

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

MINUTES • January 4, 2016

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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
- ☒ Garrett Richardson (Student)

**PDS MEMBERS PRESENT**

Scott Spjute, Cody Riddle, Ted Vanegas, Todd Tucker, Susan Riggs, Leon Letson, Brent Moore, David Moser, Whitney Montgomery and Amanda Schaus (Legal).

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**I. CONSENT AGENDA**

**CUP15-00090 / ESI**

Location: [2755 S. Beverly Street](#)

SPECIAL EXCEPTION TO OPERATE A CHEERLEADING ACADEMY WITHIN AN EXISTING 5,000 SQUARE FOOT TENANT SPACE LOCATED IN AN M-1D (LIMITED 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.*

**CVA15-00057 / Melissa and Andy Wood**

Location: [1112 W. Eastman Street](#)

VARIANCE TO REDUCE THE FRONT, REAR AND SIDE YARD SETBACKS AS WELL AS THE BACK-UP SPACE BEHIND A GARAGE FOR AN ADDITION TO A SINGLE-FAMILY HOME LOCATED IN AN R-1CH (SINGLE FAMILY RESIDENTIAL WITH HISTORIC OVERLAY) 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.*

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**CUP15-00093 / Parkway Dental**

Location: [823 N. Stilson Road](#)

CONDITIONAL USE PERMIT FOR A SIGN WITH ELECTRONIC MESSAGE DISPLAY LOCATED IN AN R-3D (MULTI-FAMILY RESIDENTIAL WITH DESIGN REVIEW) ZONE. [Ted Vanegas](#)

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

**CUP15-00095 / Cole Architects**

Location: [8485 W. Ustick Road](#)

CONDITIONAL USE PERMIT TO CONSTRUCT AN APPROXIMATELY 16,000 SQUARE FOOT FIRE STATION ON A 0.65 ACRE PARCEL LOCATED IN AN R-1C (SINGLE FAMILY RESIDENTIAL) ZONE. [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.*

**CUP15-00092 / Antelope Springs, LLC**

Location: [3302 E. Parsnip Peak Drive](#)

MODIFICATION TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT TO CONSTRUCT FIVE DETACHED SINGLE FAMILY HOMES ON A PARCEL PREVIOUSLY APPROVED FOR COMMERCIAL USES. THE 1.65 ACRE SITE IS LOCATED IN A C-4D/DA (PLANNED COMMERCIAL WITH DESIGN REVIEW AND DEVELOPMENT AGREEMENT) ZONE. [Todd Tucker](#)

**SUB15-00065 / Antelope Springs Subdivision No. 2**

Location: [3302 E. Parsnip Peak Drive](#)

PRELIMINARY AND FINAL PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 5 BUILDABLE AND 1 COMMON LOT ON 1.65 ACRES LOCATED IN A C-4D/DA (PLANNED COMMERCIAL WITH DESIGN REVIEW AND DEVELOPMENT AGREEMENT) ZONE. [Todd Tucker](#)

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

**DECEMBER 7, 2015 MEETING MINUTES**

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**MOTION:**      **COMMISSIONER GIBSON MOVED TO APPROVE THE CONSENT AGENDA WITH THE FOLLOWING ITEMS: CUP15-00090; CVA15-00057; CUP15-00093; CUP15-00092 & SUB15-00065 AND MEETING MINUTES FROM DECEMBER 7, 2015.**

**SECONDER:**   **COMMISSIONER DANLEY**

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

## **II. DEFERRAL AGENDA**

**CPA15-00008 / Pleasant Valley South, LLC**

AMENDMENT TO POLICY SW-CCN 2.5 OF THE COMPREHENSIVE PLAN TO REMOVE BOTH THE AREA AND DENSITY LIMITS ON RESIDENTIAL DEVELOPMENT NORTH OF THE FUTURE LAKE HAZEL ROAD EXTENSION IN THE RESERVE PLANNED COMMUNITY AREA.

Todd Tucker

**CAR15-00029 / Pleasant Valley South, LLC**

Location: 6298 S. Cole Road

REZONE OF APPROXIMATELY 601 ACRES FROM A-2 (OPEN LAND) TO SP-03 (SYRINGA VALLEY SPECIFIC PLAN). THE NEW ZONE WILL INCLUDE A NUMBER OF SUBDISTRICTS WITH A RANGE OF USE ALLOWANCES AND DIMENSIONAL STANDARDS. Todd Tucker

**SUB15-00055 / Kirsten Subdivision**

Location: 6298 S. Cole Road

PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 453 BUILDABLE AND 41 COMMON LOTS ON APPROXIMATELY 101 ACRES GENERALLY LOCATED IN A PROPOSED SP-03 (SYRINGA VALLEY SPECIFIC PLAN) ZONE. Todd Tucker

**MOTION:**      **COMMISSIONER GIBSON MOVED TO DEFER ITEMS CPA15-00008, CAR15-00029 & SUB15-00055 TO A CERTAIN DATE OF FEBRUARY 8, 2016**

**SECONDER:**      **COMMISSIONER DANLEY**

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

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### **III. RECONSIDERATION AGENDA**

**CAR15-00027 / Hauder Building Company, LLC**

Location: [3450 N. Winsome Road](#)

REZONE OF 34.65 ACRES LOCATED AT 3450 N. WINSOME ROAD. THE PROPERTY IS CURRENTLY ZONED A-2 (OPEN LAND). APPROXIMATELY 8 ACRES WILL BE ZONED R-1B (SINGLE FAMILY RESIDENTIAL-4.8 DWELLING UNITS/ACRE). THE REMAINING 26.65 ACRES WILL BE REZONED A-1 (OPEN LAND). A DEVELOPMENT AGREEMENT WILL APPLY TO THE ENTIRE 34.65 ACRES.

[Ted Vanegas](#)

**PUD15-00020 / Hauder Building Company, LLC**

Location: [3450 N. Winsome Road](#)

CONDITIONAL USE PERMIT FOR A FOOTHILLS PLANNED DEVELOPMENT COMPRISED OF 9 SINGLE FAMILY HOMES ON 34.65 ACRES LOCATED AT 3450 N. WINSOME ROAD IN A PROPOSED R-1B (SINGLE FAMILY RESIDENTIAL) ZONE. [Ted Vanegas](#)

**CFH15-00048 / Hauder Building Company, LLC**

Location: [3450 N. Winsome Road](#)

HILLSIDE DEVELOPMENT PERMIT FOR THE GRADING ASSOCIATED WITH A 9 LOT SUBDIVISION ON 34.65 ACRES LOCATED AT 3450 N. WINSOME ROAD IN A PROPOSED R-1B (SINGLE FAMILY RESIDENTIAL) ZONE. [Ted Vanegas](#)

**SUB15-00047 / Win Hollow Subdivision**

Location: [3450 N. Winsome Road](#)

PRELIMINARY PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 9 BUILDABLE LOTS ON 34.65 ACRES LOCATED IN A PROPOSED R-1B (SINGLE-FAMILY RESIDENTIAL - 4.8 DWELLING UNITS/ACRE) ZONE. [Ted Vanegas](#)

**MOTION: COMMISSIONER DANLEY MOVED TO DENY RECONSIDERATION OF ITEMS CAR15-00027, PUD15-00020, CFH15-00048 & SUB15-00047.**

**SECONDER: COMMISSIONER GIBSON**

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

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## **IV. REGULAR AGENDA**

### **CPA15-00005 / Idaho State Board of Education**

COMPREHENSIVE PLAN AMENDMENT TO ADOPT BY REFERENCE THE 2015 BOISE STATE UNIVERSITY MASTER PLAN. THE MASTER PLAN ENCOMPASSES AN AREA GENERALLY BORDERED BY THE BOISE RIVER TO THE NORTH, BOISE AVENUE TO THE SOUTH, LUSK STREET TO THE WEST, AND BROADWAY AVENUE TO THE EAST. [\*Todd Tucker\*](#)

### **CAR15-00028 / Idaho State Board of Education**

REZONE OF 11.56 ACRES FROM R-2 (MEDIUM DENSITY RESIDENTIAL) AND R-3 (MULTI-FAMILY RESIDENTIAL) TO U (UNIVERSITY DISTRICT). THE REZONE INCLUDES 39 PARCELS GENERALLY LOCATED BETWEEN UNIVERSITY DRIVE TO THE NORTH, BEACON STREET AND BOISE AVENUE TO THE SOUTH, CAPITOL BOULEVARD TO THE WEST, AND BROADWAY AVENUE TO THE EAST. [\*Todd Tucker\*](#)

**NO APPLICANT TESTIMONY**

**NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

**NO PUBLIC TESTIMONY**

**NO APPLICANT REBUTTAL**

**PUBLIC TESTIMONY CLOSED**

**Chairman Demarest:** This is an item that came to us at the December 14<sup>th</sup> meeting and it was then deferred to this meeting and so we've done all due diligence; we've had a hearing on this. Now, I do have a question actually for the Commissioners. We do have some folks signed up to speak on this, but we've already had public testimony and so my sense is that we don't need to revisit that and that seems to be the wise prudent thing to do. So, it really does come now before the Commission to render a decision on item number 3, it's CPA15-00005 and CAR15-00028. There was a request for additional information from Ada County Highway District; they have declined to submit additional information. So, nothing really has changed from our original discussion back on the 14<sup>th</sup>. I believe it's before the Commission. Commissioners, a discussion to get this started or do you want to make a motion?

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**MOTION:**           **COMMISSIONER DANLEY MOVED TO RECOMMEND APPROVAL OF CPA15-00005 & CAR15-00028 TO CITY COUNCIL IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN INCLUDING ADDITIONAL RECOMMENDED CONDITION THAT APPLICANT AT CITY COUNCIL INCLUDE A PRELIMINARY TRAFFIC ASSESSMENT FOR BOISE AVENUE FROM CAPITOL TO BROADWAY THAT INCLUDES HIGH LEVEL TRAFFIC VOLUME ANALYSIS AS WELL AS LANE CONFIGURATION BASED ON ACHD'S LEVEL OF SERVICE STANDARDS**

**SECONDER:**       **COMMISSIONER GIBSON**

**Commissioner Danley:** Mr. Chairman.

**Chairman Demarest:** Commissioner Danley.

**Commissioner Danley:** Where to start? Okay, this one gives me heartburn. I echoed this at the previous hearing; I'm not going to go into it too much. I'm really very disappointed that we can't have good communication with ACHD on this matter. I don't understand that. I think we simply are requesting information that goes to help us to make an informed decision. We are trying to make a decision on a land use plan that has an impact to the transportation system which they have jurisdiction over and that transportation system then has another impact to the adjacent land use in and around the whole City of Boise, and in this case south of Boise Avenue. I think we're just trying to get an understanding of what that is and I think that if we know that now it helps us to better understand whether or not we should move forward with this plan; simple as that. BSU has no traffic analysis for the river. In other words, their northern boundary, right, they can't do that. Capitol is not going to change, Broadway is not going to change, the only road and included in the report that states in there will have significant impact is Boise Avenue. There is a process in place; the applicant has done what they're supposed to do so I don't think that we need to hold that up. I think we need to stay true to that. That's why I'm recommending the condition of approval. I understand there's a tight timeline on that; I think it can be done. I think at least if we give a cursory assessment up front for the City Council to make the decision, since we are a recommending body and not an approving body, that that will help them to make a good determination. I understand that one of the terms and conditions moving forward as this plan goes through its phases is to do a much more in depth assessment of Boise Avenue. Fine, that's what needs to happen, I concur with that. But at the end of the day I think that what we are with regard to this is a recommending body, we've heard it, we have asked the questions that we can ask, and I think that this is a prudent decision to make at this point in time. So I'll be supporting the motion.

**Chairman Demarest:** Further discussion on the motion?

**Commissioner Gibson:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gibson.

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**Commissioner Gibson:** As a seconder of the motion I also support Commissioner Danley's conversation relative to infrastructure and planning. I did also want to go on the record and indicate that I've reviewed the comments and the additional information provided by the residents and I am, it's a difficult situation, the standard of having an expansion of this magnitude come before us, the request to move the hearing date to today so we could receive additional information from ACHD, I think we made that decision with the best interest at heart, but we really do want to make sure that we receive the most valid and reasonable information necessary to make a decision upon it, at this level of magnitude of decision, but I also agree with Commissioner Danley that not making a decision tonight would not be in the best interest of our City as well as Boise State because we do need to agree that there will be issues that need to be resolved during the planning process. I have the upmost confidence that Boise State will make the decisions in the best interest of the neighbors, the neighborhood associations as well as adjacent uses to the overall master plan area, if you will. I agree with the statement that Commission Danley made specific to the additional condition, I think that that needs to be added as well and that is one of the main reasons for my support of this motion.

**Chairman Demarest:** Okay, thank you. Further discussion?

**Commissioner Gillespie:** Mr. Chairman?

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** I'll be supporting the motion as well. As we send it along to the next higher body I would like to call their attention and staff's attention to part 7c of the ACHD memorandum which suggested that Belmont, well didn't suggest, it said that Belmont Street should be extended to Broadway Avenue on its current alignment and that the proposed parking garage should be relocated. I think we should try and preserve as much of the grid as possible. I would also like to put in the record that I don't think this plan necessarily commits the City or ACHD to closing or vacating any streets, I don't think it's that specific, and I'm voting for it with that intention.

**Chairman Demarest:** Further discussion?

**Commissioner Danley:** Mr. Chairman?

**Chairman Demarest:** Commissioner Danley.

**Commissioner Danley:** One more point, sorry, and that's for the sake of folks who are here this evening and took time to come here tonight. I think it's important that they understand something and that is this, the alternative that is in front of us, another alternative for us would be to deny this plan as is, and what would likely happen is the applicant would appeal and they would go to City Council anyway and so it would end up the same thing that we're having moving forward. Hopefully with this additional condition, however, there is more information that can be brought forward to the City Council for their consideration. And I will remind everybody here that the City Council has been involved in that planning process and has been for I think a better part of a couple of years now. So just a little point of clarity for those folks who are here tonight.

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**Chairman Demarest:** I appreciate that Commissioner, thank you, sharing with folks the process and how it works I think is always a really beneficial thing because it can be complex, even for us, and certainly for our fellow citizens. Further discussion? Seeing none then, this is item number 3, a recommendation to City Council, CPA15-00005 and CAR15-00028, all those in favor of approving please signify by saying aye, any opposed?

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

**CVA15-00054 / Aspen Residential Services, LLC**

Location: 4519 N. Glenwood Street

VARIANCE TO EXCEED THE MAXIMUM HEIGHT OF A FREE-STANDING WALL IN THE FRONT SETBACK BY APPROXIMATELY 4-FEET ON PROPERTY LOCATED IN AN R-1C (SINGLE FAMILY RESIDENTIAL) ZONE. Leon Letson

**APPLICANT TESTIMONY**

**Spencer Davis (4163 E. Tahiti Street)**

**NEIGHBORHOOD ASSOCIATION TESTIMONY**

**Lee Welch | Glenwood Rim Neighborhood Association (4811 N. Wedge Street):** Spoke in opposition to CVA15-00054.

**PUBLIC TESTIMONY**

**Kathy Durban (4617 Mountain View):** Spoke in opposition to CVA15-00054.

**APPLICANT REBUTTAL**

**Spencer Davis (4163 E. Tahiti Street)**

**PUBLIC TESTIMONY CLOSED**



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**MOTION:** COMMISSIONER GIBSON MOVED TO DENY CVA15-00054 DUE TO THE VARIANCE IS NOT CONSISTENT WITH THE GENERAL PURPOSE OF THE CODE TO PROMOTE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE OF RESIDENTS AND THERE IS NEITHER A HARDSHIP ASSOCIATED WITH PROPERTY ITSELF NOR AN EXCEPTIONAL CIRCUMSTANCE RELATED TO THE INTENDED USE OF THE PROPERTY.

**SECONDER:** COMMISSIONER DANLEY

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

**CUP15-00091 / Robert Frisby**

Location: 1708 W. Sunrise Rim Road

CONDITIONAL USE PERMIT TO PLACE AN APPROXIMATELY 200 SQUARE FOOT DETACHED ACCESSORY STRUCTURE IN FRONT OF THE PRIMARY RESIDENCE ON PROPERTY LOCATED IN AN R-1C (SINGLE FAMILY RESIDENTIAL) ZONE. Brent Moore

**APPLICANT TESTIMONY**

**Robert Frisby (1708 Sunrise Rim Road)**

**NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

**PUBLIC TESTIMONY**

**Kevin Heisey (1403 Sunrise Rim Road):** Spoke in opposition to CUP15-00091.

**Christine Hathwell (1700 Sunrise Rim Road):** Spoke in favor of CUP15-00091.

**Michelle Harbst (3481 S. Annett Avenue):** Spoke in favor of CUP15-00091.

**Larry Zitelli (1400 Sunrise Rim Road):** Spoke in favor of CUP15-00091.

**Carl Collins (1414 Sunrise Rim Road):** Spoke in opposition to CUP15-00091.

**APPLICANT REBUTTAL**

**Robert Frisby (1708 Sunrise Rim Road)**

**PUBLIC TESTIMONY CLOSED**

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**MOTION:           COMMISSIONER DANLEY MOVED TO APPROVED CUP15-00091 IN  
                          ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF  
                          APPROVAL THEREIN**

**SECONDER:       COMMISSIONER GILLESPIE**

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

**IV. MEETING ADJOURNED**

**(07:10 PM)**