

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

MINUTES • March 7, 2016

City Hall – Council Chambers

6:00PM

FINAL

COMMISSION MEMBERS PRESENT

- ☒ Rich Demarest, Chair
- ☒ Milt Gillespie, Vice-Chair
- ☒ Stephen Bradbury
- ☐ Douglas Gibson
- ☒ Jennifer Stevens
- ☒ Tamara Ansotegui
- ☒ Garrett Richardson (Student)

PDS MEMBERS PRESENT

Scott Spjute, Cody Riddle, Todd Tucker, Susan Riggs, David Moser, Ted Vanegas, Leon Letson, Brent Moore, Eunice Otero, Brianna McNall, Whitney Montgomery and Andrea Carroll (Legal).

I. CONSENT AGENDA

SUB16-00002 / Fowler Condominiums No. 1

Location: 401 S. 5th Street

PRELIMINARY AND FINAL PLAT FOR A CONDOMINIUM COMPRISED OF 13 UNITS AND 11 COMMON AREAS. THE 0.84 ACRE SITE IS LOCATED IN A C-5DD (CENTRAL BUSINESS DISTRICT WITH DOWNTOWN DESIGN REVIEW) 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.

CUP13-00077, CVA13-00053 & DRH14-00005

Location: 1713 W. Jefferson Street

CONDITIONAL USE PERMIT FOR A PARKING REDUCTION AND A VARIANCE TO REDUCE THE SIDE YARD SETBACK ASSOCIATED WITH A FOUR-UNIT MULTI-FAMILY RESIDENTIAL BUILDING ON A 0.14 ACRE PARCEL LOCATED IN AN R-1MD (SINGLE FAMILY RESIDENTIAL WITH MODULAR LOTTING AND DESIGN REVIEW) ZONE. AN EXTENSION TO THE ASSOCIATED DESIGN REVIEW APPROVAL IS INCLUDED. Susan Riggs

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

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CUP16-00003 / Jim Spittle

Location: [3506 W. State Street](#)

CONDITIONAL USE PERMIT TO OPERATE A BAR WITHIN AN EXISTING BUILDING LOCATED LESS THAN 300 FEET FROM RESIDENTIAL PROPERTY. THE SITE IS LOCATED IN A C-2D (GENERAL COMMERCIAL 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.

PUD15-00026 / Leaf Greenhouse, LLC

Location: [2124 S. Longmont Avenue](#) & [2134 S. Longmont Avenue](#)

CONDITIONAL USE PERMIT FOR A 7-UNIT PLANNED RESIDENTIAL DEVELOPMENT COMPRISED OF DETACHED SINGLE-FAMILY HOMES. THE 0.51 ACRE SITE IS LOCATED IN A PROPOSED R-1M (RESIDENTIAL TOWN LOT) ZONE. [David Moser](#)

SUB15-00060 / New Leaf Subdivision

Location: [2124 S. Longmont Avenue](#) & [2134 S. Longmont Avenue](#)

PRELIMINARY AND FINAL PLAT FOR A RESIDENTIAL SUBDIVISION COMPRISED OF 7 BUILDABLE LOTS ON 0.51 ACRES LOCATED IN A PROPOSED R-1M (RESIDENTIAL TOWN LOT) 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.

CUP16-00006 / Erstad Architects

Location: [1026 S. La Pointe Street](#)

CONDITIONAL USE PERMIT TO OPERATE A BREWERY WITH TASTING ROOM IN AN EXISTING BUILDING LOCATED LESS THAN 300 FEET FROM RESIDENTIAL PROPERTY. THE SITE IS LOCATED IN A C-2D (GENERAL COMMERCIAL 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.

CUP16-00004 / Wallace Properties No. 1, LLC

Location: [465 N. Partridge Place](#)

CONDITIONAL USE PERMIT FOR AN OUTDOOR STORAGE YARD FOR VEHICLES ON A 0.53 ACRE PARCEL LOCATED IN AN M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW) ZONE. [Brent Moore](#)

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

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FEBRUARY 1, 2016 MEETING MINUTES

MOTION: COMMISSIONER GILLESPIE MOVED TO APPROVE THE CONSENT AGENDA WITH THE FOLLOWING ITEMS: SUB16-00002; CUP13-00077, CVA13-00053 & DRH14-00005; CUP16-00003; PUD15-00026 & SUB15-00060; CUP16-00006; CUP16-00004 AND MEETING MINUTES FROM FEBRUARY 1, 2016.

SECONDER: COMMISSIONER BRADBURY

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

CUP16-00002 / Rene LeJeune

Location: [2714 W. Overland Road](#)

CONDITIONAL USE PERMIT TO CONSTRUCT A SINGLE FAMILY HOME ON A 0.22 ACRE PARCEL LOCATED IN AN L-OD (LIMITED OFFICE WITH DESIGN REVIEW) ZONE. [Brent Moore](#)

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

MOTION: COMMISSIONER GILLESPIE MOVED TO APPROVE AN ADDITIONAL CONSENT AGENDA ITEM: CUP16-00002.

SECONDER: COMMISSIONER STEVENS

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

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II. DEFERRAL & RECONSIDERATION AGENDA

CUP15-00100 / ALC Architecture

Location: [1602 S. Broadway Avenue](#)

CONDITIONAL USE PERMIT FOR A COFFEE SHOP WITH DRIVE-UP WINDOW ON A 0.3 ACRE PARCEL LOCATED IN A C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW) ZONE. THIS APPLICATION INCLUDES A WAIVER TO EXCEED THE PARKING MAXIMUM. [David Moser](#)

MOTION: COMMISSIONER STEVENS MOVED TO APPROVE RECONSIDERATION OF CUP15-00100.

SECONDER: COMMISSIONER GILLESPIE

ALL IN FAVOR, ONE OPPOSED, MOTION CARRIES.

PUD16-00002 / Steelwood Enterprises, LLC

Location: [5750 N. Five Mile Road](#)

CONDITIONAL USE PERMIT FOR A 4-UNIT PLANNED RESIDENTIAL DEVELOPMENT COMPRISED OF 2 DUPLEXES ON 0.36 ACRES LOCATED IN AN L-OD (LIMITED OFFICE WITH DESIGN REVIEW) ZONE. [Ted Vanegas](#)

MOTION: COMMISSIONER GILLESPIE MOVED TO DEFER PUD16-00002 TO A DATE CERTAIN OF APRIL 11, 2016.

SECONDER: COMMISSIONER STEVENS

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

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CFH16-00004 / Idaho Department of Fish and Game

BOISE RIVER SYSTEM PERMIT FOR A HABITAT RESTORATION PROJECT CONSISTING OF THE INSTALLATION OF VARIOUS LOG AND ROCK STRUCTURES ALONG APPROXIMATELY 600 FEET OF THE BOISE RIVER CHANNEL DOWNSTREAM OF BARBER DAM. [David Moser](#)

MOTION: COMMISSIONER BRADBURY MOVED TO DEFER CFH16-00004 TO A DATE CERTAIN OF APRIL 4, 2016.

SECONDER: COMMISSIONER GILLESPIE

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

III. REGULAR AGENDA

PUD15-00028 & CVA15-00055 / Michener Investments, LLP

Location: [10941 W. Overland Road](#)

CONDITIONAL USE PERMIT FOR A PLANNED DEVELOPMENT COMPRISED OF OFFICE AND COMMERCIAL USES ON APPROXIMATELY 13.7 ACRES LOCATED IN L-OD (LIMITED OFFICE WITH DESIGN REVIEW) AND C-1D (NEIGHBORHOOD COMMERCIAL WITH DESIGN REVIEW) ZONES. THE APPLICATION INCLUDES AN EXCEPTION TO ALLOW COMMERCIAL USES IN THE OFFICE ZONE. A VARIANCE FOR IMPROVEMENTS IN THE FLOODWAY IS ALSO INCLUDED. [David Moser](#)

APPLICANT TESTIMONY

David Ruby (499 Main Street)

NEIGHBORHOOD ASSOCIATION TESTIMONY

Roger Wood | Southwest Ada County Alliance (11027 W. Inglin): Spoke in opposition to items PUD15-00028 & CVA15-00055.

PUBLIC TESTIMONY

David Peterson (11046 W. Inglin): Spoke in opposition to items PUD15-00028 & CVA15-00055.

Kurt Thaement (11062 W. Inglin Drive): Spoke in opposition to items PUD15-00028 & CVA15-00055.

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Mel Norton (11248 W. Inglin Court): Spoke in opposition to items PUD15-00028 & CVA15-00055.

Eric Simunich (11045 W. Inglin Drive): Spoke in opposition to items PUD15-00028 & CVA15-00055.

Earnie Callender (11246 W. Blueberry): Spoke in opposition to items PUD15-00028 & CVA15-00055.

David Elliot (11269 W. Blueberry Court): PASS

Jerry Ricker (11334 W. Inglin Court): Spoke in opposition to items PUD15-00028 & CVA15-00055.

Justin Snelling (11024 W. Inglin Drive): Spoke in opposition to items PUD15-00028 & CVA15-00055.

Brandon Wood (1778 S. Owl Ridge Way): Spoke in opposition to items PUD15-00028 & CVA15-00055.

Debbie Andrews (11027 W. Inglin): Spoke in opposition to items PUD15-00028 & CVA15-00055.

Betty Berman-Solo (1970 Canyon Arrow): Spoke in opposition to items PUD15-00028 & CVA15-00055.

APPLICANT REBUTTAL

David Ruby (499 Main Street)

PUBLIC TESTIMONY CLOSED

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MOTION: COMMISSIONER GILLESPIE MOVED TO APPROVE PUD15-00028 & CVA15-00055 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN WITH MODIFICATIONS TO SITE SPECIFIC CONDITIONS OF APPROVAL: ITEM 6, LINE 3 AFTER THE WORD FLOODWAY INSERT THE WORD ON LOTS 62, 63, 64, 65 AND 66; ADD A NEW CONDITION (6A) TO PROPOSE PEDESTRIAN PATH ON THE SOUTH SIDE OF LOTS 67, 68 AND 70 MUST BE COMPLETED AND RELOCATED OUT OF THE FIVE MILE CREEK FLOODPLAIN; DELETE THE WORDS “THE NORTH PORTION OF LOT 67 ON ITEM 10”; ON ITEM 11, LINE 3, DELETE THE WORD AND 67 (CHANGE CONDITION TO RED LOT 69); INSERT NEW CONDITION (11A) THE CONSTRUCTION OF EXCEPTED USES AS DEFINED IN NUMBER 10 AND NUMBER 11 WILL COMPLY WITH BCC113-4, SUBSECTION 7 PLANNED UNIT DEVELOPMENT, PART 2 USE EXCEPTIONS SUBSECTION E RELATED TO THE PHASING OF THE CONSTRUCTION OF THE ACCEPTED USES AND THE GENERAL USE.

SECONDER: COMMISSIONER BRADBURY

MOTION: COMMISSIONER GILLESPIE MOVED TO AMEND PREVIOUS MOTION TO INCLUDE THAT THE EXISTING PEDESTRIAN PATH ON THE SOUTH SIDE OF LOT 67, 68 AND 70 MAY STAY WHERE THEY ARE

SECONDER: COMMISSIONER BRADBURY

FOUR IN FAVOR, ONE OPPOSED (COMMISSIONER STEVENS), MOTION CARRIES.

CUP15-00099 & CVA16-00004 / Maverik, Inc

Location: 7333 W. Ustick Road

CONDITIONAL USE PERMIT FOR THE EXPANSION OF AN EXISTING CONVENIENCE STORE (A NON-CONFORMING USE) LOCATED IN AN L-OD (LIMITED OFFICE WITH DESIGN REVIEW) ZONE. THE PROJECT INCLUDES AN APPROXIMATELY 1,000 SQUARE FOOT ADDITION TO THE BUILDING AND AN INCREASE IN FUEL DISPENSERS FROM 4 TO 6. A VARIANCE TO REDUCE THE FRONT AND STREET-SIDE SETBACK FROM 20 TO 5 FEET IS INCLUDED. Leon Letson

APPLICANT TESTIMONY

Todd Meyers (185 S. State Street, Suite 80, Salt Lake City, Utah)

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NO NEIGHBORHOOD ASSOCIATION TESTIMONY

PUBLIC TESTIMONY

Evelyn Gimmel (7215 Ustick Road): Expressed concerns regarding if they would still get unobstructed continuous flow of irrigation water during irrigation season.

APPLICANT REBUTTAL

Todd Meyers (185 S. State Street, Suite 80, Salt Lake City, Utah): Addressed concern of irrigation water and mentioned per state code they would comply with that requirement; the irrigation would not be interrupted including the flow rate and capacity.

PUBLIC TESTIMONY CLOSED

MOTION: COMMISSIONER BRADBURY MOVED TO APPROVE CUP15-00099 & CVA16-00004 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN

SECONDER: COMMISSIONER STEVENS

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

CVA15-00062 / Kim Gunn

Location: 2015 N. 8th Street

VARIANCE TO REDUCE THE FRONT AND REAR YARD SETBACK FOR AN ADDITION TO A SINGLE-FAMILY HOME AND CONSTRUCTION OF A NEW GARAGE WITH AN ACCESSORY DWELLING UNIT ABOVE LOCATED IN AN R-1CH (SINGLE FAMILY RESIDENTIAL WITH HISTORIC OVERLAY) ZONE. Susan Riggs

APPLICANT TESTIMONY

Kim Gunn (2015 N. 8th Street)

NO NEIGHBORHOOD ASSOCIATION TESTIMONY

PUBLIC TESTIMONY

John Luque | Provided Exhibit 1 & Exhibit 2 (809 Lemp Street): Spoke in opposition to item CVA15-00062.

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Don Bailey (2007 N. 8th Street): Spoke in opposition to item CVA15-00062.

Laurie Vodrey (2020 N. 8th Street): Spoke in favor of item CVA15-00062.

APPLICANT REBUTTAL

Kim Gunn (2015 N. 8th Street)

PUBLIC TESTIMONY CLOSED

**MOTION: COMMISSIONER BRADBURY MOVED TO APPROVE CVA15-00062 IN
 ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF
 APPROVAL THEREIN**

SECONDER: COMMISSIONER ANSOTEGUI

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

IV. MEETING ADJOURNED

(08:33 PM)