

**CITY OF BOISE**  
PLANNING & ZONING COMMISSION MEETING

MINUTES • June 8, 2015

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City Hall – Council Chambers

6:00PM

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FINAL

**COMMISSION MEMBERS PRESENT**

- Stephen Bradbury, Chair
- Rich Demarest, Vice-Chair
- Milt Gillespie
- Douglas Gibson
- Chris Danley
- Steve Miller
- Rick Just

**PDS MEMBERS PRESENT**

Scott Spjute, Cody Riddle, Todd Tucker, Dave Abo, David Moser, Susan Riggs, Ted Vanegas, Brent Moore, Meagan Curtis, Whitney Montgomery, Sara Cray and Amanda Schaus (Legal).

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**I. CONSENT AGENDA**

**CUP13-00016 / Chaucer Property Development, LLC**

**TIME EXTENSION**

Location: [2750 N. Linda Vista Lane](#)

CONDITIONAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT COMPRISED OF 12 SINGLE FAMILY HOMES LOCATED AT 2750 N. LINDA VISTA LANE IN AN R-1C (SINGLE FAMILY RESIDENTIAL) ZONE. [Todd Tucker](#)

*The applicant is not present and with the Commission's agreement this item was placed on the consent agenda. There is no opposition to this item.*

**CVA15-00011 / Richard Mollerup**

Location: [2101 N. Mountain Cove Road](#)

VARIANCE TO ALLOW AN APPROXIMATELY 800-FOOT LONG GRAVEL DRIVEWAY AS ACCESS TO A PARCEL GENERALLY LOCATED AT 2101 N. MOUNTAIN COVE ROAD. THE PROPOSED GRAVEL DRIVEWAY EXTENDS ACROSS BOISE CITY PROPERTY ZONED A-2 (OPEN LAND). [David Moser](#)

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

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**CUP15-00031 / Jack City Fitness**

Location: [21 N. Allumbaugh Street](#)

SPECIAL EXCEPTION TO OPERATE A PERSONAL TRAINING FACILITY WITHIN APPROXIMATELY 12,000 SQUARE FEET OF AN EXISTING BUILDING LOCATED AT 21 N. ALLUMBAUGH STREET IN AN M-1D (LIGHT INDUSTRIAL WITH DESIGN REVIEW) ZONE.

[Susan Riggs](#)

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

**CUP15-00029 / Saint Alphonsus Regional Medical Center**

Location: [1115 N. Curtis Road](#)

CONDITIONAL USE PERMIT FOR AN OFF-SITE ACCESSORY PARKING LOT ON 1.1 ACRES LOCATED AT 1115 N. CURTIS ROAD IN AN L-OD (LIMITED OFFICE WITH DESIGN REVIEW) ZONE. [Brent Moore](#)

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

**MAY 4, 2015 MEETING MINUTES**

**MOTION:** COMMISSIONER GILLESPIE MOVED TO APPROVE THE CONSENT AGENDA WITH THE FOLLOWING ITEMS: CUP13-00016; CVA15-00011; CUP15-00031; CUP15-00029; CUP15-00026 AND MEETING MINUTES FROM MAY 4, 2015.

**SECONDER:** COMMISSIONER GIBSON

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**II. DEFERRAL & RECONSIDERATION AGENDA**

**CUP15-00026 / Retail West Properties**

CONDITIONAL USE PERMIT FOR TWO OFF-PREMISE DIRECTIONAL SIGNS GENERALLY LOCATED AT THE INTERSECTION OF BOWN WAY AND RIVERWALK DRIVE IN A PCP PEDESTRIAN COMMERCIAL WITH DESIGN REVIEW) ZONE. [Brent Moore](#)

**MOTION:** COMMISSIONER GILLESPIE MOVED TO DEFER CUP15-00026 TO A DATE CERTAIN OF JULY 6, 2015.

**SECONDER:** COMMISSIONER GIBSON

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**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

### **III. REGULAR AGENDA**

#### **ROS15-00032 / The Glencoe Place Neighbors**

Location: [4106 W. Glencoe Place](#)

APPEAL OF THE PLANNING DIRECTOR'S APPROVAL OF A MINOR LAND DIVISION CREATING TWO PARCELS LOCATED AT 4113 W. CASSIA STREET AND 4106 W. GLENCOE PLACE IN AN R-1C (SINGLE FAMILY RESIDENTIAL) ZONE. [Dave Abo](#)

#### **APPELLANT TESTIMONY**

**Angie Lowber (4101 Glencoe Place)**

#### **APPLICANT TESTIMONY**

**Brad Parsons (2819 Tamarack Boise, ID)**

#### **NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

#### **PUBLIC TESTIMONY**

**Cheryl Phillips (4101 Glencoe Place):** Spoke in opposition to ROS15-00032 including concerns regarding emergency vehicle access and availability to still park on the streets.

**Tracy Lowber (4101 Glencoe Place):** Spoke in opposition to ROS15-00032 including safety, emergency vehicle access, height of the home and parking concerns.

#### **APPLICANT REBUTTAL**

**Brad Parsons (2819 Tamarack Boise, ID)**

#### **APPELLANT REBUTTAL**

**Angie Lowber (4101 Glencoe Place)**

#### **PUBLIC TESTIMONY CLOSED**

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**MOTION: COMMISSIONER JUST MOVED TO DENY ROS15-00032 FOR REASONS STATED IN THE STAFF REPORT**

**SECONDER: COMMISSIONER MILLER**

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**[PUD15-00005](#) & [CVA15-00019](#) / DevCo**

Location: [2105 S. Federal Way](#)

CONDITIONAL USE PERMIT FOR A 196 UNIT PLANNED RESIDENTIAL DEVELOPMENT COMPRISED OF 11 APARTMENT BUILDINGS ON 7.89 ACRES LOCATED AT 2105 S. FEDERAL WAY IN AN L-OD (LIMITED OFFICE WITH DESIGN REVIEW) ZONE. A VARIANCE TO REDUCE THE PARKING SETBACK ALONG SOUTH HUDSON AVENUE IS INCLUDED. [Cody Riddle](#)

**APPLICANT TESTIMONY**

**Jim Conger (4824 W. Fairview)**

**NEIGHBORHOOD ASSOCIATION TESTIMONY**

**Dave Kangas (1715 Canal Street):** Spoke in opposition to PUD15-00005 & CVA1500019 including access, safety concerns and limited amenities for children.

**PUBLIC TESTIMONY**

**Antonio DeBaca (1339 Ralfroy St.):** Spoke in opposition to PUD15-00005 & CVA15-00019 including no easement located on the southern portion of Targee, traffic increases on Targee, no trees and the parking lot's location raising the concern of headlights on his property.

**APPLICANT REBUTTAL**

**Jim Conger (4824 W. Fairview)**

**PUBLIC TESTIMONY CLOSED**

**MOTION: COMMISSIONER GIBSON MOVED TO APPROVE PUD15-00005 & CVA15-00019 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

**SECONDER: COMMISSIONER JUST**

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

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**CUP15-00030 / College of Western Idaho**

Location: [1500 S. Eagle Flight Way](#) and [9300 W. Overland Road](#)

CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 21,000 SQUARE FOOT EXPANSION OF AN EXISTING SCHOOL. THE EXPANSION INCLUDES TWO BUILDINGS LOCATED AT 1500 S. EAGLE FLIGHT WAY AND 9300 W. OVERLAND ROAD IN A C-3D/DA (SERVICE COMMERCIAL WITH DESIGN REVIEW AND DEVELOPMENT AGREEMENT) ZONE. [David Moser](#)

**APPLICANT TESTIMONY**

**Aaron Whitman (633 W. Mulberry Loop Nampa, ID)**

**NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

**NO PUBLIC TESTIMONY**

**NO APPLICANT REBUTTAL**

**PUBLIC TESTIMONY CLOSED**

**MOTION: COMMISSIONER JUST MOVED TO APPROVE CUP15-00030 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

**SECONDER: COMMISSIONER GILLESPIE**

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**PUD15-00006 / Suggs Community Solutions**

Location: [11624 W. Peconic Drive](#)

CONDITIONAL USE PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT COMPRISED OF 16 DETACHED SINGLE FAMILY HOMES ON 10.47 ACRES LOCATED AT 11624 W. PECONIC DRIVE IN AN R-1A (SINGLE FAMILY RESIDENTIAL) ZONE. [Susan Riggs](#)

**SUB15-00021 / Peppermill Subdivision No. 2**

Location: [11624 W. Peconic Drive](#)

PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 16 BUILDABLE AND 4 COMMON LOTS ON 10.47 ACRES LOCATED AT 11624 W. PECONIC DRIVE IN AN R-1A (SINGLE FAMILY RESIDENTIAL) ZONE. [Susan Riggs](#)

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**Susan Riggs:** Good evening, Mr. Chair, members of the Commission. This is a request for a conditional use permit for the final phase of a previously approved planned residential development comprised of 16 buildable lots and 5 common lots with an associated preliminary plat, Peppermill Estates No. 2. The subdivision has an entitlement for 50 single-family homes approved under PUD12-00001, 34 of those homes are platted and currently under construction. The final phase, consisting of 16 lots expired, it is before you tonight. The site is located south/east of the intersection of Hollandale Drive and Cloverdale Road. This drawing depicts the proposed development in yellow and the phase currently under construction in green. Five common lots are proposed totaling approximately 4.52 acres or 43% of the 10.47 acre site. These lots included natural open space, pathways, trails, storm drainage areas and Eight Mile Creek. As part of the planned development the applicant is requesting reduced lot sizes similar to those just approved under phase 1 and attached sidewalks. The subdivision includes the extension of two public streets, Sumpter Way and Heritage Place. Past applications included a vehicular bridge over Eight Mile Creek connecting Hiawatha Drive. The applicant is proposing to replace the vehicular bridge with a pedestrian footbridge in approximately the same location which will also connect to Hiawatha Drive. A vehicular bridge was initially required to provide a third access connecting to Hiawatha Drive. A traffic report prepared by Thompson Engineering, that is included in your packet, demonstrates a third access is not needed to handle traffic in the area and that the public streets are operating under capacity. The report stated that if the bridge is constructed the connection would provide a shorter route between Hollandale Drive and Canonero Road which would result in cut through traffic within the Peppermill neighborhood district. For reasons supported by the traffic study, ACHD approved the applicant's request not to extend Hiawatha Drive and supported the proposed pedestrian footbridge. Planning received two letters in support of the bridge and none in opposition. This is a conceptual elevation of the bridge; final details will be reviewed prior to the issuance of a building permit. As part of the amenities the continuation of an existing 6 foot wide crushed asphalt pedestrian trail/pathway which begins at Hollandale Drive and ends at lot 13 will be extended approximately 1000 feet south to Peconic Drive.

Beth McGovney who submitted an email, which is in your packets, stated opposition to the asphalt material on the trail sent a follow up email today indicating her support for the crushed asphalt. Two pathways connections to this trail from Sumpter are proposed. The previous phase of Peppermill Subdivision indicated a pathway between lots 24 and 25 on Hiawatha Drive; however, it is no longer proposed in this phase. This pathway is intended to stub to the existing utility access and future roadway easement on Tioga Street which would provide connectivity between Pepperwood and Peppermill Subdivisions. According to a neighbor, this access has historically been used by children to walk or bike to school. Planning recommends that the applicant provide a 5 foot wide paved pathway within a 10 foot easement between these two lots as you see right here. The two neighbors on Tioga Street that border this easement would like it vacated and they are concerned with liability. This easement has been in place since 1977. There are a number of policies in *Blueprint Boise* that support providing stub streets and pedestrian

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pathway connection to adjacent parcels whenever possible. Our goal here is to provide a stub in hopes that it will one day provide a neighborhood connection. In summary, planning finds the project compatible with the neighborhood which is primarily single-family homes on suburban style lots. The density was previously approved with an entitlement for 50 residential lots. The Ada County Highway District and traffic analysis indicated the street network in the vicinity is capable supporting the additional vehicle trips generated by the subdivision. As outlined in the report, the project complies with numerous principals of the policies and principles in the Comprehensive Plan and the Southwest Planning area. Planning recommends approval of the two applicants before you tonight. The Commission shall make a recommendation to the City Council on SUB15-00021 and render a final decision on PUD15-00006. Thank you.

**APPLICANT TESTIMONY**

**Jane Suggs (200 Louisa Street):** I'm here representing Peppermill Subdivision No. 2. I think Susan has done a great job outlining some of the concerns of both the subdivision and the PUD. As she noted, you'll remember this is a 50 lot subdivision that was approved in the past. We let the PUD and the preliminary plat for that previous application expire so that we could bring you a brand new preliminary plat and PUD. This was something that was suggested by the staff, and we agreed. We are proposing the 16 new buildable lots that will complete the Peppermill Subdivision. The lot sizes and the setbacks are compatible with the previous 34 lots which have been final platted and are currently under construction. In Peppermill No. 2, we are continuing the crushed asphalt pathway that runs along the west side of Eight Mile Creek from Hollandale all the way to Peconic. This is a copy of a walk map for the Pepperidge Elementary School. This walk path will make a great connection for the kids that are going to Pepperidge Elementary School that's located on Hollandale. You can see the red outline of where we're going to do that, so that's a pretty significant addition to any of the walk paths. You won't have to cross the street to get to school from Peconic or from Hiawatha.

I've blown up a little section of our preliminary plat, so you could see better, that we are proposing to construct the foot bridge over Eight Mile Creek to tie into Hiawatha Drive to the east. The bridge is for walking and biking and will provide the connectivity that we want to have with the neighbors that live to the east. We are not proposing a vehicular bridge, as Susan explained; we're doing a foot bridge that will be available to walkers and bikers. Again, Thompson Engineers completed a traffic study for the area and determined that the vehicular bridge was not needed at this location for traffic reasons. There are already two connections to Hollandale on Heritage Place and Rushmore Way. Those two locations can carry all of the traffic from the entire Peppermill Subdivision. That includes the 34 lots already approved, our 16 new lots and the 9 existing lots that are on Heritage. We can do this without passing any of the thresholds on the residential collector, which is Hollandale. ACHD, staff and the Commissioners agreed with our study, as Susan mentioned. Last Wednesday, May 27<sup>th</sup> ACHD Commissioners voted unanimously to approve our plat without the vehicular bridge. This is a little blow up of an assessor's map that shows the skew of that right-of-way. The vehicular bridge would have to

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span the regulated floodplain, and due to the angle of the right-of-way approach from the east, the bridge would be a large engineered structure and it would require over 100 feet of the creek to be disturbed, so that you could put in the culvert bridge and also put in wing walls. We actually had a contractor determine the cost of the bridge, it came out over \$271,000 and the bridge would also be a maintenance issue for ACHD. The foot bridge however, will be maintained by the Peppermill Homeowners Association. With the help of the City's planning staff we also prepared an analysis about how the bridge cost could of, or maybe should have been spread out over other properties in that Pepper area, Pepperidge, Pepperhills, Peppermill, I won't go into that, that was in my letter of intent, there was a little analysis about how that might have worked if we had been working on this bridge opportunity back when this first plat came in 1985. As noted before, there would be significantly more environmental damage to the creek and to the riparian vegetation around the creek if we were to construct the vehicular bridge. Several residents have commented that they would like to keep this area along the creek it's in a natural area, it attacks wildlife, especially birds, and they would like to keep it that way as much as possible. One thing to keep in mind is with the first plat showing this right-a-way to the east stubbing into that area, we didn't have a regulated floodplain at that time. That was in 1985, so Eight Mile Creek was not a part of the regulated floodway maps. I was checking with an Ada County engineer and she was surprised to find that out too. Talking about the staff recommending the pathway to the south between lots 24 and 25, this would tie to an easement between the two lots on Tiago. These are the two lots in Peppermill and these are the two lots that front on Tiago. We are aware that one of the property owners, are currently working to close the easement and that area between the homes is currently posted with no trespassing signs and it's partially fenced off. I contacted ACHD planning staff and they have no interest keeping in keeping the easement open for a future roadway.

There is also an utility there, there's a water line that's been tapped closed and capped by United Water, so they no longer want to use that easement for any utility, there are no other utilities that I know of in that easement. The developer of Peppermill 2 just wants to make sure the easement on Tiago is going to be viable because we will have to dedicate land, to build a sidewalk, and provide landscaping. We wouldn't want to do that if we were going to build a path to nowhere if that easement is vacated. I held a neighborhood meeting on April 13<sup>th</sup> and it was very well attended, I've had a lot of conversations with many of the neighbors and several emails. Some of the neighbors want the vehicular bridge to come back, many of the neighbors like the footbridge idea and think that provides great connectivity between the neighborhoods. Some of the neighbors have been contacting me about getting a drainage pond fix on the phase one so I have been working with the developer of phase II to see if he can get the contractor in phase I to do more work. They're out there working right now. We agree with the conditions of approval and staff report except for that pathway to Tiago, and what I'm going to do is let the neighbors speak and I might stand up and rebuttal and talk again about that pathway, it kind of depends on your questions and what information they present. I may be asking for that condition of approval to provide that Tiago pathway to be taken from the conditions of approval. I will stand for questions.

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**Chairman Demarest:** Thank you, ma'am. Let's hear from both you and staff. Are there questions for either applicant or staff?

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** Susan, what is the nature of the existing easement and I assume this is between the two houses on Tiago because there isn't an easement yet created within this subdivision, is that correct?

**Susan Riggs:** Mr. Chair and Commissioner Gillespie. The easement is a utility access and future roadway easement; its 50 feet wide. There has been no application to vacate that easement; that would have to go before the City Council.

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** So, can City require a path to be built on that easement all the way down to Tiago? In other words, do we have control over the path, the full length of it?

**Susan Riggs:** Mr. Chair, Commissioner Gillespie, no we do not. There is an existing fence there now. All we can do as a City is try and follow our *Blueprint Boise* goals and policies to provide the stub with hopes that at one day they will open the easement for pedestrian access. I just want to make a quick note here that Pepperwood may want to consider applying for a neighborhood reinvestment grant to construct a paved pathway with landscaping and fencing. That is exactly the type of improvement a neighborhood grant is intended for. But no, we cannot require the owners of the easement to put in a pathway.

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** Susan, so they could do it; is the subdivision just to the south with the concurrence of the two property owners, is that the collective they?

**Susan Riggs:** Mr. Chair, Commissioner Gillespie. Yes, it is the Pepperwood subdivision to the south. 25 feet of the easement is on one property and 25 is on the other.

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**Chairman Demarest:** Other questions for either applicant or staff? Thank you so much, both of you. Nobody is here from the neighborhood association, so we've got one person signed up on the sign-up sheet. Again, I will give ample opportunity for others and the only one signed up is Mr. VanDehey, did I say that correctly? You're entitled to three minutes and that will be projected right up there.

**NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

**PUBLIC TESTIMONY**

**Todd VanDehey. (2736 S. Gatewood):** My address is 2736 S. Gatewood; that puts me at the south/east corner of what would be the abandoned street now, footbridge going across. When Jane showed the blowup of just that part of the preliminary plat, I think the concerns for the few neighbors in that area are two-fold. The first one is the plat just leaves it as a stub street but then puts a bridge there, there's no landscaping, there's nothing to make it look like it's not a vacated street, so that's a real concern of ours. The second concern is the lighting; we are via crow fly 635 feet to the nearest streetlight, via a vehicle, 818 feet to the nearest streetlight which resides at the corner of Canonero and Netherland. So, we would also be requesting some street lighting there.

We call the police probably about once a month, for a very dark cul-de-sac, there's no lighting anywhere, people sitting in cars, drinking beer, doing their thing in the wee hours; a footbridge is probably going to be welcoming for those people. It'll be dark, secluded between those two subdivisions with the nearest street light on the other side being about another 50-60 feet in. I think that's all I have for you.

**Chairman Demarest:** Thank you; anybody else here to talk about items 6 or 6a? Come on up. Everybody is entitled to the three minutes and if you would state your name and address for the record you'll find some little white papers up there, before you leave the meeting this evening if you would make sure one of us gets that with your information on there. And again, you'll have three minutes; you'll be timed right up here.

**Ted Pdelnyk (11810 Tiago St.):** I am one of the two neighbors that are on the south side next to the easement. I'm here to contest the proposal to add that extra walkway between the two subdivisions. The reason being is, I have several facts about this; the public use of the easement from Tiago going north is not authorized for public use. In the original Pepperwood plat, that was filed, the plat book page 43, pages 35-15 and 35-16, it says "the easements indicated on said plat are not dedicated to the public but the use of said easements is hereby perpetually reserved for public utilities and such other uses as predestinated here on and no structure other than such utilities purposes or other designated use are to be erected within the lines of said easements." So this means we own the land, the easement sits on top of our land. United Water has stated it has no use for the easement. The original intent of the easement was a well lot that was supposed to

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be built by South County Water to provide well water to the area. That land has since been sold off and is now part of the Peppermill Estates Subdivision so there's no roadway, the roadway is not on file with Ada County Highway District, and it's just a utility access. Because that land has been sold off, United Water has stated they have no use for the easement. In fact in 2014 they actually came in and on Tioga Street and cut the line that runs the water line running through the easement, so there's no connection at all there. It's only a pipe underneath that easement. There are discussions underway, and that's why nothing has been submitted yet, to have United Water abandon that easement entirely. The only reason they haven't done it so far is they've got that pipe sitting under the ground. They have to recover it so we're going through the process of discussing what's a cost effective way to get the pipe out of the ground in order to take the next step forward to abandon the easement. As stated, there is the purposed walkway already in the subdivision, so there really is no need for this stubbed walkway. The kids who are there, all they have to do is walk down the hill, catch the path and take it straight to Pepperidge Elementary. In fact, that's called out in the amenities. Also, this walkway, because it is our land, our private land that we've been paying taxes on for the last 30 years, it creates a liability issue for us.

Anything the City would do is taking over our land and according to our insurance companies we are liable for anyone that walks on there and gets hurt. The hill basically drops off at about a 7 degree pitch, it's pretty steep. We would have to shovel that snow; we'd be responsible for it.

**Whitney Montgomery:** Time.

**Chairman Demarest:** Sir, your time is up.

**Ted Pdelnyk:** Okay. Thank you.

**Chairman Demarest:** Thank you. Anybody else who would like to speak on this item? That would be items 6 and 6a? Come on up, again just state your name and address for the record, since you have not signed up, if you would fill out one of those tickets and just make sure we get that before you leave the room.

**Greg Mathas (11842 Tioga St.):** I'm on the other side of the easement where the proposed pathway is proposed to be. I guess I would like to reiterate everything that Mr. Pdelnyk said and the liability issue is the biggest issue for us. We don't want kids walking up and down there. Contrary to what has been put into the packet, there has been a fence at the bottom of that hill ever since we've been there, in different states of repair, but it is clear that the folks that owned it right there, the folks that owned north of us didn't want people walking on their land. That's why the fence is there. Up to a couple years ago there were horses and even cattle in that field so kids haven't been traversing up and down to the school. I'm not going to take up all the time because I think that from what I understand we can't be forced to give access to that as a pathway based on what the easement was if I understand correctly, but I would like to request that any plans for

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a pathway through that and through the lots 24 and 25 of the new subdivision be abandoned. Thank you.

**Chairman Demarest:** Sir, thank you. Anybody else? Come on up. The timer will be right there for you to watch.

**Norm Rayburn (2443 S. Heritage Place):** I am adjacent to this property. I am dismayed to hear that Ada County Highway District has approved this. My main objection is the issue on the bridge. I really believe that a vehicular bridge is a necessity. I took a look at the traffic study that was done, I would take exception of it being a study being done on one day, April 1<sup>st</sup>, seems appropriate; April Fool's Day. It seems a study should be a few days longer than one day. I believe that there's viability in having the vehicular bridge which would connect at Hiawatha and allow traffic to go the short distance to Canonero to Victory Road which takes a lot of pressure off coming right by the school which is going to happen with Rushmore and Heritage. I live right on the corner of Hollandale, so I see that traffic on a daily basis. So I guess, I beg your indulgent on taking a look at those issues, and thank you very much for your time.

**Chairman Demarest:** Mr. Rayburn, thank you. Okay it looks like somebody else wants to speak. Again, for those who hadn't signed up, which is everybody except Mr. VanDehey, if you would fill out one of those little slips and give it back to us for the record.

**Carmon Korf (2526 S. Heritage Place):** I just want to echo Norm's concern. We were here, I would say a year ago and we discussed the bridge and I believe that when the subdivision was started, there was supposed to be a bridge and there was going to be 50 lots. It then became 34 lots, plus 13 lots, plus 3 lots, and the bridge was going to be built only when those last 3 lots were put in. Now, I believe the last time we were here that there was something about a surety bond that came up and the developer was supposed to put in that vehicle bridge. So now, there is not going to be a bridge. The challenge is where it said you are only required to have two entrances into a development. The challenge is when you first come in off of Hollandale, there's a daycare with two entrances. Then there is Heritage, then there is Sumpter which brings traffic south from the main entrance into Pepperhills, the furthest side, then there is the entrance to Rushmore, directly across from that is the entrance to the Elementary School. So yes, while it's correct there are only two entrances into that development, they are all on the west side of Hollandale. When you're coming through there in the morning, from 7:00 am until about 9:15am or when you're there from probably 3:15pm until about 4:15pm, the challenge is, it is so gridlocked you cannot turn out of Hollandale. You also can't turn south on Cloverdale and it's not even that you can make the choice to go to the right, you cannot get out because Hollandale is so far backed up. So having a vehicle bridge would force a way to get out to Hiawatha and skip those five driveways that are within 300 feet of each other. I don't understand why we had the requirement for the bridge but now the vehicle bridge is gone, yet the good news is we're going to connect the neighborhoods. We don't need to connect the neighborhoods, we need to

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get the traffic out and allow the traffic to go back behind us onto Hiawatha, connect to Canonero and get onto Victory. So I would very strongly suggest, that yes, I agree that there was a traffic study done, it was for one day, there was another set of lines out, but they skipped the daycare, they started after the daycare and I don't understand why that happened. I believe the bridge is still quite necessary in that subdivision. Thank you.

**Chairman Demarest:** Thank you, ma'am. Okay, anybody else? Ms. Suggs, you get up to five minutes for rebuttal.

**APPLICANT REBUTTAL**

**Jane Suggs (200 Louisa Street):** Thank you, Commissioners. We appreciate Mr. VanDehey's support of the footbridge; he wrote a nice letter that was in your packet. We are planning to landscape around the pathway that goes to the east of our property; we will actually be landscaping part of that right-of-way dedication. I don't think we need to landscape all 50 feet of it because it will just be a pathway. There will be opportunities for the property owner to the south of the pathway, on that eastern part of Hiawatha, to actually work with ACHD and use some of that property through a license agreement or for actually taking that right-of-way out of dedication. We are going to be using one portion of that right-of-way and landscaping it, and we will make sure that the rest of the right-of-way doesn't look like it looks now, which is pretty trashy. It was actually a staging area for some of the condominiums and townhomes that were being built. Addressing the lighting, I did talk to the guy that runs the lighting for the City, and can't remember his name right now, but he did say there are opportunities for property owners to get lighting/street lights on their property. I think that might be something we want to work with Mr. VanDehey on instead of trying to put lighting right on the bridge. We might want to put lighting, on the west side; he might want to do lighting on the intersection. So it will not actually be on our property but we can work with him to make sure that he gets the necessary information to get this done. Even the street lighting expert for the City of Boise said he was surprised to see there weren't street lights. However that is probably because it was developed when it was in the county. I understand the concerns of the residents on Tioga. I'm going to ask you pretty directly, because of the process they're in right now, to close that easement. Because the plat notes states the easement is not for public use, I ask that we not be required to put the pathway between the two lots in Peppermill as it would go nowhere and because it will be fenced off. If it is closed, there's nothing we can do to make it open. So we would ask that you would remove that condition of approval from our list of conditions. I've spoken to Mr. Rayburn on Heritage Place, this many times at the neighborhood meeting, about his desire for the vehicular bridge. The April 1 is just a day of counts that's specific to this. Thompson Engineering is a really well respected engineering company; they do these types of studies all the time. They wanted to do their own counts instead of using old counts that ACHD may provide on Hollandale. He wanted to get counts of his own and arrange to have a counter there on a typical day. I think it was a Wednesday, I'm not sure. One thing to keep in mind when we're talking about traffic from both

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of the residents on Heritage is the peak period is different for the school and for your normal go to work and come home from work peak. The people go to work from 7 – 9, school starts at 9 and after. So we don't think there is a lot of conflict with the school. I do know people wait for their kids in the afternoon to pick them up. That typically occurs around 3:30, and they're gone about 4:00. People start coming home around 5:00, so you can see that there's a little bit of disconnect in the peak periods for the school traffic and the peak periods for the neighborhood traffic.

We think that we're looking now at other ways to provide connectivity, other than roads and bridges, especially expensive bridges and we think pathways that allow for bike traffic and pedestrians is a much better use for the neighborhood and a much better opportunity for the neighborhood. I think that Mr. VanDehey was the one that wrote he was looking forward to his kids using the bridge to ride across the street on their bikes to make friends with the new neighbors that will be in Peppermill. I'm not familiar completely with the surety bond, there was not ever a surety bond for the bridge itself and there's no surety right now so ACHD is not holding any kind of document or any kind of money that would allow any type of bridge to be built. We think that we've prepared a really great opportunity to complete this subdivision, it's the last few lots in this area, provides a pedestrian connection that will be great, a pathway that will go all the way to Peconic serving the neighborhood and the school and we ask for your approval of our plan with the change to the pathway to Tiago. Thank you.

**PUBLIC TESTIMONY CLOSED**

**Chairman Demarest:** Ms. Suggs, Thank you. Okay, I'm going to turn it over to the Commission now to render its decision. Commissioner's what is your pleasure?

**MOTION:**           **COMMISSIONER GILLESPIE MOVED TO APPROVE PUD15-00006 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN WITH THE DELETION OF SITE SPECIFIC CONDITION OF APPROVAL 2a.4**

**SECONDER:**       **COMMISSIONER JUST**

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

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**Commissioner Gillespie:** With respect to the big issue, which is the substitution of the pedestrian bridge in lieu of an automobile bridge, I thought that both the ACHD and the independent engendering report was fairly conclusive and authoritative and it also just passes kind of the common sense test, that while the access to a lot of subdivisions in this part of our City isn't perfect because of the way these places developed over time it's certainly adequate with respect to our code and the Comp Plan, so I'm in support of the pedestrian bridge idea and I do have concerns about the equity of the payment for that bridge as well as the high cost of maintaining it. I think that ACHD simply concluded that there is little public benefit, and I agreed with that. With respect to the access between lots 24 and 25 connecting to Tiago, I think we heard fairly clear testimony that at least completing the southern portion of that footpath within the old subdivision would be extremely difficult to do, and therefore forcing the developer to create a 10 foot wide easement onto two of their lots. I believe there's little prospect that it would eventually connect to Tiago and so I don't think it's in the City's best interest to require that easement. I supposed, going forward, if this situation changed on the southern part of that proposed path, we could go back and try and negotiate that easement but it didn't seem to me like that appeared to be very likely. So those are my two comments.

**Chairman Demarest:** Any other discussion?

**Commissioner Just:** Mr. Chairman?

**Chairman Demarest:** Commissioner Just.

**Commissioner Just:** I do have some concerns about the replacement of the footbridge, or rather the replacement of the traffic bridge with the footbridge, but again this is one of those ACHD decisions that we really can't weigh in on. The footbridge would be a good amenity there, is it adequate for the ins and outs of that area? I don't know. I do have some concerns, I've been through that area during busy traffic times as well and it will be a little difficult to get on and off the street there. However, again that's not our decision. Regarding the stub road or the continuation of streets policy that's listed here, I understand the reasoning for that and I support it in general but I think in this particular case, it's an undue burden on the property owners, it was never meant to be a street, it was meant to be utility access and that is going away. So, I will be supporting the motion.

**Chairman Demarest:** Thank you, further discussion?

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**Commissioner Miller:** Mr. Chair?

**Chairman Demarest:** Commissioner Miller.

**Commissioner Miller:** I'm going to support the motion but I guess what I'd like to suggest is that, you know we sit here and we, in this particular case, there is not a desire for the connection with regard to the paved pathway, but from our perspective when we sit here month after month doing this, what we hear is people asking for connectivity between subdivisions over and over and over and over again. The problem is that with an existing built subdivision, the idea that you're ever going to get two people at the same time that are going to agree that they want that easement is almost impossible once these subdivisions have been built. So the question that we have, how do you preserve the possibility? You may not want it now, but your successor may think it's a good idea and at that point maybe there would be a lost opportunity for something that somebody might want. So as written, I don't think I can support this condition. What I think we should consider in the future is a way that we can have a condition that might preserve the opportunity for a footpath should a time arise that a willing owner on the other side were to come to own that property. It's just something that we've got to think through, because this happens all of the time, that people are asking us for this type of connectivity and it's always going to be weighed most heavily upon those people, to which the path would be adjacent. I'll support the motion as it is, I think, but I guess partially because on the fly, I cannot figure out how exactly to draft that condition of approval, but maybe somebody else could.

**Chairman Demarest:** Thank you. I've got a point of clarification. Can you put the slide on that you had on that gave us what we were doing; the gray slide? That one, yes. It looks like we've got a discrepancy; we're doing item number 6 PUD15-00006, and that says PUD15-00014. Maybe it doesn't matter, but let's be clear about what we're doing. It's 6? Okay. Item number 6, PUD15-00006 and we're dealing with the first item.

**Commissioner Gibson:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gibson.

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**Commissioner Gibson:** I'm going to be voting in support of the motion but I also agree with my fellow Commissioners that, specifically the issue of connectivity is critical and I understand the existing homeowners concerns and the insurance and liability. However, I can also state that if you were a parent, you would want your kid to take the path of least resistance of their walking to school and as planned if you're in that existing subdivision to the south, your child would have to go to the east, find the path, go across the bridge and then walk along an asphalt trail along Eight Mile. I know that eyes in the street are critical to the safety of children and the ability to see where they're going, not only as a pedestrian but also as a parent, so I understand. I support removing that condition, but I would like to also charge the planning with the possibility of investigating a little bit further into some of the situations as we integrate some of these zone or edge areas that are apart of previously Ada County where some of their planning decisions we're necessarily coincidental with where the division of Boise Planning is long term. I'll support the motion, but with that just for the record.

**Chairman Demarest:** Further discussion? Let me then just add, it's not completely pertinent to this motion that we've got; however, the applicant did make a commitment to deal with the issue of lighting that two neighbors spoke about. I know applicant can't really do anything directly about it but to assist and help, I heard that, it's in the written testimony, I hope you'll do that. Is that all of the discussion?

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

**Commissioner Gillespie:** Point of order, Mr. Chairman. Do we need to include in the SUB15-00021 recommendation in the language change for the conditions of approval, or since we did it in the PUD and the subdivision plat hasn't change at all, are we ok with just a straight?

**Chairman Demarest:** Yes.

**MOTION:** COMMISSIONER GILLESPIE MOVED TO APPROVE SUB15-00021 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN

**SECONDER:** COMMISSIONER JUST

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

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**CVA15-00016 / Robert & Renate Bearden**

Location: [1811 S. Pacific Street](#)

VARIANCE TO REDUCE THE REAR YARD SETBACK FOR A CARPORT LOCATED ALONG THE ALLEY AT 1811 S. PACIFIC STREET IN AN R-1C (SINGLE FAMILY RESIDENTIAL) ZONE.

[Ted Vanegas](#)

**APPLICANT TESTIMONY**

**Rob Beardon (1811 S. Pacific)**

**NEIGHBORHOOD ASSOCIATION TESTIMONY**

**Dave Kangas (1715 Canal Street)**

**PUBLIC TESTIMONY**

**Teresa Barnum (1729 S. Pacific Street)** Spoke in favor of CVA15-00016.

**Harold. Whitman (3700 Palouse):** Spoke in favor of CVA15-00016.

**Randall Reese (1820 S. Pacific Street):** Spoke in favor of CVA15-00016.

**Julie Hulvey (3707 Nez Perce):** Spoke in opposition of CVA15-00016.

**APPLICANT REBUTTAL**

**Rob Beardon (1811 S. Pacific)**

**PUBLIC TESTIMONY CLOSED**

**MOTION: COMMISSIONER GILLESPIE MOVED TO DENY CVA15-00016 FOR THE REASONS STATED WITHIN THE STAFF REPORT**

**SECONDER: COMMISSIONER GIBSON**

**ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.**

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**IV. MEETING ADJOURNED**

**(09:02 PM)**