

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

MINUTES • October 3, 2016

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City Hall – Council Chambers

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FINAL

**COMMISSION MEMBERS PRESENT**

- Rich Demarest, Chair
- Milt Gillespie, Vice-Chair
- Stephen Bradbury
- Douglas Gibson
- Jennifer Stevens
- Tamara Ansotegui
- Paul Faucher (Student Commissioner)

**PDS MEMBERS PRESENT**

Scott Spjute, Cody Riddle, Todd Tucker, Bruce Eggleston, Sarah Schafer, Leon Letson, Brent Moore, Céline Acord, David Moser, Whitney Montgomery, Teri Thompson and Andrea Carroll (Legal).

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**I. CONSENT AGENDA**

**[CPA16-00003](#) / Boise Parks and Recreation and Finance Departments**

Comprehensive Plan amendment to adopt the Boise City “2016 Capital Improvement Plan and Impact Fee Study - Final Report 2016” by reference, remove reference to police staffing level, amend Policy SHCC10.2, update fire station and police master siting maps, amend the parks and recreation plan and pathway plans. The City of Boise will make available to the public, upon request, the following: proposed land use assumptions, a copy of the proposed capital improvements plan or amendments thereto. Any member of the public affected by the capital improvements plan or amendments shall have the right to appear at the public hearing and present evidence regarding the proposed capital improvements plan or amendments. [Bruce Eggleston](#)

*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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**CVA16-00052 / Jared Smith**

Location: [400 S. Capitol Boulevard](#)

Variance to exceed the size and number of signs allowed through the Capitol Boulevard Sign Ordinance on property located in a C-5DDC (Central Business District with Downtown Design Review and Capitol Boulevard overlay) zone. [Sarah Schafer](#)

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

**CVA16-00053 / Daniel Conlin**

Location: [500 S. Capitol Boulevard](#)

Variance to exceed the size and number of signs allowed through the Capitol Boulevard Sign Ordinance on property located in a C-5DDC (Central Business District with Downtown Design Review and Capitol Boulevard overlay) zone. [Sarah Schafer](#)

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

**CUP16-00062 / Boise City Public Works**

Location: [12142 W. Joplin Road](#)

Conditional use permit for a fire training facility on 26.25 acres located at 12142 W. Joplin Road in M-2 (Heavy Industrial) and A-1(Open Land) zones. An exception to exceed the 45' height limit by approximately 18' for a fire training tower is also included. [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.*

**CAR16-00026 / Jesse Tillotson**

Location: [2455 S. Denver Avenue](#)

Rezone of 0.22 acres from C-4D (Planned Commercial with Design Review) to R-1C (Single Family Residential). [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.*

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**CVA16-00060 / Raul Diaz**

Location: [2709 N. Maple Grove Road](#)

Variance from the requirements of the enhanced manufactured home standards for a single family home in an R-1B (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.*

**MOTION: COMMISSIONER BRADBURY MOVED TO APPROVE THE CONSENT AGENDA WITH THE FOLLOWING ITEMS: CPA16-00003; CVA16-00052; CVA16-00053; CUP16-00062; CAR16-00026 AND CVA16-00060.**

**SECONDER: COMMISSIONER GIBSON**

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

## **II. DEFERRAL AGENDA**

**CVA16-00059 / Benjamin Victor**

Location: [2227 S. Broadway Avenue](#)

Variance to reduce the front and side setbacks for the parking associated with a new office building in an L-OD (Limited Office with Design Review) zone. [Céline Acord](#)

### **PUBLIC TESTIMONY**

**Eunice Jeon (2235 S Broadway Avenue):** I'm a neighbor to this newly designed building. The reason I'm here is to testify that they are trying to make a parking entrance and exit right next to our driveway there and it's very close-by and Broadway itself is a really busy street right now. I want to keep it the original plan which is, they have an exit and entrance on Howard Street. I'm here on behalf of the entrance and exit parking space that will be difficult for us to exit and entrance from our driveway to, it's very close by from ours and they originally have an access from Howard Street and they want to remodel it by designing it put in an exit and entrance on Broadway. So, I'm here for that because Broadway itself is a busy street right now they are trying to put it there. I don't know how it's going to work out for us to exit and enter from our perspective. That's it.

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**Chairman Demarest:** Thank you, mam. Okay, so now I think we do want to entertain a motion to defer that with Ms. Jeon’s testimony as part of the record. If I’ve got that right? Okay. So a motion is in order to defer number nine, item number nine until November 7<sup>th</sup>, again with the testimony that we now have.

**Commissioner Gillespie:** Mr. Chairman.

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** I move that we defer item number nine to our meeting on November 7<sup>th</sup>.

**Chairman Demarest:** Is there a second?

**Commissioner Gibson:** Second.

**Chairman Demarest:** Commissioner Gibson, thank you. Further discussion? All those in favor of deferring please signify by saying aye. Any opposed? Okay, so that will be then revisited on the 7<sup>th</sup> of November.

**MOTION:            COMMISSIONER GILLESPIE MOVED TO DEFER CVA16-00059 TO A DATE CERTAIN OF NOVEMBER 7, 2016.**

**SECONDER:        COMMISSIONER GIBSON**

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

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### III. REGULAR AGENDA

**CPA15-00008 / Corey Barton Homes Inc.**

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 Land Hazel Road Extension, and the removal of Policy SW-CCN 2.5(c) “Regional serving commercial uses should not be allowed.”

*Todd Tucker*

**CAR15-00029 / Corey Barton Homes Inc.**

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*

**Chairman Demarest:** Okay folks. Let’s get back to our task. Okay, thanks for hanging in there. So, we considered this. We heard this, or we had public testimony on it, full application at last month’s second meeting. At that time, Commissioner Bradbury had a conflict of interest so recused himself. So, he’s gone for the evening. I think we might have one other recusal. Well actually you clarify it for us.

**Commissioner Gillespie:** Mr. Chairman.

**Chairman Demarest:** Commissioner.

**Commissioner Gillespie:** Say Commissioner Gillespie.

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** Thank you. I was not at the last meeting due to health issues in my family and so I also wasn’t able to get up to speed on the extensive public record before this hearing. I apologize to my Commissioners. So, I’m going to sit in the audience on this one and not participate or vote. Thank you.

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**Chairman Demarest:** That's fine. For the requirements of something like this comes to us and we weren't at the meeting prior, we have to, we can only act on, we've reviewed the whole thing. And Commissioner Gillespie didn't have an opportunity to do that so he's going to sit out as well.

Okay. So, it's item 11, our last item this evening. Just clarification before Todd begins is that we've had a full hearing on this. We've had public testimony on this. The Commissioners did have one question. They wanted to see the development agreement. Alright? So, we now have that. So, Todd. Take it away.

**Todd Tucker (City of Boise):** Alright. Mr. Chairman, members of the Commission, you're correct. You heard this on September 19<sup>th</sup> and at that time deferred it until this meeting to give you ample time to review the draft cooperative development agreement between the applicant and ACHD. That was provided to both the Commission and the public. Now that you have that information, you are free to make a decision. A few things that I'd like to point out, I know that there has been some question about the amended traffic study that the Applicant provided. There's still an outlying issue of the maximum number of dwelling units that the Highway District has placed on this that can be constructed until the Lake Hazel and Orchard extensions are completed. And that's 170 homes. I think we've heard from the applicant and through the development agreement that both the Lake Hazel extension and Orchard extension will be completed well before we get to 170 homes. I would like to point out that condition number one from ACHD's report does require, I'll just read it to you it says, provide an updated traffic impact study prior to the signature of the final plat, which contains 171 single-family lots, or exceeds 1,770 vehicle trips per day. So basically what that's saying is that the Highway District wants an update to that traffic impact study before the final plat is signed for the plat that has the 171<sup>st</sup> lot. That's basically what they're getting at. Hopefully that satisfies your concerns about that section or that condition of the 170 homes. Just to add on to that, with that 170 homes, the Applicant has said that they're looking at maybe being in the 12 home range when the two lane interim road is constructed. The Planning Commission has the discretion to also add that condition in there and to limit the number of building permits that can be issued until that road is constructed. The two land interim road. I think that concludes all that I have to say on this and you're free now to make a decision.

**Chairman Demarest:** Okay. Just for the record, as I said we're not having public testimony, neither is the Applicant going to get to address this. That's all done. This is simply receiving some clarification of the additional information. It is before the Commission and I think we need three separate on this one? Or can we do them all together? We can do them all together. Alright. So, Commissioners, it is now before us.

**No APPLICANT TESTIMONY**

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**No NEIGHBORHOOD ASSOCIATION TESTIMONY**

**No PUBLIC TESTIMONY**

**No APPLICANT REBUTTAL**

**PUBLIC TESTIMONY CLOSED**

**Commissioner Stevens:** Mr. Chair.

**Chairman Demarest:** Commissioner Stevens.

**Commissioner Stevens:** Can we ask Staff questions about what they just said or are we not permitted to do that tonight?

**Chairman Demarest:** I think that because it's clarification of what's on the record, I think that's fine.

**Commissioner Stevens:** Okay. Thank you Todd. That was very helpful because you anticipated some of my key questions. That restriction, or condition I guess is a better term for it, by ACHD was put on this application in January, if I'm not mistaken. Do you have information that would suggest that that would go away with the implementation of the development agreement, or the signing, the execution of the development agreement? Or that the applicant is going to go back and ask for that restriction to be removed?

**Todd Tucker (City of Boise):** I've not heard that that would be the case, that they would go back and ask for that restriction to be removed. Again, that requirement is for that two lane interim road to be in place. Once it's in place, then I think the 170 lot condition really goes away. They've satisfied that by providing that secondary condition in there. However, we do have numerous developments, at Harris Ranch the Highway District put a limit on the number of dwellings that can be built out there without another traffic impact study and they have certain thresholds that they have to come back and meet. Per certain number of dwelling units, they need to do an amendment or an addendum to that traffic study. They don't need to do a whole new study, but an amendment to the study that was done. Basically to say we did this study anticipating that this would be the traffic counts, this would be the thresholds that these places, this amount of homes were built. We go back and look at it again and do the traffic counts and say, yeah it was accurate or no it wasn't or this is the situation now. That is an option for the Planning Commission and the City Council to put those types of conditions on there. To say that a certain number of dwelling units we'd like to see another study done or an amendment to that study done so that we can see where we're at.

**Commissioner Stevens:** Mr. Chair may I follow up? Would it be possible then within our purview because ACHD has already put the requirement of an amended traffic study on that 171 unit, for the City to also not permit additional building permits until we have seen what ACHD has requested and what they have heard and decided upon that trigger.

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**Todd Tucker (City of Boise):** Yes. That's a possibility.

**Chairman Demarest:** Okay. So, it is still before us. Any clarifications needed which are in order, however, more appropriate would be a motion so we have something specific to discuss.

**Commissioner Stevens:** Can I ask one more question Mr. Chair?

**Chairman Demarest:** Sure.

**Commissioner Stevens:** Can I just clarify for the record? ACHD has in their CIP to widen S. Cole Road beginning in 2020. Is that correct?

**Todd Tucker (City of Boise):** I'd have to look at their report to know exactly the date. But I do know that it is within their CIP to widen it. I believe it's from McLaughlin up. It's doesn't go as far south. As far as the adding a condition that addresses an updated or amended traffic impact study, I've talked with the applicant about that and they're in agreement to do that. They're not opposed to that.

**Commissioner Stevens:** Thank you.

**Chairman Demarest:** Okay. So it's still before the Commissioners. We've got three items before us.

**Commissioner Stevens:** You're all looking at me.

**Chairman Demarest:** I'm just looking for somebody.

**Commissioner Stevens:** Mr. Chair.

**Chairman Demarest:** Commissioner Stevens.

**Commissioner Stevens:** I am going to make a motion. But, I'm going to preface it, if I may?

**Chairman Demarest:** Sure.

**Commissioner Stevens:** I had a lot of things written out to talk about tonight and to say and that actually just made all that just go right out the window. So, I'll save my comments until after I make the motion.

**Chairman Demarest:** Okay. That's the way to start.

**Commissioner Stevens:** I'm going to take a stab at this. My guess is that we're going to need Staff to come back with some conditions that we're going to have to approve. But, I would like to make a motion to approve CPA15-00008. You want them separate? I'm sorry I messed up on that.

**Chairman Demarest:** We can do them together but it's up to you to decide how you want to move.

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**Commissioner Stevens:** A recommendation for, I'm sorry. An approval for CAR15-00029 and SUB15-00055.

**Chairman Demarest:** Okay. We have all three before us with a motion to approve or recommend.

**Commissioner Stevens:** Sorry. If I could? I want to put some conditions on it.

**Chairman Demarest:** Let's see if we have a second, first.

**Commissioner Stevens:** Well, my motion isn't complete yet. It's not a motion without the conditions that I want to have put on it. I would like to direct Staff or ask Staff to come back with a condition that the City will not issue 171<sup>st</sup> building permit until we see and have the opportunity to review the amended traffic study and the action by ACHD at that time. And I think that's all.

**Chairman Demarest:** Okay. So we've got a motion to approve. One motion for all three items with a condition. Could you just read that again for us so we're all clear about that?

**Commissioner Stevens:** I don't have the language written down and I would ask Staff to come back and help us craft that language. But, the intent is that we follow through with, that the City more or less provides a redundant condition to what ACHD has put in its staff report from January, 2016 which put a condition on that after the 170<sup>th</sup> unit is built, there be an amended traffic study to review what the traffic situation is like before any additional homes are permitted and platted in the subdivision.

**Chairman Demarest:** Let's see if we have a second. Okay?

**MOTION:**            **COMMISSIONER STEVENS MOVED TO RECOMMEND APPROVAL OF CPA15-00008, CAR15-00029 & SUB15-00055 TO THE BOISE CITY COUNCIL IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN (WITH ADDED CONDITION)**

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

**Commissioner Gibson:** Second.

**Chairman Demarest:** We've got a second, so it's on the floor. So, further discussion.

**Commissioner Stevens:** Mr. Chair? Again, now I'm going to have to just go off the cuff because everything I had written down was exactly the opposite of what I just said. So, my biggest concern coming into tonight was that I had concerns about the traffic study that was provided to us by the developer and like my fellow Commissioners, I shouldn't speak for them yet, but I personally have been very conflicted about this application. It has come so far. I think that there are so many things to commend about the application, but in my opinion, it's a couple years too early. What's really great about the spot, is that it provides the City the opportunity to really put its planning policies and its goals for this city in place all in one place. And it's hard for all of us, I should say for myself, it's hard for me to

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envision something 40 years down the road and what it's really going to look like. But, this could be the spot where we see what great urban planning looks like. But the problem is, the infrastructure, as the residents who are sitting here in the audience will note, it's not there yet. And so, I was concerned coming into tonight that with the development agreement we would lose that 170 limit that ACHD had put on in January and had been sort of counseled, or it had been suggested to me that the City couldn't put that sort of a limit on itself. But with Todd's presentation tonight, I feel comfortable with the added condition that the City not permit any additional building permits after that 170<sup>th</sup> unit, that we can control what happens in that particular spot. Now, I am also concerned with the construction trucks and the construction traffic. Very concerned about that. I think with the, I'm hopeful, with the road that's going to be built, and with the fact that we won't be seeing many housing units being constructed prior to approximately 2018, or maybe six months earlier that that really what we're going to see in that area in terms of construction, isn't going to be house building, but it's going to the infrastructure lying and I don't think that the intensity is going to be as high as it will be once the houses start before that road goes in, that Lake Hazel extension. I hope that everybody followed what I just said. I was concerned with the traffic study that was submitted, as I started to say earlier, because I think that the traffic study that was done by the applicant's engineer, applied a very vague, I guess I would say, forecasting model to this area, and didn't take into account the local conditions that are there. For instance, West Junior High is to the west of Cole Road. It isn't to the east. There's going to be a lot traffic that's going to come up Cole Road from these houses that are going to be taking students to that school. Hillcrest Elementary and Borah are, those people can use the new extension and I think that they will because I think that nobody wants to drive on Cole Road if they don't have to. Likewise, the retail is clearly at Cole and Overland and so I was very concerned that that traffic study didn't take those things into account. I was worried that we were going to be approving 452 units tonight and that we couldn't put a cap on it. So, I feel comfortable now, with Staff guiding us to say that we can put a cap on that. That is going to be split off, that we're going to see an amended traffic study once those 170 units are built, which I'm really hopeful doesn't happen, frankly, until 2020 and then we start seeing Cole Road widened. But I feel like the ability to do this with the application and put those conditions on allows us a stop-gap and gives us a spot to revisit this application again. I do again think that there are some really positive things about the application and about the plan that make it something that I think the City, in the long term, really wants. I think it's going to be, in forty years, a good development. I think that's it.

**Chairman Demarest:** Thanks for your thoughtfulness, by the way, on this one. Okay, further discussion? We do have a motion with a condition clearly stated and seconded before us. Further discussion?

**Commissioner Gibson:** Mr. Chairman.

**Chairman Demarest:** Commissioner Gibson.

**Commissioner Gibson:** I believe it would also be prudent to just make a couple remarks specific to my support of the motion. I appreciate Commissioner Stevens' really kind of drilling down to the mechanics of the size and scope of this deal. Having had seen this application before and knowing the improvements that the current developer has made, they were fundamentally sound in their design principles and their planning methods and growth is coming whether we want it or not. Whether that's unfortunately, or fortunately, now that we're here, we have to address where the best locations are to provide a thoughtful

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and comprehensive plan for putting those people. And the schools and the parks and the commercial developments and primarily the connectivity because this becomes its own little village, its own little community. And I think it's hard to argue against the practices that have led to the success of Harris Ranch and as a resident of Southeast Boise, having had watched it grown and really, I was fretful when they started building the bridge because I knew what that was going to do to my little part of Southeast Boise. And, Parkcenter goes through and they're building new homes, they're building apartments, they're building commercial centers. Syringa will be similar. But I also think that by providing conditions that are thoughtfully crafted that would give us that opportunity to effect some control over the speed and velocity that this would go forward. I think that would provide certain relief valve to make sure that when it gets to that point, we're able to say we've made the right decision, long-term. You know, the City's going to have to live with this development for decades, if not centuries. So, it's a fairly onerous decision that we have to make and I think it's been important that we've received public testimony. Your testimony is important. I know you may not feel that way. There are things that aren't within our purview. ACHD, we have no control over the roads. We do our best to negotiate and to work with them and I think our request to review and to consider the development agreement was part of that due diligence that we have to do. Part of the Commission is to make sure that we're not signing onto or obligating ourselves to something that we would regret later on or that the City, conversely upon legal review and consideration, would say that we've made some error in our thoughtful consideration. So, for that reason, and for other specific conditions that have been stated by Planning, I will be supporting the motion.

**Chairman Demarest:** Further discussion? Commissioner Ansotegui?

**Commissioner Ansotegui:** Thank you. Just also for the record, I'm comfortable with this added condition once we establish what that condition really is. I mean, just to acknowledge that the neighbors who have come out consistently over the past nine or ten months on this and the workshops and the way that Planning and that everybody worked together to come forward with a project that I think is really, really exciting out there that's going on. No matter how great that project is, as long as the traffic is snarled and problematic and that this would contribute to that in a way that it doesn't align with the Comprehensive Plan. It doesn't align with the vision that we have for the City. So, I think that this is a good stop-gap to take a look at this again and to review an amended traffic study at whatever number we decide, or Staff would recommend. May I add, I have a question about what we're voting on. May I? Okay, so if we are voting to approve this, do we need to decide the condition exactly how that will be before we can actually vote on this? Will we be deferring until we have a condition in place that we think guided with Staff drafted?

**Chairman Demarest:** Commissioner Steven's made the motion. I believe there is clarity in what she said.

**Commissioner Stevens:** In the past when we've asked for the wording to come back, it's just been, as long as the intent is clear to the Commissioners, I believe it's okay for us to vote and then next time we approve, or we might sort of word-smith what you come back with. Is that right Todd?

**Todd Tucker (City of Boise):** That's correct. Your motion tonight is to decide on it. Whether if you decide to go to approval, it would be to approve. Commissioner Steven's has given us some groundwork

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for a condition. We'll come back with the exact condition worded and then you can decide if you agree with what that condition really says, or not. But yes, the decision tonight would be to approve, if that's the way you go.

**Chairman Demarest:** By the way, we're recommending this. So, is that helpful to you?

**Commissioner Ansotegui:** Yes, very much. Thank you.

**Chairman Demarest:** So, we've had some good discussion, is there further discussion? Okay. So, again, these are all approvals to the City Council, or recommendations to the City Council. They're the ones who really do the approval, but it starts here. All those in favor of approving these three items with the clearly stated conditions, I was going to call it provision, condition, please signify by saying aye. Any opposed? It is so ordered. Thank you

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

**CAR16-00027 / Brandon Roberts**

Location: [10825 W. Fairview Avenue](#)

Rezone of 0.65 acres from C-1D (Neighborhood Commercial with Design Review) to C-2D (General Commercial with Design Review) [Todd Tucker](#)

**Todd Tucker (City of Boise):** Good evening Chairman and members of the Commission. This item is a request to rezone a portion of two parcels from C-1D to C-2D. The subject property is located at the southwest corner of Fairview and Sunrise Manor. This is approximately 600 feet to the west of Five Mile. The parcels on the north, south and west. Sorry, north and south of Fairview are predominantly commercial in nature. So, all of the parcels really that abut Fairview are predominantly commercial parcels. There are some residential parcels located to the south, southeast and southwest of this property. The image on the left shows the property has a land use designation of commercial which does allow for all commercial zones, including the requested C-2D zone. The image on the right shows the existing zones in the area of the parcels. The parcels to the west, north and east are all zoned C-2D. There are some residential properties located to the southwest, south and southeast of this property. As you can see, those are primarily zoned R-3D, R-1C and then some R-3D over here.

The planning team is recommending denial of the rezone. After careful review of the project, the request and some internal debate, the planning team felt that there are just more reasons to not support rezoning the property than there were to rezone the property to C-2D. Some of those reasons are the needed neighborhood commercial development in close proximity to the residential properties located to the south of this. In addition, the introduction of new regional serving commercial uses along Fairview, such as the proposed car dealership, may have a negative impact on the surrounding area. That concludes my presentation.

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**Chairman Demarest:** Thank you Todd. Okay, do we have the applicant present? Come on up. If you would just state your name and address for the record. Then we'll kind of barter on time.

**APPLICANT TESTIMONY**

**Brandon Roberts (1415 W Highway 36 Preston, ID):** Brandon Roberts. 1415 W. Highway 36 Preston Idaho.

**Chairman Demarest:** Mr. Roberts, you are entitled by code to up to 20 minutes. But we always like to start out under that and then we can always end up at that if we need to. Can we start with 10? Does that sound respectable?

**Brandon Roberts (1415 W Highway 36 Preston, ID):** Honestly, I wasn't really prepared from our feelings of talking to Staff and unfortunately my helper who did a lot of the work for me since I don't live here in town is deathly sick and called. He's been throwing up all day so he apologized for not being here. He met quite often with Staff and did a lot of the footwork for me so I'm a little short on a lot of the knowledge. We thought it would go through really easy. Main reason, everything around this is zoned C-2 so it would just fit in with everything that, as was said, in front of us to the sides of us. My understanding the way it's zoned right now; it could sustain like a strip mall with multiple businesses in it. Our intent, we don't actually have a tenant for this, but our intent was I have interested parties as far as a boat dealership or a possible car dealership. Your traffic rating on both those type of businesses is very, very low. If you put in an 8, 10, 12,000 square foot strip mall, you're going to have multiple businesses. Way, way more traffic than what a small dealership, boat, car, whatever you have for a C-2 zoning. So, really I was kind of taken back that it wasn't suggested to be approved by Staff. The report that we had seemed to imply that it would easily pass. That's really all the information that I have.

**Chairman Demarest:** Okay. Thank you. Why don't you stay right there? We'll see if we have any questions for either you or Mr. Tucker from the Commissioners. Commissioners?

**Commissioner Bradbury:** Mr. Chairman.

**Chairman Demarest:** Commissioner Bradbury.

**Commissioner Bradbury:** Question for Todd. I take it that the proposed use is an allowed use in the C-2 zone? The proposal for a car dealership or maybe the boat dealership?

**Todd Tucker (City of Boise):** That is correct.

**Commissioner Bradbury:** As opposed to a conditional use? Well maybe I should just ask you this way. I take it then that the that it's.

**Todd Tucker:** It's not allowed in a C-1 zone.

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**Commissioner Bradbury:** It's not allowed at all? Even as a conditional use in a C-1 zone?

**Todd Tucker:** Correct.

**Commissioner Bradbury:** Okay. Thank you.

**Chairman Demarest:** Any further discussions?

**Brandon Roberts (1415 W Highway 36 Preston, ID):** Can I ask a question as far as what the, what was the biggest concern for Staff to make the denial suggestion?

**Todd Tucker (City of Boise):** The biggest concern, like I said, is the removal of the neighborhood commercial that really supports residential development. There is residential development in very close proximity to this and so, in the end we just felt that the loss of that neighborhood commercial could have a negative impact not only on the traffic along Fairview bringing in a regional commercial use such as a car dealership instead of a neighborhood commercial use. There were several Comp. Plan policies that also support the neighborhood commercial in proximity to the residential, and in the end, that's really the main reason. Just keeping that neighborhood commercial. There's not very much neighborhood commercial along Fairview and so we felt that keeping it and where it's located now is in a good location, close to residential properties. We thought that that could be a real asset to those residential properties if it stays neighborhood commercial and a neighborhood commercial use goes in there.

**Chairman Demarest:** Does that answer your question?

**Brandon Roberts (1415 W Highway 36 Preston, ID):** Yes. So the neighborhood commercial though, is it, it's more high density right? It's not single-family?

**Todd Tucker (City of Boise):** Residential uses are allowed in all of the commercial zones. They have to go through a conditional use permit. So, whether it's C-1 or C-2, it would allow for residential uses as a conditional use permit. We're really looking at commercial uses that we would want to see go in there.

**Chairman Demarest:** Any other questions from the Commissioners? Okay thank you. Thank you both. So, we don't have anybody signed up. There's no neighborhood association in that area. We don't have anybody signed up to speak for the public. However, I realize some people may have come in late. We're on item number one, CAR16-00027. Does anybody want to testify on item number one that didn't get a chance to sign up?

**No NEIGHBORHOOD ASSOCIATION TESTIMONY**

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**No PUBLIC TESTIMONY**

**No APPLICANT REBUTTAL**

**PUBLIC TESTIMONY CLOSED**

**Chairman Demarest:** Okay, seeing none. So, technically Mr. Roberts you could rebut, but there's nothing really to rebut but I want to, five minutes is yours if you really want it. Usually applicants rebut what they've just heard from the public. So I think it is before the Commissioners now to render a decision. Commissioners, what is your pleasure? Item number one, CAR16-00027?

**Commissioner Bradbury:** Mr. Chairman.

**Chairman Demarest:** Commissioner Bradbury.

**Commissioner Bradbury:** I move that we recommend denial of CAR16-00027.

**MOTION: COMMISSIONER BRADBURY MOVED TO RECOMMEND DENIAL OF CAR16-00027 TO THE BOISE CITY COUNCIL IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

**Chairman Demarest:** Do we have a second for this? Second?

**Commissioner Gillespie:** Second.

**SECONDER: COMMISSIONER GILLESPIE**

**Chairman Demarest:** Second from Commissioner Gillespie. Commissioner?

**Commissioner Bradbury:** Mr. Chairman, I can see that this is kind of a tough site for the applicant. I mean it's, you know Fairview Avenue as most of us know is a pretty busy and difficult street to put lower intensity commercial development on. I was struggling with this one but in the end I think that I'm inclined to go along with Staff, partly because I'm reminded of many years ago when we were looking at rezoning a parcel of property on another really tough street and we recommended to the Council that they approve the rezone and Council reversed us, or did not take our recommendation and held tough under the policies of the City, and as it turned out, a few years later we got a really good project on that very piece of property. I'm not going to talk about the details of it, but the point I'm trying to make is sometimes if we just sit tight, the applicant, or the property owner comes up with something much better. So, that's why I'm going along with Staff here tonight.

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Chairman Demarest: Any other discussion? Seconder? Want to weigh in? Sir, you are actually done for the evening. It's before us to make a decision. There is an appeal process as I mentioned at the beginning of the meeting. Any further discussion from the Commissioners? Seeing none. Okay so we have a motion to deny with rationale and seconded. So, all those in favor of the motion to deny please signify by saying aye. Any opposed? It is so ordered unanimously. Okay, thank you.

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

**CAR16-00024 Summit Development**

Location: [1301 S. Bird Street](#)

Rezone of approximately 5 acres from A-1 (Open Land) to R-3D (Multi-Family Residential with Design Review) [Cody Riddle](#)

**PUD16-00023 / Summit Development**

Location: [1301 S Bird Street](#)

Conditional use permit for an 80-unit planned residential development on approximately 5 acres in a proposed R-3D (Multi-Family Residential with Design Review) zone. [Cody Riddle](#)

**Cody Riddle (City of Boise):** Thank you Mr. Chairman, Commissioners. This project this evening is a request for a rezone and conditional use permit for an 80-unit, associated with an 80-unit planned residential development that's comprised of 18 4-plexes, a 6-plex and a duplex.

The five-acre parcel is located here at 1301 S. Bird Street, or just northeast of the Overland and Maple Grove intersections. Regarding the rezone, the applicant has requested R-3, or multi-family residential zoning. The property is designated commercial on the land use map and as a result there are a variety of potential implementing zones. As outlined in your report, we are in support of multi-family residential zoning in this location. The property abuts commercial uses or zoning on three sides. There are single family homes to the west, but as you'll notice, there is no street connection to that neighborhood.

The property has access to transit along Overland Road and Maple Grove and there are countless services, amenities and employment opportunities in the immediate vicinity. In short, this is the exact kind of location that multi-family residential uses are promoted. Again, given the street network, we believe there will be minimal impact on the few single family homes in the area.

The proposed R-3 zone allows up to 43.5 units an acre and a height limit of 45 feet. Setbacks in the R-3 zone are actually more restrictive than the adjacent R-1C district to ensure transition when a multi-family residential project is proposed. Specifically, the side and rear yard setbacks increase by five feet for each floor of the building.

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Commercial zoning that surrounds the property on three sides allows the same density and height as the proposed R-3 district. The L-O zone, that may be suggested by a number of neighbors this evening, also allows that same density and height. With the change in zoning, again the applicant is proposing an 80-unit development with 18 4-plexes, a 6-plex and a duplex, as outlined in your report, the project meets or exceeds all dimensional standards. All required amenities and parking have been provided and no variance is requested. We did include conditions, or recommended conditions of approval to ensure compatibility, as well as a safe a livable environment within the project itself. I believe the applicant is in agreement with those recommendations.

As evident in your packet and testimony you'll hear this evening, there is opposition to the request. That is focused on height, views and then traffic. I'd like to briefly touch on each. Regarding height, it has been suggested that the project should be limited to one story. That's not a restriction of the existing zoning. It's not a restriction on surrounding properties and we don't believe it's appropriate for this project or property. The buildings as you can see are approximately 22-feet tall where 45-feet is the limit in the zone. Even the existing zone and the adjacent single family homes are allowed a height limit of 35-feet. Further, the majority of buildings proposed within the development are over 80 feet away from that adjacent property. I would also note that there is no sort of view easement across the property. Honestly, buildings of a greater height or scale would probably be a reasonable expectation given the commercial land use designation from the Comprehensive Plan.

Regarding traffic, short of single family homes, which again we're not supporting or promoting in this location, the project would generate significantly less traffic than office or commercial uses. The Ada County Highway District did conduct their own hearing on this item and carefully considered traffic impacts. They did include a couple significant conditions.

First, the construction traffic for the project be routed down this unopened segment of right-of-way on Bird Street to the north. We're suggesting that if approved this evening, that be included as a condition of your approval. Second, that occupancy of the project not be permitted until the extension of Bird Street is complete. That's significant and with that connection, residents of the project itself, the adjacent Idaho Humane Society that has a project approved, and the commercial development here will have access to two controlled intersections, which is a significant benefit to traffic of not only this project, but the entire area.

While you might hear otherwise this evening, we're not asking you to approve a multi-family project in a single-family neighborhood. There are a handful of single family homes adjacent to the site, but isolated on their own dead-end street. We are recommending that you approve a multi-family project in a community activity center, in a location where countless services, jobs and amenities are available. A location where all infrastructure, including public transportation,

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are already in place. In essence, the exact location Blueprint Boise would encourage.

In closing, the proposal meets all objective criteria of the development code. There are no variances, waivers, departures, exceptions or anything of that nature. As outlined in your report, there's substantial policy support for this kind of project in this location. So, in closing we are recommending approval of both the rezone and planned development. As a reminder, you make a recommendation to Council on the rezone, and a final decision on the planned development. It's also important to note that if approved, design review would be required prior to any construction. Thank you.

**Chairman Demarest:** Thank you Cody. Is the applicant here? Come on up. Sir, tell us your name and address for the record. You kind of know how the drill goes from the first one. We'll talk about time after we hear who you are.

**APPLICANT TESTIMONY**

**Steve White (3710 E. Manowar Lane Nampa ID):** Mr. Commissioner and members of the Planning and Zoning Commission, my name is Steve White. I live at 3710 E. Manowar Lane Nampa Idaho.

**Chairman Demarest:** Mr. White you are eligible up to 20 minutes. At a meeting like this we like to try to come in under that if we can. So, may we start with 10? Okay, great. Thank you.

**Steve White (3710 E. Manowar Lane Nampa ID):** I have read the Staff report totally. I have reviewed it and I totally agree with the Staff report and will comply with all of their conditions and I stand for any questions from P&Z.

**Chairman Demarest:** You came in under one. That's a record. Wow, thank you. Okay. So, why don't you stay right and there and see if we have questions from the Commissioners for either you or Mr. Riddle.

**Commissioner Gillespie:** Mr. Chairman.

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** Question for Cody. So, Bird Street will be completed all the way through from, what is it, Overland to whatever the other, Hackamore before occupancy occurs? Is that right?

**Cody Riddle (City of Boise):** Mr. Chairman, Commissioners, as recommended, that's correct.

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**Commissioner Gillespie:** Mr. Chairman if I may? So, the Humane Society, they've already agreed to that? It's all resolved with ACHD to just make that happen?

**Cody Riddle (City of Boise):** Mr. Chairman, Commissioner Gillespie, that's correct. ACHD will play a role in that they'll have to improve this segment here. They already have the right-of-way so it's much easier in this case.

**Commissioner Gillespie:** Thank you.

**Chairman Demarest:** Any other questions from the Commissioners?

**Commissioner Bradbury:** Mr. Chairman.

**Chairman Demarest:** Commissioner Bradbury.

**Commissioner Bradbury:** Cody, a fair amount of the material that we received in our packets talks about traffic on Overland Road and I know we're going to hear more about it before the evening is over. I wonder if you might just visit about that? Talk to us a little bit about what you understand the situation to be on Overland and perhaps even more so, what current or future plans there are to make improvements to Overland Road.

**Cody Riddle (City of Boise):** Mr. Chairman, Commissioner Bradbury, the project will certainly generate traffic. I believe some of the neighbors quoted or took approvals from projects to the south across Overland, there were some drive-thru's approved. It's suggested that it will exceed level of service F. But ultimately, this use generates far less traffic than commercial uses that are anticipated .. And the fact that we have transit already available along Maple Grove and at Overland Road mitigates a lot of those impacts as well as placing residential here where we already have all the services in place.

**Commissioner Bradbury:** Mr. Chairman? What can you tell us about what plans there are for improvements on Overland? I mean, if you know.

**Cody Riddle (City of Boise):** Mr. Chairman, I could get the dates. Mr. Chairman, I'll have to come back to that.

**Chairman Demarest:** Okay, we'll hold that one. Alright. Any other questions? Commissioner Gibson.

**Commissioner Gibson:** Mr. Chairman? Question for the applicant. At the west property line where you've got your 15-foot setback, I can't find from any of the exhibits what fencing

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material, if any, is to be proposed between this development and the adjacent single-family to the west. Could you clarify please?

**Steve White (3710 E. Manowar Lane Nampa ID):** We usually go with a six-foot vinyl fence in either almond or white.

**Commissioner Gibson:** Thank you

**Cody Riddle (City of Boise):** Mr. Chairman if I may? I found that info. Sorry. Overland is scheduled to be, in the Capital Improvement Plan, to be widened to seven lanes from Maple Grove to Cole between 2031 and 2035. And then the intersection of Overland Road and Maple Grove is also listed to be widened to seven lanes on the north leg, seven on the south, eight on the east and eight on the west between 2026 and 2030.

**Commissioner Bradbury:** Thank you.

**Chairman Demarest:** Okay. Looks like that's everybody from up here for the two of you. Thank you. So, this is in the Southwest Neighborhood Association. Is there a representative from Southwest this evening? Come up on. Let's hear from you. Let's hear your name. Are you the elected neighborhood rep?

#### NEIGHBORHOOD ASSOCIATION TESTIMONY

**Betty Bermensolo (Southwest Ada County Alliance | 1970 Cannonero Way):** My name is Betty Bermensolo. I'm with the Southwest Ada County Alliance. I live at 1970 Cannonero Way in Boise. I'd like to turn the time for the neighborhood group over to Susan Fenrich who is with the Chase Street Neighborhood that's adjacent to this project.

**Chairman Demarest:** So, ceding time. We've kind of frowned on that. Haven't we? We don't think that's something that you're able to do. And this is not the association. This is something quite different.

**Betty Bermensolo (Southwest Ada County Alliance | 1970 Cannonero Way):** This is the Southwest Ada County Alliance.

**Chairman Demarest:** Hang on. Clarification? Is that the neighborhood association registered for this area? That is. Okay, good. Alright. So, are you the elected Chair? So tell us your name and address for the record.

**Susan Fenrich (1415 Chase Street):** My name is Susan Fenrich. I live at 1415 Chase Street. I'm the one who sent you that LOS briefing.

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**Chairman Demarest:** Would you spell your last name for us mam?

**Susan Fenrich (1415 Chase Street):** FENRICH.

**Chairman Demarest:** Okay. So, Ms. Fenrich, as a representative of the neighborhood association, you are entitled for up to 20 minutes. You can see the applicant came in way in under. So, I'd like to start you at 10 minutes as well if that's okay. Alright?

**Susan Fenrich (1415 Chase Street):** What I wanted to start with is a picture of the property and what we have around us. The two white lines divide between the Human Society and us. If you look to your right, is where we live which dead-ends. We're all single-story and I wanted to show you to the right of that, is single-story.

Where the arrow is at, where I'm going to put the arrow is a duplex, single-story that we agreed to years ago. A few years ago that they've built that are at our back yards, we agreed to it because they're single story. They're not intrusive. Now they did the ones closer to Maple Grove, are taller and they're right here. These are all single-story that are up against us. And this is Allante. They're west of us and up front is Maple Grove. Let me give you a better shot.

This is the, these are the apartments that he's wanting to build. Now he built four of them in a zone right behind us that was already zoned for C-1 and he built four. They were right in our back yard. So, I wanted to show you pictures of those. I'll flip through them real quick. You can see how high they are. This is the end of that street but right behind that are our houses. So the next shot is what we see in our back yard. They can see right in. We lose our privacy on that and they're so close together. Even with the trees, we lose.

This is an aerial shot. One of the things that we noticed and that we asked Mr. White to do when he did this, is if you look at that, there's no place for the kids to play. There's no green area. What is there, it's all fenced around. But there's only like six to eight feet around each on the outside. I had to actually park in the other parking lot because I couldn't get in because across the street from that is a car shop and they had the street all filled, couldn't even get in.

The next shot I want to show you; this is a market. This is on Overland and this is the marketplace right there where the yellow lines are at. That's what they're going to be behind. They're behind that building. Right next to that to the left is an office complex that's doctor's office, chiropractor, and that kind of stuff. And then the entrance to our street. And this is our little piece of heaven. This is Chase Street. Nice quiet street. It's been there since the 1950's.

This is now what we see on entrance leaving Overland. This is Jimmy Johns, Del Taco, Dutch Brothers. We've got Sonic. And this is an overview of Overland. This is where Wendy's will be

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going and the Humane Society. This is a field that the Vet uses and then behind that would be property again. The 1301 Bird Street. But I also wanted to show you to the right where Jimmy Johns and all that, that's already zoned to be built up and because of that, that was the reason that I did all the work on the LOS for the density of the street because we've had so many accidents. We've had two in eight days right in front of our street. The traffic is just crazy and when I talked to the Highway District, they said that was a police problem. But Mr. Hanson did say in the meeting at ACHD that there needs to be some way of calming Overland. I don't know what it would be. From the information that I give you on the totals that they had per hour from, they give you some old, some that was back in 2010. I went by what I could find on their website of everything up to date and went to planning and zoning and pulled up what customer accounts and how many they would be during that time. If you add those totals in, with all the projected, that's how I came up with those numbers. That's why, especially already, the south side of Overland is an F, at that level. When they give those totals, if you look at the papers I sent you like on Jimmy Johns, they used a total of what it was, the traffic count in 2010. They didn't give what the last one, which was February 15.

And that's what I was trying to project that we've had so much growth in this area. The car volume is picking up. They're now building a gas station in front of Walmart which you know is going to compete with Costco. That's going to increase the traffic even more. With them delaying the widening of the road until 2035, that's a long to deal with an F factor when it's so dense.

One of the car accidents hit in front of the flower shop which is on the right hand side, right here on our street. Hit right in front of the sign, went up over the sidewalk and the skid marks were before the entrance of our street. And that's where the kids bus stops every day, three times a day. Pick them up. Drop them off. Bring them home. That's what I was worried about, the safety because the traffic is so dense. That's why we were saying with you putting that many units in there, it would be better if it was less, less density. We're already overloaded and they're going to deal with it, even opening up Bird. The only option that they still have to go around the block. It's just shorter. They're still going to have to try to deal with Wendy's and the Humane Society if they want to go out and go anywhere, they won't be able to turn left coming out on the street.

Now this is a lot there to the west of us. The one thing I wanted to show you, if you look, you can't see the buildings behind of the one's that I showed you earlier. Of the duplex? And there it is. And they have a nice area. They have a pool. They have a clubhouse. The ones that are closer up towards the front, towards Maple Grove, those are higher. But the ones that are up against us are single story. And that's what I have a picture of. That's what they look like. They're not intrusive. They're not looking into our backyard and that's what we've always had. The privacy and quiet. That's the reason we moved there to begin with. I've been there 16 years and it's grown a lot.

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This is another one of them. This is the parking lot again. And then I wanted to show you from our side of the street. This is at the end of the street. They built a fence but they did raise it up. They have it on brick. You can just barely see the spouting on the back. They did a nice job and they did approve that.

The last time we did have someone want to buy 1301 Bird Street, you guys said no. It was for a retirement home. A two story. That was one of the things that you said you didn't like because it didn't fit in with the community because it was two story. Any questions?

**Chairman Demarest:** Any questions for Ms. Fenrich from the Commissioners? Okay, thank you, mam. Alright. Okay, so we're going to go to public testimony now. We've got, well actually Ms. Fenrich, you were first, so we're going to go on to the second person. You've had your time. The first person after Ms. Fenrich is Lana Hale. So folks I just do want to remind everybody that three minutes is flashed up there. If you would just stop when your time is up or before, it's most helpful to us. (Responding to Lana Hale) It is hard to stand in front of people and talk. But, relax. We want to hear what you have to say.

**PUBLIC TESTIMONY**

**Lana Hale (1320 Chase Street):** Well they only thing I want to start out with is.

**Chairman Demarest:** Tell us your name and address for the record.

**Lana Hale (1320 Chase Street):** I'm sorry. Lana D. Hale. I live at 1320 Chase. For 53 years there. So, I am overgrown. I need to say something that I thought was very important when we were at the ACHD, when they were looking at this. They had not seen her proposal until that very night and they didn't have any time to study it. And they were quite upset over the lady who presented it. Her name was Chris. This was the third time she had used bad data and that they got upset. But they didn't, as you notice, your packets are pretty high and pretty big and pretty dense. She spent 100 hours on this to get it accurate. The only thing that I wanted to say, seriously say, is conclusions of law can be looked at being ignored because it reads ACHD requirements are intended to ensure the proposal development will not place, on any undue burden, on existing vehicular transportation system within the vicinity impacted by the proposed development. Looking at that data, it has come out of looking at the total traffic analysis is data with the bill out of the south side that the level of service is F at this location. I guess you have to live there to really see it. But it is very, very serious and I yes, I am very serious about going out of my particular piece of property when the only place I can go is to the right. To this day, we have a child in the neighborhood that is confined and their buses won't even go up. They won't come in and won't go up because of the traffic problem. The children, I do irrigation, the children are right up there where that person fell into those fences just three days ago. They missed them by 23 minutes. I understand that there's development. I understand that we need to comply with all

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of the development. But we really need to get it where we have it, a community not an elephant sitting up in our back yard staring at us. This man did not, he did not represent this properly to us. He was supposed to have come one day, we're all out there at 100 degrees and he didn't show. He was supposed to be on the 23<sup>rd</sup>, he never showed. August the 2<sup>nd</sup> he showed underneath the tree and we were all there. He said it's too bad, he said, because I'm spending too much money on this piece of property. I was going to say something about, at this area.

**Chairman Demarest:** Ms. Hale, your time is up.

**Lana Hale (1320 Chase Street):** Okay.

**Chairman Demarest:** Thank you. Okay, so the next person actually the applicant was next but we've already heard from him. Next person on the signup sheet is Jarrod Massie. Mr. Massie.

**Jarrod Massie (1200 Chase Lane):** Hi folks. Name and address? Jarrod Massie and I'm living at 1200 Chase Street.

**Chairman Demarest:** Thank you, sir.

**Jarrod Massie (1200 Chase Lane):** I'm one of the properties that directly abuts the proposed development and one that Mr. Riddle claims we are minimally effected by this development. I don't have a heck of a lot to add. Perhaps if my wife were here, she'd have more to say.

You've seen photos of our little neighborhood. We're a small community of working families, lots of young children and old retired folks. It's a quiet area which is precisely what we like about it. I think we all kind of understand Boise is a growing city and you can probably tell by my voice that I haven't always lived in Boise. I've lived in many other cities; Paris, Melbourne Australia. I get development needs to happen. I get a degree of density needs to happen. I don't understand why it has to occur at this particular site and I don't understand who, aside from the developer, actually benefits from this when you consider all that it robs the existing residents of in terms of a massive invasion of our privacy.

We basically, with our neighbors, we share back yards effectively. Our next door neighbor who couldn't be here today, hosted my wife's and my wedding in her backyard and we hosted all the kids in our yard on the same day. All of these half acre properties that we have, we have them for that reason. So we can enjoy this open space and we've still got this degree of privacy. And now you've got a developer who wants to build two-story houses and set them back five feet. You can set them back 30 feet. They're still looking into our private play area, The entirety of our recreation space and in our particular property, three of our four bedrooms. I think that's frankly a disgusting invasion of our privacy and re-gigging his plans slightly so that rather than having

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housing sitting right on top of our fence-line, we now have a parking lot and communal garbage disposal right against our backyard doesn't really sit any better with us.

There is one thing I'd like to add that I unfortunately didn't bring the papers with me, but there's mention in the Boise Planning and Zoning laws, I suppose, about maintaining open spaces, which this property lacks, but also maintaining natural vistas. And Mr. Riddle spoke briefly, very very briefly about how this would not negatively impact our vista. I invite each and every one of you into my backyard to look at the beautiful view of the mountains that we currently have and then consider the view of cheaply built vinyl siding that that will be replaced with if this project goes ahead as a two-story development. I believe that's my time and I thank you.

**Chairman Demarest:** Thank you sir. Okay, next person is Aaron McCulloch. Mr. McCulloch. By the way, as Mr. McCulloch is coming up, if anybody didn't get a chance to sign up, I'll certainly give you that time when we get to that point. Mr. McCulloch. Name and address for the record.

**Aaron McCulloch (1500 Chase Street):** My name is Aaron McCulloch. I live at 1500 Chase. Couple things. I'm with everybody else. I understand development has to happen. You can't really tell by the pictures there but you need to understand that that first piece of property that's developed, the one's that's on Overland and Bird Street, that grade is almost three feet higher than the grade on Chase Street. That grade was raised for storm drain water and I don't know if this developer is going to have to do the same thing, but that means the stone fence that's on my side is 12-feet high. The stone fence that's on the side of that strip mall is nine feet high. So, that's quite a bit of difference too, in addition to, just the height of those buildings if that grade's going to have to come up in that parking lot and on that piece of property for storm water. That's quite a bit of added height.

The other thing I wanted to say is when the retirement home was denied by City Council, it was denied specifically, one of the reasons they gave to deny that was because it was a two-story structure. Even though just like this proposed development, the parking area was up against the residence on Chase Street. They still denied that because it was two-stories and it did look down into our yards. They said that wasn't acceptable then and I don't know why it would be acceptable now. The picture Susan took of the multi-family residences that are one story, that development there, that does blend in really well with what we'd like to see and with the homes that are down on that end of Chase Street. You can't even tell they're there just like you wouldn't be able to tell somebody's house on an adjacent street was yours other than it's there and you can kind of see it over the fence. I think we'd all like to see the same thing there. Basically, those are my concerns.

**Chairman Demarest:** Mr. McCulloch, thank you. Okay, so the last person signed up is Hanah Oberbilig. Come on up mam.

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**Hanah Oberbilig (1305 Chase Street):** I feel really short right here.

**Chairman Demarest:** Why don't you pull it down just a little bit. Give us your name and address for the record.

**Hanah Oberbilig (1305 Chase Street):** Hanah Oberbilig. It's 1305 Chase Street. I just, you know I'm not as up to date on everything that's been going on. I'm here. I live in that house but at the same time it's my aunt's house and she's lived there over 26 years. A lot of my concern personally is how they were talking about the views. You know, it does cut off a lot of the mountains that we get to see. I have three children living in my home. They have to walk to that bus stop that is on Overland that just barely get missed right where they stand every single day. Now, granted that doesn't commonly happen. But just because you're opening up the back of Bird Street does not mean that that's the way it's going to be used. When you get off the freeway, it takes you straight down Overland. People coming home or going to work, they're still going to be using Overland. It's not as convenient to have to go take the exit by the mall to come all the way up Maple Grove. So, in reality, yes that helps, but it's not going to be enough. The businesses they've up in across the street already cause it to where it's sometimes three to five minutes before you're able to make a left turn. They have signs that say do not block intersection, but everybody can admit that they don't always listen to those signs. You don't always pay attention. You're sitting there and you're waiting and when you have places to go, you have to plan for that extra time just to get off the street. I know that because I also plan the extra 15 minutes to wait in the Dutch Brother's line. That's how busy it is. Because I like my coffee. It's, you know, it is nice and ideal that they had other options but it's still not going to be enough in my opinion from what I see on a day to day basis. That's all I have to say. Thank you.

**Chairman Demarest:** Thank you, mam. Okay. So, anybody else want to speak on item number, items 3 and 3A? So, for those that didn't get a chance to sign up, there's a little tab, white tab. Before you leave the room this evening, we do need to have you fill that out so we get all your vital information on the record. Okay? So, come on up sir. You kind of know how this goes. Name and address for the record and you're entitled to three minutes.

**John Wall (1308 Chase Street):** My name is John Wall. I live at 1308 Chase Street. Personally, I think that the amount of people that he wants to put into that is a little high. I mean, I'm not against building some nice small condos, you know duplexes or something with back yards. Kids can play. Make it nice. That kind of a situation, but it's not cost effective for him because he paid, you know, for the price of the land. I realize that. If they can do something that can actually improve the neighborhood rather than as a detriment to it. The opening up the roads not really going to be that much, that good. I just think you know the lady's put in a lot of time and effort on this. I really appreciate it as being part of their neighbors and stuff. That's about all I can really say. I can't think of anything else.

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**Chairman Demarest:** Thank you, sir. So, remember that little white tab before you leave this evening. Bring it up to us or somebody over here before you leave. Okay, anybody else? Come on up.

**Pam Wall (1308 Chase Street):** My name is Pam Wall. I live at 1308 Chase Street. I would just like to reiterate if you've ever watched Channel 7 News in the mornings, and they show the sunrise? That's what we get to see. If they build a two-story duplex in there, that's going to eliminate all of that. We have no problem with single-family houses or duplexes going in back there. We realize it's going to develop. We would just ask for not the two-story. That's all. Thank you.

**Chairman Demarest:** Thank you, mam. Okay. And you also need to, before you leave, fill out one of those pieces of paper for us. Who else? See a hand over to the left. Come on up.

**Jamie Wallace (1325 Chase Street):** Hello. My name is Jamie Wallace. I live at 1325 Chase Street. I have a concern with the amount, like these apartments are probably going to attract young families with young kids, young school age kids. So then there's going to be bus stop somewhere in there too for those kids along a busy street. Those kids are going to have to on to Overland probably to get picked up to the bus as well just like the kids from Chase Street do. So, then you've got more kids playing along a busy intersection and no place for them to play in their yards too. Like that open area in the middle of the property is not going to give them enough room to play. Is there going to be playground equipment or something for them to play with? Or are they going to be stuck playing in their yard, playing on the parking lot on the cars and all of that getting hurt? The way the property that they're proposing is laid out doesn't really give those young families that are trying to go from, you know simple small apartment to someday buying a home a place for their kids to be safe. I feel like if there's a little more room maybe a couple less single-story, that would give a little more room for there to be a place for the kids to play. They're going to be moving into that area even. Those kids aren't going to have the benefit of the kids just around the block that actually have some room in their own yards to play. So, even if there was more of a, even a bigger common area for them to play in, would help. We did some research on theirs, looks like there's right now on like Rent.com/apartments.com, there's, as of two weeks ago, there's like 450 apartments available in our area, in this Victory, like Cole Road to Franklin to Victory to Five Mile area. That's a lot of apartments that are still available in that area. Why do we need more in that area when we can put in something that's going to be more beneficial for families to have places to let their kids be kids? The nearest park is across a busy street. There's a park on Maple Grove. They're going to have to cross Overland or Maple Grove. I'm not sure which direction it is. I haven't made it there myself because I don't have any kids. Those kids at that thing, if they want to go play at the park, they're going to cross a busy street. How many parents are going to feel comfortable letting their kids walk across a

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busy street to go play at the local park because that's the only thing within a couple miles to go play at. So, thank you for your time.

**Chairman Demarest:** Ms. Wallace, thank you.

**Betty Bermensolo (1970 Canannero Boise):** Betty Bermensolo. I live at 1970 Canannero Boise Idaho. Commissioners, I'd like to start by urging you to deny this project as it stands without a more recent and complete traffic analysis. Concern was raised by the Commissioners, by the Highway District Commissioners, three of them at the hearing last week that what they were given in their Staff report was not up to date and they asked that in the future they have more recent data. But they didn't go so far to ask for this to be deferred until they got an updated traffic analysis. The data that the ACHD Staff report is not up to date and therefore is inaccurate. I guess it depends on whether this Commission, the Boise City Planning and Zoning Commission, and the City Council and making a decision needs to have level of service that is accurate. I can assure you from looking at the data that I've seen that the neighborhood representative has presented, it really bears looking at it because there is no question in my mind that that is level of service F. It's only going to get worse. They changed the widening of Overland to 2035 or 2037, so it's just been moved back a ways. So, it seems terribly unfair not to look at the infrastructure and make sure that the City has accurate information when they're making a decision about 80 units. Some of that traffic from Bird to Vinnell or Hackmore is going to go west to Maple Grove. But if it goes east, it's going to go to Vinnell and come back over to Overland. The Southwest Ada County Alliance asked the applicant to locate the parking lot for the units closer to Bird Street and put more functional open space was what we requested adjacent to single-family homes on Chase Street and internal to the unit. The applicant instead placed the parking lot and trash receptacles for this project adjacent to the Chase neighborhood. The five-acre parcel on Bird Street is adjacent to single-family development to the west and there is commercial area there as well. But Staff has told me that five acres could accommodate 40 units of single-family development. I urge the Commission to think about the infrastructure. Thank you.

**Chairman Demarest:** Thank you. Okay, so there's still time if anybody wants to testify. Come on up. Just don't forget to fill out one of those little forms that Mrs. Bermensolo is doing.

**Inna Patrick (6850 Hollylyn Drive Boise, ID 83709):** Inna Patrick.

**Chairman Demarest:** Can you pick that up just a little bit so we can hear you? The microphone. There you go. Thank you, mam.

**Inna Patrick (6850 Hollylyn Drive Boise, ID 83709):** Inna Patrick 6850 Hollylyn Drive Boise 83709.

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**Chairman Demarest:** Can you spell your last name?

**Inna Patrick (6850 Hollylyn Drive Boise, ID 83709):** Patrick. So, what I want to testify is that when some of those people talk about traffic and traffic counts, but they actually cannot make a turn, it really attests to lack of infrastructure and not so much traffic as a busy street. So I think the City of Boise and ACHD has to start looking at putting in needed infrastructure and make it a priority compared to approving higher density residential. My personal opinion of why Overland is so busy is because there is no exit from and entrance to the interstate, I84, between Eagle and S. Cole Road. So Overland carries all this traffic from the subdivisions built south of I84 that can only, they are building on and on and on and we've been affected by that to the south and north of I84. So, you really, you know not just people complaining about being inundated by traffic. There is not enough infrastructure to support this continuous and fast development. Thank you for your time.

**Chairman Demarest:** Thank you, mam. Okay, who else? Going. Going. Okay, that concludes the public portion of our meeting. The applicant is entitled to up to five minutes for rebuttals.

**PUBLIC TESTIMONY CLOSED**

**APPLICANT REBUTTAL**

**Steve White (3710 E. Manowar Lane Nampa ID):** Commissioners. Again my name is Steve White. 3710 E. Manowar Nampa Idaho. I've taken some notes on some of the concerns of the neighbors. Cody, is there a way of putting the overview again on the overhead please? Some of the concerns are the two stories. I have designed that subdivision three times. The first time was the first mailer that went out. I do have copies. I do not have it on an overhead presentation. But I do have copies if you can take hard copies of the three different plats that I have done?

**Chairman Demarest:** Sir, actually I think that's additional information. Do you have a written explanation as to why that wasn't in by the deadline which was last Thursday, I believe?

**Steve White (3710 E. Manowar Lane Nampa ID):** That's fine. I know that. I was just going to use it as an example.

**Chairman Demarest:** Okay, you can tell us about it in your allotted time.

**Steve White (3710 E. Manowar Lane Nampa ID):** The parking lot that is there now, we originally had that whole line on the second application, or second plat, is lined with buildings. Had the neighborhood meeting. They wanted the buildings moved towards Bird Street. So, I redesigned it again. I moved the buildings towards Bird Street, made the west all parking lot which gave the buildings over 60-foot setback from the fence.

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There's two buildings on the north corner and one on the south corner. I redesigned those buildings to where the second story unit does not have a window that goes out and looks onto the neighbors. They are all looking from the sides but nothing directly into the neighbor's backyard.

The single-story fourplex that the neighbors were talking about to the west is actually the fourplexes are actually four foot taller than the single-story fourplex that they were looking at from the west. I know that because I designed these buildings. I designed the single-story buildings. I developed that subdivision along with the one to the north of this subdivision. The buildings are high quality. They're energy efficient. They're not cheaply built.

The play area is in the middle of the whole subdivision and what we have found in the past are they are two bedroom two bath units which is controllable by the children. People are not going to have a lot of kids in a two-bedroom home. We have found most of our residents are single professionals. Very few of these buildings take, they don't take, but they do not have very many children occupants. Mainly because of the design of the building.

There's a mention about the storm drains and raising the site. The storm drains are engineered. We will not be raising the site and keeping it as low as possible. The trash receptacles are in the corners right now. I did read the staff report from the trash company. We have to move those to where they have a 50-foot straight on to get to the trash receptacles. So, they will not be butting up to the neighbor's fence. They'll be more straight on to pick up the trash.

Safety for kids, again, the project doesn't hold that many kids to start with. But we do have the large open space. The width of those buildings are 60 feet wide. So, if you were to take a look, we're looking at over 150 feet of open space. As far as length goes, and we're looking at approximately 80 feet width from building to building for open space. Around each building, you'll see, well let's just look at the ones on the southwest corner, the way of the configuration, that is all open space. Each unit pretty much has its own yard, has its own private patio, has its own front door. I think a lot of people call it the pinwheel design. I designed it in 94, been building it for, I don't know, 20 some odd years. It's been a great, great, plan and I would encourage approval. I think it's necessary to have nice subdivisions with the density that Boise needs. Any questions?

**Chairman Demarest:** Thank you, sir. Are there any questions?

**Commissioner Ansotegui:** Mr. Chairman.

**Chairman Demarest:** Commissioner Ansotegui.

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**Commissioner Ansotegui:** Thank you. Just a quick question. Are there any opportunities for connectivity with the subdivision directly to the west? Are there any, it's just a vinyl fence that separates the two?

**Steve White (3710 E. Manowar Lane Nampa ID):** That's correct. A vinyl fence. It is a, there is a power easement that goes down the property line, so we're not able to. I wanted to maybe do a berm or something, but that's not acceptable with the easement.

**Chairman Demarest:** Thank you. Any others?

**Commissioner Bradbury:** Mr. Chairman.

**Chairman Demarest:** Commissioner Bradbury.

**Commissioner Bradbury:** You were talking about the location of the trash receptacles. How will the actual location differ from what we're looking at up there? Are they going to move more easterly?

**Steve White (3710 E. Manowar Lane Nampa ID):** They would be moved more easterly and I would say where there's four spaces, three or four spaces of parking right there. Where the truck could come straight in lengthwise, they go from the corner and just shift around to the side on both ends. They'd be more in front of the buildings and we'd just move the parking spaces to the be able to put the trash compactor or trash receptacles there.

**Commissioner Bradbury:** Thank you.

**Chairman Demarest:** Any other clarifications? By the way let me just clarify that this is about clarifications of things that have been discussed already. We don't want to add anything new to the record at this point. Because then we've got to open it up to the public again. So clarifications for testimony that we already have.

**Commissioner Gibson:** This is a question for Staff. It's just more of a drawing clarification. One of the drawings in our package drawing sheet A 4.0? It's a different building and I don't believe that it's part of this development. 8 2.0 is a site plan but this building as shown is a single story structure. Drawing sheet A 4.0. It's got an address on Emerald Street and it's listed as a different name. Marina Apartments or something like that. So I just want to make sure that that was included in error.

**Steve White (3710 E. Manowar Lane Nampa ID):** That Marina Subdivision is another one that we're doing off of Emerald. The single-story on that is the duplex which that duplex is the same as the duplex that we're putting on this project.

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**Commissioner Gibson:** Thank you. I just wanted clarification on that. Thank you.

**Chairman Demarest:** Okay, good. Yeah we've got that. Okay, any other questions or clarification from the Commissioners? Thank you. So, these are items 3 and 3a. It is now before the Commissioners to make a determination. I think we've got two items here. One is a recommendation. One is an action. If I recall? Yes, the rezone is a recommendation to Council and the PUD is an approval.

**Commissioner Gillespie:** Mr. Chairman.

**Chairman Demarest:** That's Commissioner Gillespie.

**Commissioner Gillespie:** I recommend we approve the planned unit development as submitted with the terms and conditions in the Staff report.

**MOTION:            COMMISSIONER GILLESPIE MOVED TO APPROVE PUD16-00023  
                             IN ACCORDANCE WITH THE PROJECT REPORT AND  
                             CONDITIONS OF APPROVAL THEREIN**

**Chairman Demarest:** Let's see if we have a second for you.

**Commissioner Stevens:** Second.

**SECONDER:        COMMISSIONER STEVENS**

**Chairman Demarest:** Commissioner Steven's seconded that. So you want to give us your reasons?

**Commissioner Gillespie:** I think the Staff report accurately captures my views. I think this is an area that can support this density of development. It's appropriate for the area. I happen to like the plan. I think relative to many similar developments we see; this one does a much better job of protecting the privacy of the folks to the west. We basically have really one unit that is directly, there's two buildings each with four units, but even among those eight, there's really only two that are really next to the line. There's 146 trees in the development. So I think with that 15-foot setback and all of the vegetation that we see a pretty good job of sort of creating a good environment for the folks both to the west and in this development. So, for those reasons, I support it.

**Chairman Demarest:** Thank you. Any further discussion?

**Commissioner Stevens:** Mr. Chair.

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**Chairman Demarest:** Commissioner Stevens.

**Commissioner Stevens:** I'll just add one thing. And that is again I think what we have in front of us is an example of the neighbors and the developer working well together. I think, and I know the neighbors aren't going to be happy with the vote that might happen, but when the neighbors make the effort that they've made, they end up with a better development than they would have had previously. I think the fact that we have 60 feet between the west property and where the majority of these units is going to go is going to mitigate the effect on that western subdivision more than they recognize. I'm also glad that there's going to be a design review overlay on this. And I feel comfortable that that body will ensure things like vegetation, where that parking's going to go and make sure that there's no light pollution into that western subdivision. So, for those reasons, I'll be supporting the motion.

**Chairman Demarest:** Thank you.

**Commissioner Gibson:** Mr. Chairman.

**Chairman Demarest:** Commissioner Gibson.

**Commissioner Gibson:** I'll also be voting in support of the motion but I also wanted to make sure that I pointed out that my approval was really thrown by the extension of Bird. I think had that road not been extended to loop into the two signalized intersections that I would have been more inclined not to support this product because of the connectivity issues and how it fits within the overall development. I hear the residents. A couple of you I recognize from previous public hearings on some of the fast food issues we've had along Overland and I can appreciate that 2035 seems a long ways out for ACHD and doing some work out there and I accept that. Unfortunately, that's not within our domain of purview for making decisions on ACHD matters.

**Chairman Demarest:** I saw Commissioner Bradbury wanting to weigh in.

**Commissioner Bradbury:** Thank you Mr. Chairman. I think I'm in general agreement with my fellow Commissioners. I think it's an appropriate use for the location. I think it's reasonably well designed project. I might reduce the units nearest to the westerly property line to single-story just to provide that extra measure of privacy. Although, knowing that there's no windows or decks out on that side kind of makes it, that's helpful. I do think though that we do need to acknowledge the fact that Overland Road is becoming a serious problem with this project or without this project. Whether there's fewer units in on this side or it's a commercial development, Overland Road in that area is really beginning to create a problem. The Southwest Ada County Alliance has warned us for many years now that Overland Road is becoming a problem. They've consistently been here and talked about it. The data that we've been provided,

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I think, backs up their position and I think we need to acknowledge it and I think we need to ask the City Council to request the Highway District move the improvements that are in the Capital Improvement plan up in time in order to deal with what I think is going to become even a worse problem in the future. So, having put that onto the record, perhaps the Council will have an opportunity to read that when they get a look at this thing.

**Chairman Demarest:** Further discussion? Okay, so we have a motion, this is on the PUD right? 16-23 to approve. Discussed. Any further discussion? All those in favor signify by saying aye. Any opposed? It is so ordered. So we still have the recommendation on the variance to consider.

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

**Commissioner Gillespie:** Mr. Chairman.

**Chairman Demarest:** Commissioner Gillespie.

**Commissioner Gillespie:** A rezone?

**Chairman Demarest:** I'm sorry, rezone. Yes.

**Commissioner Gillespie:** Mr. Chairman I move that we recommend approve to the Council of CAR16-24 for the reasons stated in the Staff report.

**MOTION:            COMMISSIONER GILLESPIE MOVED TO RECOMMEND  
                         APPROVAL OF CAR16-00024 TO THE BOISE CITY COUNCIL IN  
                         ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS  
                         OF APPROVAL THEREIN**

**Chairman Demarest:** Let's see if we have a second.

**Commissioner Stevens:** Second.

**SECONDER:        COMMISSIONER STEVENS**

**Chairman Demarest:** Commissioner Stevens. I heard two. I think Commissioner Steven's got there first. Any discussion? Any further discussion? All those in favor please signify by saying aye. Any opposed? Thank you folks.

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

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**CVA16-00043 / Dan Cobb**

Location: [245 S. Capitol Boulevard](#)

Sign variance to exceed the size and number of signs allowed through the Capitol Boulevard Sign Ordinance for The Grove Hotel and Century Link Arena in a C-5DDC (Central Business District with Downtown Design Review and Capitol Boulevard overlay) zone. [Sarah Schafer](#)

**APPLICANT TESTIMONY**

**Dan Cobb (Image National | 16265 Star Road Nampa ID)**

**Kate Getchell (Image National | 1665 Star Road Nampa ID)**

**Aimee Tylor (245 S. Capital Blvd)**

**NO NEIGHBORHOOD ASSOCIATION TESTIMONY**

**NO PUBLIC TESTIMONY**

**APPLICANT REBUTTAL**

**Dan Cobb (Image National | 16265 Star Road Nampa ID):**

**PUBLIC TESTIMONY CLOSED**

**MOTION: COMMISSIONER BRADBURY MOVED TO APPROVE CVA16-00043 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN WITH THE 200 SQUARE FOOT TOWER SIGN.**

**SECONDER: COMMISSIONER STEVENS**

**MOTION: COMMISSIONER BRADBURY MOVED TO AMEND PREVIOUS MOTION TO APPROVE CVA16-00043 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN FROM A 200 SQUARE FOOT SIGN TO A 300 SQUARE FOOT SIGN.**

**SECONDER: COMMISSIONER STEVENS**

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

**IV. MEETING ADJOURNED**

**(08:33 PM)**