yes it will defer sound or redirect sound, but it is not a sound wall, nor do I think a sound wall is what's required here or probably that applicable at the distances that we are way from it.

Commissioner Gibson: Thank you.

Chairman Demarest: Any other questions from the Commission?

Commissioner Gillespie: Mr. Chairman?

Chairman Demarest: Commissioner Gillespie.

Commissioner Gillespie: With the respect of the fence issue, think carefully about that because we know there are certain members of City Council who are very anxious to have open fencing in this part of town so I think you need to consider how you might handle that set of questions from Council. Thank you.

Chairman Demarest: I assume that is it for questions from the Commissioner for either the applicant or staff? Alright, so it is now time to move into the next phase and that is we're going to hear first from the registered neighborhood association, that is Collister, and I understand they do have somebody from their board here. Mr. Keener, and Mr. Keener we did afford the applicant ten minutes, it went to twelve, we would like to offer you twelve as well.

NEIGHBORHOOD ASSOCIATION TESTIMONY

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Ed Keener: (3423 N. 39th Boise, ID) Mr. Chair and Commissioners, my name is Ed Keener; I am tonight's designated representative for the Collister Neighborhood Association. I live at 3423 N. 39th which is on the south/east side of Collister neighborhood and this proposed development lies clear at the opposite north/west portion. We have about 5,000 homes within our boundaries; most of the zoning was done before the Comprehensive Plan. Our neighborhood covers a large portion of north/west Boise. Thank you for this time to be able to talk with you. I am grateful for your service and I know you are volunteers and that you have many contended and contentious issues to make decisions upon. The most livable neighborhood within the most livable City in America, that is what we and the Collister neighborhood aspire to be. One of the components to becoming the most livable neighborhood is a neighborhood plan. With the Cities' encouragement and help we created and the City approved our plan too, just a few years ago. It is considered a model plan in its breath and scope and we hope a guiding document. Quality of life is central to our plan. Through a neighborhood survey and a variety of neighborhood inputs, all crucial in creating this plan, we and our neighborhood said that semi-rural feel with some open space is the key reason that we live in the Collister neighborhood. Our one acre or larger lots is what we seek. In addition, we said that we value a wide variety of housing styles from different eras, not all cookie-cutter modern, we value a large variety of housing affordability and we benefit from the diversity of ages, incomes and jobs within our boundaries. Walking, biking and other forms of exercise within our neighborhood are part of our health regime. We like to visit our parks because they are close at hand. We still like to get to know our neighbors and help them out, we wish to keep all kinds of pollution, air, light, noise, water, soil at a minimum by not jamming too many people into too tight of spaces in our neighborhood. We like to help our neighbors; we cherish and support the wildlife which comes with open space. More and more of us are raising our own food through gardening or by using community support agricultural within our Collister Neighborhood. We support and are proud of our neighborhood schools for the education and life skills that they bring to our young people. We frequent close neighborhood shopping and retail opportunities rather than driving long distances. We support healthy living through personal responsibility and being good neighbors to one another. We have one agricultural overlay district of one half acre and larger lots; it's called the Sycamore Overlay Plan which supports additional livestock numbers because we value a semi-rural way of living. Collister neighborhood has a unique sense of place and local flavor that makes it sought after to residents and visitors alike. Because of these features and because of our shared vision, houses and properties in Collister often don't even reach the market before they sell through word of mouth. But we recognize there is a different vision in the plan submitted by this developer, that vision being putting as many houses as possible on a piece of land through R-1B zoning. This is neither the place nor the time for the vision of R-1B zoning to be implemented. What this plan will produce, in most respects, are direct opposites of the Collister Neighborhood Plan and the vision that we hold. With no common play space, club house, recreation or social amenities provided residents in this R-1B plan, residents will be forced to get into their cars to drive to do what should be close at hand. Permitting this R-1B zoning will set a precedence for other open space large parcels within our neighborhood to become infill type housing. High density, diversified housing needs to be located within walking distance of major transportation corridors and Pierce Park is not a major transportation corridor even though there may be a proposed bus route and a bus stop. Those headways on Pierce Park are an hour between buses and folks in this subdivision and in other subdivisions on Pierce Park are not going to wait an hour, they are going to use their cars. State Street is the major transportation corridor with its long range plan with mixed use nodes, bus transit, and alternate transportation plans. This subdivision is a mile from State Street. The Collister

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Neighborhood Association at its February meeting voted to support R-1A zoning only for this property's development. While recognizing that the development will take place, we said this denser development does not meet our plan. We ask the Commission to support this decision. We accept that growth will occur, our vision that growth will occur in smart ways and well thought out principals. We look for a sustainable community that provides a greater range of transportation choices and housing choices and prioritize infill and redevelopment in existing communities close to State Street corridor rather than high density development of the few neighborhood natural lands we have left. We hope that smart growth principals will prevail, which provides safe walking routes to schools, foster livable, safe and healthy places, stimulate economic activity and develop, preserve, and invest in built and natural resources. All of this is possible by combining sensible growth, open space, and the State Street transportation corridor vision. The City of Boise along with ACHD, ADA County Planning Development, Garden City, Compass, Idaho Transportation Department, and Valley Ride, and I represented the several neighborhoods along the corridor, created with public input to State Street Corridor Transit Plan, a guiding document. These governing groups extending considerable staff time and resources along with the public to select and create this transit plan. Many, many people have worked on this plan for more than three years. Some of the plan has been implemented, but much is yet on the horizon to be accomplished. Public transportation and an alternative transportation are key components to moving people safely and efficiently along the corridor and to and from the corridor. In addition, density of housing, working, retail, and leisure needs need to be located within walking distance of the transit of the corridor to make the plan viable. Zoning along the corridor as well as away from the corridor, such as this sixteen acre proposed development will affect the success or failure of making State Street a transit corridor. It isn't a done deal. If high density zoning such as R-1B is allowed away from the corridor that is distances beyond at which people will no longer walk or bike to get to State Street. Then State Street will become an even worse traffic congested place. ACHD tells us that already at rush hour, has unacceptable traffic loads. Why would we want to continue to add to this situation of funneling hundreds more car trips onto State Street? Why wouldn't we want to limit this density to housing further out than a half mile of State Street, while encouraging infill closer? I respectfully encourage the Commission do its own due diligence toward this R-1B zoning proposal, including considering the vision and plan of the Collister Neighborhood and of State Street transportation corridor. I don't know if you usually rely on City staff to provide most of the findings you make for your decisions. The staff doesn't seem to indicate how far away high traffic volumes will help implement the State Street plan. In this case, I would hope that State Street corridor plan would carry considerable weight for its far reaching future success and importance in this part of the City. By supporting R-1A zoning for this parcel we would be taking a step toward making the transportation corridor a reality. For some years our Boise City Council has taken very seriously smart growth principals in its planning decisions and we now know that Council member TJ Thompson will be asking Council to include healthy living, healthy lifestyles, exercise, good healthy eating into its future decision making processes. These kinds of sustainable concepts are important to our Collister neighbors. We hope they play an important part in your decision to allow only R-1A zoning for what we are asking. I will answer any questions you might have.

Chairman Demarest: Actually, that's not permitted, but hold on, I'm open to...

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Commissioner Gillespie: Mr. Chairman, a point of order, I feel that the representative of the neighborhood association has raised several factual issues which staff could answer and then we could get that on the record before public testimony so the public could then discuss it and it would be available for comment and rebuttal by the applicant.

Chairman Demarest: I will allow that as long as it sticks with what has already been stated.

Commissioner Gillespie: Mr. Keener, so I'm going to ask you a question about the State Street corridor plans and I'm going to explain my understanding first and then you can tell me where I'm wrong or right. So my understanding is there are a number of State Street corridor plans. There's TTOP, there's a whole bunch of them. The City Council has formally adopted as part of the Blue Print Boise I believe only two, as far as I understand those have specific geographic plan areas that they cover and therefore within that plan area we are to consider that plan in that area. My understanding, looking carefully at the State Street plans is that this area, this parcel is not part of the formally adopted plans. Do you think that is right or wrong?

Ed Keener: I don't think that is correct and here's why. The half mile areas adjacent to State Street are what are considered walkable distances or bicycle ride-able distances to catch transit. Those are where the heavier densities are going to be encouraged as the corridor redevelops, as property turns over, then the new zoning will come into play, but if you have heavy density outside of the zones, outside of the half mile...

Chairman Demarest: Ed, I understand the theory of all of this, I get the theory. This is a specific, almost technical question about the land for which that plan formally applies. I don't think, maybe we can ask staff, every planning area has very clear boundaries because basically the plan constricts people's property rights so we have to have real clear boundaries we can't just have people's interpretations so I guess my question to staff, is this area included in any of the adopted State Street plans?

Todd Tucker: Mr. Gillespie, we agree with you, we do not feel that this is included within that geographical area.

Chairman Demarest: I believe commissioner Gillespie has concluded his questions but I think that our legal council wants to give us a word of advice.

Amanda Schaus: Inaudible

Chairman Demarest: Sounds like we're done with this part, thank you Mr. Keener. So we are going to open up to the public, now just something to clarify, we have people signed up on two sheets and most of them, 98 percent of them are duplicates, however the public gets up to three minutes, that is a code that we need to stick within and you'll see a timer up there. If you signed up twice you're only going to get the one, three minute period and I have checked carefully the list and I'll make sure that everybody gets their time. By the way, if you haven't signed up you will still get to speak, we will open it up at the end, but you don't get two times because you signed up twice. Ok, so looking at the list that I believe is the most comprehensive and that is somebody by the name of Michelle, I can't pronounce your last name, oh

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Murphy, Michelle Murphy, thank you Ms. Murphy. You've got up to three minutes and you will see it here, and if you would begin by stating your name and address for the record.

PUBLIC TESTIMONY

Michelle Murphy: (6272 W. Baron Lane) I would like to make it very clear we are not opposed to development behind our home; we are opposed to R-1B zoning and poorly planned PUD and road. When one buys a home there is a sort of covenant, a good faith agreement with the local government that it will do its best to uphold current policies and plans. There is a level of trust that a citizen can rely on that government to be fair, open and operate in interest of common sense. There is a level of trust that they will try to uphold the zones and the Comp. Plan adopted by the City. There are various zones in the area, including A-G1 R-1A, R-1B and R-1C. Our own home is zoned R-1C which is high density but we are actually on a one acre lot. Much of these zones were done long before the comp plan and the CNA plan. Blue Print Boise and the CNA Plan designate this area of north/west Boise as large lots. We understand that this is a relative term. Relative means, considered in relation or proportion to something else. Relativity seems to be the only limits test available for you and the City Council to determine what a large lot means. This proposal has been called infill, this development cannot be infill based on the definition. We were told this term too, can be ambiguous by the City, but the purpose of definitions and codes and comp plans is to give people a basis on which to make findings. Infill says that 80 percent of the property within 300 feet is developed. That is not the case here, the assertion that this is infill is wrong. That takes me to density, I think Gillespie that this State Street corridor does matter and it matters because that density should be done within a half mile of State Street not one mile or nine tenths of a mile, like this location is. It's too far out. Our bus only comes once an hour, it's ludicrous for this developer to give the guise that this will be a well-used public transit route. This is a semi-rural neighborhood. This development will add 600 plus cars to Pierce Park heading both north and south. Hill Road is not anticipated to ever be expanded. When stub streets are connected there could be a possibility of 2,000 plus. Could the bus schedule be adjusted to accommodate more riders? Of course it could, but adding density outside of the State Street corridor perimeters is contrary to the City's plan. If you look at these pictures relative to what is already here, you can see this PUD is too dense; it's too many homes, too small of lots relative to the neighborhood and too many cars. 6,000 square foot lot is small for urban standards, its outrageously small for ours. Please keep the good faith agreement that we entered into when we bought our home in the City of Boise. Please keep this area large lot, no smaller than R-1A. Please find that R-1B and this PUD do not fit into our neighborhood and do not fit with Boise's model of livability, smart planning and 21st century Boise.

Sara Cray: Time.

Chairman Demarest: Your time is up, however you did have some technical problems, were going to let you show the rest of these without comment, if you wouldn't mind.

Michelle Murphy: Thank you.

Chairman Demarest: So this will be a part of the record?

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Michelle Murphy: Yes.

Chairman Demarest: You put it together and it's not your fault that you had technical problems, do you want to show it?

Michelle Murphy: It's just a quick slide of the aerial of the property itself. Thank you.

Chairman Demarest: Ok, thank you. Ok the next person on the sign-up sheet is James Glancey, and I hope I've got your name correct. If everybody would state their name and address clearly for the record when you get to the microphone.

James Glancey: (6383 W. Baron Lane) I would like to plug in also and maybe try to avoid any technical difficulties before moving on.

Chairman Demarest: We won't start timing until we get it right this time.

James Glancey: Ok. I'm just south/east corner of this development. I'm just reiterating the one to two lots per acre, I don't see how, it was just brought up that's used in this whole area that's designated for large lots. If we have a 3.8 here are we going to have to go to 2 acre lots on the other lots? I don't understand the rationale there but I will go with as proposed a R-1B subdivision could allow 78 units but, let's see here, hopefully, well it isn't working.

Chairman Demarest: can we give Mr. Glancey some help?

James Glancey: An R-1B Subdivision allows 78 units per acre; however, density cannot be achieved due to right-of-way street's geometry and so forth. You can see only 50, this is an example, and 50 lots could actually be platted on this site if you complied with the ordinance. CMG is proposing 62 lots which is this proposal here; I have red marks and items on there. This is a sketch that is following the same thing. You can see there is absolutely no difference between this and the last drawing, yet in the fall you said that R-1B would not be acceptable with that development plan. Well now he's proposing 12 more units that you can't even do with a standard R-1B development. This is being submitted as a planned unit development which is not an entitlement of the property. PUD's are a mechanism on which the developers are given the opportunity to bring creativity to the process, they are essentially an ethical approach which may utilize strategies such as integrating with the fabric of the neighborhood, natural features, the environment and creation of open space and provide unique sustainable architecture. PUD's are privileged in which the developer may be granted certain benefit for developments designed beyond the minimum threshold, while fully meeting the goals and objectives of Blue Print Boise. CMG's proposal is nothing but a 62 lot cookie cutter subdivide with reduced setbacks, lots 20-40 percent smaller than allowable in the R-1B ordinance standards, basically 12 lots greater than feasible in a standard R-1B subdivision. They should not be granted an increase in density and there is no, absolutely no benefit in this project to the public. The project does not integrate with the fabric of the neighborhood, totally disregards the adjacent property owners, it has no true amenities, creates dangerous safety issues by not aligning streets and has no usable open space.

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Sara Cray: Time.

Chairman Demarest: Sir, your time is up.

James Glancey: I just wanted to conclude, a PUD is a wonderful vehicle to move forward beyond the standard zoning process. PUD's are not about how the developer can create more lots nor to maximize profits. I have an example up here of how the street can be aligned.

Chairman Demarest: I need to ask you to wrap up, your time is up.

James Glancey: Ok, I'm just saying this is more of what a PUD could look like and the lots are too dense, it should be rejected as a PUD and I respectfully ask the Commission to deny this project.

Chairman Demarest: Sir, thank you. Next person on the sign-up sheet is John Treharne.

John Treharne: (6320 W. Baron Lane) Mr. Chairman and Commissioners, I thank you for this opportunity. I am the president of the Clarendon Hill Homeowner's Association which is the subdivision bordering this property. Our association feels, at best this is a very poor design. It's changing continually. One of our biggest problems is the road. The road originally had a 12 foot buffer between our property line, now it's been moved to the property line. Also, you heard Mr. Conger say that now due to this 20 year old easement he's planning on putting a sidewalk on our property within 20 some feet of the backs of our homes with people walking by daily looking into the back windows. He seems to suggest that due to the fact that we've never improved the property on that easement, that we don't care about it. Well that isn't the case at all, that has been a horse boarding facility for the last 20 years. It would be pretty foolish to put shrubbery and let the horses eat it and continually replant it. We have been good neighbors with that original horse farm, but that's the only reason why this has not come up before. Mr. Conger, every agency he's dealing with, he asks them to forget their own guidelines or bend the rules. He asked the Highway District to forget their own guideline of distance between intersections of 330 feet and allow him 194 feet. You folks made a decision in September when you looked at this original proposal that the zoning was too dense for this property and that was the vote of this Commission and now he's asking you to ignore that. He's asking the building department to waive the setbacks from the normal 10 feet now to let him squeeze the homes together at 5 feet. All of these to benefit him and the property owner, the neighbors or the neighborhood have never been taken into consideration at all. We're not asking for any special treatment, were asking for you to please, just follow the guidelines, follow the rules, and stick with your original determination that this zoning is too dense for that property. That's all were asking for, were not asking anybody to bend the rules, but we firmly think that it's wrong for the rules to be changed to the benefit of two specific people and not the entire neighborhood. I don't represent the entire neighborhood, but a lot of the neighborhood feels the same way that we do. I would implore you to please look at a lower density. We are talking to an attorney on this easement on that property, he hasn't given us a finding but we will litigate if he thinks there's a chance. With that, thank you.

Sara Cray: Time.

Chairman Demarest: Sir, thank you. The next person on the sign-up sheet is Kelli Ellsworth.

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Kelli Ellsworth: (6385 W Baron Lane) I am a proud owner in the west-end. We have five children, two of which attend Pierce Park Elementary and one who attends at River Glen. All three of our children often use Pierce Park to get to and from their schools. My big concern with this development going in is the number of cars that will be using Pierce Park. As Michelle has talked about, there could be an upwards use of Pierce Park of 600 plus cars. At this point my children leave our home between 8:15 and 8:30 in the morning to go to school. The only side of Pierce Park that has a continuous sidewalk all the way down to Castle Park where my children could easily cross with the cross walk, the east side of the road does not have continuous sidewalk all the way down, the only side of the road that has a safe walk way for my children to use is on the west side. When they leave at that time of the morning my children can stand for minutes waiting for a safe period of time to be able to cross the road safely. Often the cars will have to stop in either direction to allow them to cross safely, and I appreciate those drivers that do that. My concern is the number of cars that this new development is going to bring to Pierce Park, especially during heightened traffic times when my children are trying to use that road to get down to school. I was born and raised in Boise, Idaho, my husband was raised here as well, when he graduated from Boise State University we left Boise begrudgingly and headed back east so he could finish his masters and then have slowly been working our way back. We lived in New York for about seven years and then in Arizona for another seven years and finally a year and a half ago decided that we wanted to return home. I did my studying on the area of Boise I wanted to be in, I knew where I wanted to be, I love the community in the area that I am in. The developer has made comments to our neighbors about the fact that he cannot put in the larger homes on the larger lots because he cannot bring that higher end person into this area because it is run down and the schools are subpar and inadequate. I want to say Pierce Park is a fabulous school that attracts people from well outside of its boundaries. We have a member, our PTO who have written letters who live at Costco, Meridian, Middleton and they drive their students to Pierce Park because it is a phenomenal school and I hope that you guys will consider the children as you make this decision that use that road to get down to that school and the other members of the community that run, bike, jog on Pierce Park and they deserve to be safe.

Sara Cray: Time.

Chairman Demarest: Thank you, ma'am. Next person on the list is Bret Vaterlaus, did I say that correctly? Folks I will ask you to keep an eye on the three minutes, again that's not an arbitrary number it's a number that comes to us and if you would kind of keep an eye on that it would actually help me not have to cut you off mid-sentence, I don't like doing that.

Bret Vaterlaus: (6323 W. Baron Lane) I've had four houses in this area, built three of them and have lived in that area since 1981, watched it become more dense as the fill-in has occurred. I've watched some pretty good subdivisions go in. I've watched some that have gone in that are just not good mixes or matches for the area. I'm a business person, I know that it's going to develop, it's going to develop and it's only going to develop one time. Great isn't made by abiding by the minimums; it's by maximizing what you want. I would remind the Council that we have a plan, the plan was set up to not let it become too dense, that's our role here is to watch over the community and to take care of it. I don't really have a problem even with the development company on this, they have money to make, and they have the ability to make that based on a sales price of the property. The property price is established arbitrarily and the

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builder has to decide and the developer has to decide if he can make that work. In this case that is driving the market price, in my mind that is a false market price. I think what needs to be done is decide what the actual size of the property or the density of the property should be and that helps him make a decision on what should actually go in there and that drives the price of the property rather than the other way around. Sometimes I think we get in front of ourselves and try to make money and do that but this is a small piece of property and I know that some of you have been out there and looked at it and I appreciate that. Simply stated though, that's a lot of houses going into a small area. Potentially, 30-60 children that would walk down that corridor to Pierce Park and then are walking down Pierce Park to go to school. Those are things that I think we need to think about and consider. Thank you.

Chairman Demarest: Thank you sir. The next person on the sign-up sheet is Randy; if you would state your name and address for the record.

Randy Pauletto: (6272 W. Baron Lane Boise, ID): There are many issues with the proposed development. I would like to address a few. After reading the minutes from the September, 2014 P&Z meeting I understand this Commission denied R-1B zoning and requested the landowner provide a plan. The Commission wanted clarity on this landowner's intent. We now know that the intent is to get as many houses into this development as possible. This is not about improving the neighborhood or keeping existing atmosphere, rather it's about asking for many concessions in a PUD without giving any regard to the community, the environment or existing residences established, quality of life. Blue Print Boise and the Collister Neighborhood Plan should have been utilized and come up with a plan that worked with this north/west corner of Boise. In my view, this was a gross mismanagement of an opportunity. This PUD is not in the spirit of a PUD. I recognize that comp plan and the neighborhood plan is a guide, a reference for a new home buyer, an existing landowner or developer on what is acceptable or permissible in that area. I realize these plans can be read different ways, but in my view we are so out of bounds for what these plans give guidance for that this proposal must be denied. This development is high on request for deviation from existing zoning and City recommendations but lacks common sense and consideration. An example is the flag lots planned at the north side of Baron Lane towards the entrance of the proposed development. The flag lots most notable are the ones perpendicular to our home, which means four homes will exit at one driveway, lights shining into our master bedroom and living area every evening. This developer has continued to be ambiguous. For example, the most recent neighborhood meeting he stated that all homes currently on the property would be taken down. For the purposes of his ACHD argument last Wednesday, he told that Commission that the front house was going to stay, he said that so he wouldn't have to hand the option on the table of aligning Tobi and Belmar. I reference this so you understand that the intentions of these people are not for a safe solid plan but rather would say whatever they need to get through the current Commission they are in front of. The developer may also tell you, as he did at the ACHD meeting and earlier this evening, that the Baron Lane residents have not maintained the current easement. Of course not, the current landowner has been grazing their horses on it for years and we haven't had 600 trips driving behind our home. We purchased this home for its semi-rural feel, we understand and accept development behind us, we welcome a good plan with half acre lots, but this plan is flawed, this plan allows for landowner to maximize their profits at the expense of everything else including safety. I respectfully encourage this Commission to evaluate the current and long term negative impacts of this plan. Please vote no on this proposal.

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Chairman Demarest: Thank you, sir. Ok, next person is Jason Ellsworth.

Jason Ellsworth: (6385 W Baron Lane) Chairman and Commissioners, my background is development and I'm surprised by some of the interaction that has taken place here. The contention has been made that the developer has reached out and engaged the community but the evidence is otherwise, I think you're seeing the emotion associated with that which hopefully will raise concerns in the minds of each of you Commission members. I'm surprised also by the recommendation from staff that R-1B be acceptable in this case, no motivation or rationale was provided other than justification regarding the fact that the area cannot be developed right now to fully populate the zone with the amount of housing that would have otherwise been set aside if houses were placed on every one to two acres. But in fact, if that rationale were carried to its extreme, we might have a high rise there, that rationale is flawed. In fact, there are reasons why the zoning was put in place and I don't think that any of us here were necessarily there or a part of that, but we bought into the existing zoning and are subject to it and have remained subject to it, but we have a developer who has stepped onto the scene who is asking for a variance from that direction. Issues exist and questions have been raised that have not been addressed. This question of inconsistent testimony and representation from the developer as it relates to the plan presented to ACHD that was approved and the plan presented here. That is significant inconsistency and speaks to an inconsistent approach from the developer's standpoint. Layout issues, the streets not being aligned and creating traffic issues. It's not necessarily about the amount of traffic, it's about where it exists and how that works and the fact that that's been inconsistent in terms of how it's been presented is a problem. An unwillingness to, even when recommendation from staff, is that there be less density up against those homes. You can see that the perspective of the developer that there's little care for the opinion and position of the neighboring homeowners by pushing for dual level homes versus single level there in that place. Schools were not considered, we didn't see anything on the schools. In fact, I have some letters here from the PTO. The principal of Pierce Park was surprised, not sure that any of the schools were consulted? They are at capacity and in fact were not given enough time to respond to this, so some have asked that we highlight that and I'll share these letters with you as well.

Sara Cray: Time.

Jason Ellsworth: I'll close, thank you.

Chairman Demarest: Thank you. We will be happy to take those in and put those into evidence on the record. Ok, next person on the sign-up sheet it looks like, Alice Culver.

Alice Culver: Passed.

Chairman Demarest: Next person after that is Glen Albus.

Glen Albus: (6438 N Hillsboro Pl) I am the president of the Hillsboro Homeowner's Association. Thanks Mr. Chairman, members of the Commission for allowing me to talk to you tonight. We're in support of the Collister Homeowner's Association and homeowners on Baron Lane. As you can hear there is a lot of emotion in their voices and we can appreciate that. We live in a subdivision with about 19 homes coincidentally also on 16 acres. We're just north of Hill Road and east of Pierce Park and we primarily

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have three concerns. We would just simply say we hope that you could support the R-1A zoning that these folks would like to see as well. We are appreciative of development and growth, we know it's going to happen, but three concerns that we'd like to bring up. One, we haven't really heard much about, we've been hearing a little bit about a fire station to be put in that area. Several homeowners in our subdivision have experienced occasional emergency requiring EMT or an ambulance to come. Many of them have received; have what they define as underserved area for response time. That's very concerning to us, so when we think of more homes, we worry about that. Second, many of us commute on Hill Road daily in the morning. School capacity, being another issue that we thought about with these homes coming in. My kids actually go to school downtown so we commute twice a day down Hill Road and it is busy and we envision this being a potential impact of that as well, and the cyclist that use Hill Road religiously. Also, I'll bring up one more thing about the proposed subdivision, we're wondering too about the mirroring of the plan of the Collister Association. We saw some slides and heard about the intent; we too have three quarters of an acre to an acre lot size so we're hoping that could be mirrored as well. Thank you for your consideration and looking at the zoning.

Chairman Demarest: Thank you, sir. Ok, last person on the sign-up sheet, but remember I will give everybody a chance that wants to speak, is Mr. Canning; Joe Canning.

Joe Canning: (5505 W Franklin Rd) Alright, Mr. Chairman, members of the Commission, I am employed by B & A Engineers and I'm here tonight representing the Culver's which own the land kind of north and west of Belmar Estates. I've only got three minutes, it's very difficult to present slides during that three minutes so I've got three that I think that I can get through very quickly. Of course, this is the platted Belmar. There are a couple of things I'd like to point out. There's the common drive located right here, the Culver land is located up here; the Farmer's Union Canal is up at the north end of the Culver property and stretches around the Belmar property. There's a bench right here, basically because the canal and a lot of canals in the valley reside above Pierce Park. I did mark Tobi right here and Pierce Park right in this area, so that's exhibit 1, and before I leave, that there is one thing I want to point out, I'm going to talk about this common drive and we do have a potential issue with the turnaround, but we will talk about that in a minute. Todd, if I could go to number two? The number two is an aerial photo so the yellow is just the Culver property, Belmar is down here. I didn't lay the plat of Belmar over this, but that common drive that they are showing is right about in this area coming up from the south. The Culver's have a home existing right here, there's a home back here, a rather large shop here and then there's all this land that is around here and of course the Farmer's Union Canal is right in this area. The Culver's currently have an application to Boise City for minor land division. That minor division is up in this area similar to the Belmar Project. We are proposing a common drive that comes out to Pierce Park Lane. This area here is a problem area. It's a challenge to get a good access into there and without anything being starting from Belmar Estates, we're pretty much going to have to bring in another access off Pierce Park that comes along this flat area, goes up this bench and comes back into this land back here. Now, if we go to my third slide, so what we did is I had my field crew go out and we just generated a quick centerline to-pole. Of that driveway, that's the canal bank, this is Pierce Park Lane, as you can see there's a fairly flat area down at the bottom and then the red is just the existing ground line that goes up to the top of that canal bank. Some of those slopes are about 21, 22 percent. I projected a 10 percent slope here in the black just to give you an idea of what the normal maximum is for a road or a driveway, at least what we like to do. So you kind of get an idea of how steep this bench is. Now, if we go back to slide one, my request is if there is a

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possibility to extend that common drive and making a stub street, we have good access in there. That concludes my testimony; I'm more than happy to answer any questions.

Commissioner Gillespie: Thank you, sir. Actually, that is not permitted at this point. Thank you.

Amanda Schaus: A point of order, it is permitted to ask the person testifying questions, just wait for the staff to ask the staff questions after public testimony.

Chairman Demarest: So afterwards, but not after each person goes?

Amanda Schaus: Correct.

Chairman Demarest: Ok. Thank you. I'm sure that means questions for clarifications, things that have already been mentioned, right not new information? Ok. Thank you, sir.

Joe Canning: Thank you.

Chairman Demarest: Is anybody else here who would like to speak on these three items that we're dealing with, items 2, 3 or 3a that didn't have a chance to sign up?

Ok, I see none so it is time for the applicant to come up and you have five minutes for rebut.

Amanda Schaus: Mr. Chairman, sorry a point of order. Would you like to have the staff at this point clarify any questions that you have before rebuttal?

Chairman Demarest: I will ask the Commission if they have any questions for the staff? Hearing none, you have up to five minutes for rebuttal.

APPLICANT REBUTTAL

Jim Conger: Thank you members of the Commission, Jim Conger back at the podium here. Coming to our rebuttal points, just to address a few items that are outstanding, I think that as staff found and supported, we did go through, and I think it's very important you've got your Collister Neighborhood Plan, you've got your North West Planning Plan, we've got our Blue Print Boise and then we mesh all of these. We've been through all of them, we take the appropriate zoning mixed in with all of the plans and we come out with a plan over the last eight months that has had three different neighborhood meetings, it has had numerous meetings that I probably can't count with the City of Boise and a minimum of two, possible three with the Ada County Highway District as far as connectivity goes. So we have gone through the Collister Plan similar to what Mr. Tucker had indicated, we meet a lot of those policies, in fact there is very few we don't if you get into the State Street Plan which most of the letters are on, that's obviously not impacted or effective on this property. Not to waste your time, you have heard that we're high density numerous times throughout the night with the public testimony. High density per your definition with the City of Boise is 16-40 units per acre. We're at 3.8. We're in between the R-1A and the R-1B zoning density, we're low to medium low; we are not high density. Inconsistent plans, you heard we have not had any consistent plans. The plan in front of you is the same plan that was on the Commission with the Highway District last week. It is the same plan, within reason, at one of our last

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neighborhood meetings. Yes, the existing house is now in our program to save but in the previous plan, again we reduced 27 percent of the density in that area, and we had numerous lots over the top of that existing home. Now you'll see one large lot, a shared entry, so our current game plan is to keep that existing home as we go through. With final plat's that may change or may not. I think as far as touching base briefly on the access from Mr. Canning on the Culver's, Todd Tucker is probably more able to speak on that than us. The Ada County Highway District had him come up and explain it in better detail at the last public hearing we had there last Wednesday and they passed the project on without any modifications to access that would be major in our plan, and what was identified at the Highway District was they have ample street frontage to accommodate their own. Currently, they are going through the minor land division instead of the subdivision process where they could access their own properties. I do have, I think just a quick slide that will hopefully not waste a bunch of your time; no it will it's on access and it will waste your time, I'm not going to bring it up. I think in closing, we understand the mission of the Planning and Zoning is to assume the guides or take the guides that the City offers and make sure we adhere with them, which are Blue Print Boise, the Collister Plan and the North West Planning Area Plan. Staff has found that we achieve all of these goals. We respectfully request approval of the staff report as written with the one modification of the deletion of the single story to allow two stories on those four lots. I will stand for any questions.

PUBLIC TESTIMONY CLOSED

Chairman Demarest: I don't think that is permitted. Thank you, sir. We're going to close the public portion of the hearing and we will now render a decision. Commissioner Gillespie?

Commissioner Gillespie: Point of urgent request, I request a five minute break otherwise I won't be able to talk, which you guys might want so you can deny it.

Chairman Demarest: So yes, urgent request is granted for five minutes, but not more.

Five Minute Break

Chairman Demarest: It looks like we have the whole commission back and somewhat more comfortable. So if you recall, we did close the public portion of the meeting and now the decision is before the Commission for deliberation. Just a reminder that we are really dealing with three items, two we can do together, 3 and 3a we can do together, but I think we've got to do 2 first by itself and that's going to be a recommendation. That's the annexation CAR14-00015, that's the recommendation to Council.

Commissioner Gillespie: Mr. Chairman?

Chairman Demarest: Commissioner Gillespie.

Commissioner Gillespie: I move that we recommend approval to Council of CAR14-000015 for the reasons stated in the staff report and with any terms and conditions therein.

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Chairman Demarest: Is there a second?

Commissioner Just: Second.

Chairman Demarest: There is a second from Commissioner Just; discussion, commissioner Gillespie?

Commissioner Gillespie: I agree with the staff report and I will just stand on that ground for now. I think we will have more discussion on the next two.

Chairman Demarest: Further discussion from the Commission?
Seeing none, all those in favor please signify by saying aye.

MOTION: **COMMISSIONER GILLESPIE MOVED TO RECOMMEND APPROVAL TO COUNCIL CAR14-00015**

SECONDER: **COMMISSIONER JUST**

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Commissioner Gillespie: Mr. Chairman?

Chairman Demarest: Commissioner Gillespie.

Commissioner Gillespie: I move that we approve PUD15-00001 for the reasons stated in the staff report and with all of the terms and conditions of the staff report.

Chairman Demarest: Do you want to add item 3a with that or do you want to do that separately?

Commissioner Gillespie: In addition, for the same reason that recommend in the same motion, we recommend approval to the Council of SUB15-00002 with all the terms and conditions therein.

Chairman Demarest: Ok, is there second?

Commissioner Gibson: Second.

Chairman Demarest: There is a second from Commissioner Gibson; Commissioner Gillespie for discussion.

Commissioner Gillespie: Mr. Chairman, so I'm just going to go through the density issue, the transit traffic issue, the easement issue and then the question of the jurisdiction of which plan. It's my belief and staff's belief that the State Street Corridor Plan doesn't apply to this parcel so unfortunately, while the plan might be used for general planning for purposes of considering an entitlement, I don't believe that it's appropriate or correct to use that plan. With respect to density, the R-1B zoning is allowed by the land use map for this particular property, so just a general density argument I don't think is a reason to deny

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the application. Normally, we would consider specific problems with building mass, location, etc., which is why we ask for the PUD and the Plat so we could do that. I think the applicant has done a good job of meeting the specific density, mass and location issues of the neighbors, particularly those located in the south/west. I would like to see us maintain the requirement that those four lots, first that they be four lots and then that they be one story. So that to me deals with the density. I didn't hear any significant traffic issues that would lead me to question anything in the ACHD report. And finally with respect to the easement, I think what was presented to us by staff and the developer was reasonable. Obviously, if that easement is going to be adjudicated, that can be done under normal procedure, so I don't think we should use the easement issue as a reason for denial. In short, I commend the developer for working hard to meet some of the concerns that we had and that the neighbors had and I think at this point I'm prepared to make the motions.

Chairman Demarest: Ok, further discussion? We have a motion seconded to approve items 3 and 3a.

Commissioner Just: Mr. Chairman?

Chairman Demarest: Commissioner Just.

Commissioner Just: We have heard from some of the folks in the audience and the neighbors that this proposal is 12 units over what would be allowed and we heard that setbacks are not within code. In re-reading the staff submission, that doesn't seem to be the case and I believe that the staff has vetted this and that it does fit within R-1B. So I am inclined to vote for this.

Chairman Demarest: Thank you. Further discussion?

Hearing none, we're ready to vote. All those in favor of the motion before us it's to approve items 3 and 3a please signify by saying aye.

**MOTION: COMMISSIONER GILLESPIE MOVED TO APPROVE PUD15-00001 &
RECOMMEND TO COUNCIL APPROVAL OF SUB15-00002**

SECONDER: COMMISSIONER GIBSON

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Chairman Demarest: Ok, that is it for this evening folks. Thank you all for your time and Commissioners, thank you for your wonderful volunteered time as well.

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