

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

MINUTES • December 5, 2016

City Hall – Council Chambers

6:00PM

DRAFT

COMMISSION MEMBERS PRESENT

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

CAR16-00030 / Vista Village, LLC

Location: [2350 W. Kootenai Street](#)

Rezone of 7.39 acres from R-1C (Single Family Residential) to R-2D (Medium Density Residential with Design Review). [Leon Letson](#)

PUD16-00027 / Vista Village, LLC

Location: [2350 W. Kootenai Street](#)

Conditional use permit for a 91 unit planned residential development on 7.39 acres in a proposed R-2D (Medium Density Residential with Design Review) zone. [Leon Letson](#)

Leon Letson (City of Boise): Good evening Mr. Chairman, members of the Commission. The application before you is a requested rezone from R-1C to R-2D in conjunction with a 91-unit planned residential development located at 2350 W. Kootenai Street. The subject property is a 7.4-acre site located east of the Vista Village Shopping Center and west of the railroad tracks that run parallel to Federal Way. The surrounding neighborhood is comprised of a mix of single family and multifamily dwellings, as well as office and retail uses. Primary access will be provided from Roberts Street and a secondary access from Kootenai Street.

The requested rezone from R-1C to R-2D is supported by the Comprehensive Plan which designates this property as compact. The change in zoning supports the requested density of 12.3 dwelling units per acre and will allow for additional residents to make use of existing services, amenities and infrastructure in the area. The rezone is also compatible with surrounding zoning, which is a mixture of R-1C, and more intense zones, including R-3D, LOD and C-2D.

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The planned unit development consists of 91 dwelling units arranged into five multifamily buildings, as well as an onsite caretaker residence. Required amenities are provided in the form of a clubhouse with a 24-hour fitness facility, an outdoor plaza space, a sport court, a community garden area, and multiple landscaped open spaces with benches, picnic tables and walking paths. Each unit will also have a private outdoor space in the form of a balcony or patio.

The project also complies with the Citywide Design Guidelines and Multifamily Standards. Taller buildings are located toward the center of the site, and all buildings include modulation in façade and rooflines to reduced their perceived mass. Furthermore, all buildings are set back more than 70 feet from property lines.

All reviewing agencies approved this project with standard conditions of approval. Specifically, ACHD estimates this project will generate 605 vehicle trips per day with 56 during the PM peak. Improvements to Roberts Street and Kootenai Street have also been requested which will dovetail with planned improvements to the larger Kootenai Corridor slated for next year. Attached sidewalks are also proposed within the development.

Regarding comments from Union Pacific Railroad, they were primarily focused on alerting future residents to the fact that rail traffic will continue on all adjacent lines, and that any proposed crossings must receive specific approval from the Railroad.

Regarding comments from the public, these centered on traffic, loss of views, concerns about the design of the development, and impacts to property values and taxes.

Regarding traffic, ACHD has stated the adjacent transportation network has the capacity to support the project.

Concerning views and the design of the project, the applicant's proposal does not exceed the height limitations of the proposed R-2D zone and all buildings have been designed in such a way as to minimize impacts on the surrounding neighborhood by focusing taller structures at the center and stepping buildings down to just two stories in height at the perimeter.

Regarding potential impacts to property values and taxes, there's no means by which to verify this claim and it is outside of what can be considered by the Commission when making a decision on a project like this.

In conclusion, the Planning Team recommends approval of the project. Highlighted here are two conditions that were attached to a follow up memo from the Planning Team regarding comments from the Union Pacific Railroad and the proposed access to Kootenai Street. And I'm happy to read those into the record if the Commission desires. Otherwise, I can move on to my final slide.

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Chairman Demarest: Let's check in with the Commissioners. Commissioners, do you want that read into the record? Or is that good enough for us? We're good. Thank you, Leon.

Leon Letson (City of Boise): Finally, as a reminder, the following motions are required. A recommendation for the rezone and a final decision for the planned unit development. Thank you.

Chairman Demarest: Thank you, Leon. Okay, so time for the applicant or applicant's rep to come on up. Sir, if you would state your name and address for the record, then we'll talk about timing.

APPLICANT TESTIMONY

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): You bet. Rob Powell. Address is 7761 W Riverside Drive, Suite 100. That's Boise Idaho 83714.

Chairman Demarest: So Mr. Powell, as the applicant's rep, you're entitled to up to 20 minutes. I usually say at this point that we have a very full agenda and could you keep it short. However, I can't honestly say that this evening. However, still, if you could keep it as brief as possible, can we start with 10 minutes?

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): Ten minutes should be fine. I'm here representing the Vista Village, LLC. A few of those members of that entity are here and they know a little bit more about a few things. So, is it okay if they respond to questions later on?

Chairman Demarest: So, after your allotted time, then we will have unlimited time for questions from the Commissioners for the applicant or the City Staff.

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): Okay, very well. Thank you. We are pleased to present this project to you tonight - The Station Village Apartments. We're very excited about this. This is a great, this is actually a great location and a great area. It's also a little bit of an unusual location and area. We'll talk more about that specifically.

Most of us are familiar with this area and a lot of the amenities that are provided and already existing here. We see that as being something that really makes sense for this project. This type of density will encourage new and future rehabilitation of existing services along this corridor; that's the Vista Corridor and the area.

The proposed housing, of this project, will offer a specific housing choice in an area that's mostly comprised of single-family detached homes. We know, especially the owners of the project, know what type of demand and interest there is for this type of housing. We also know that current

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businesses in the area, especially those in Vista Village, are very much in support of this because of the extra business and the activity that it will bring into this area.

The owners can talk more than I can, or know more than I can, about the history of this vacant area. It's quite unsightly and so we know that a lot of the businesses and even a lot of the neighbors are excited for something to go in here soon.

The project, as Staff has mentioned, is a total of 91 dwelling units. The whole project occupies an area of 7.39 acres. Some of the unusual things about this project, and it's shown in the survey that's up right now, is the two spurs that run along the north and the south part of that triangular property. These are railroad spurs. These were intended to allow for trains to change direction. The railroads still use these spurs, although it's very occasional. I think within the last month; one car has been parked on one of those spurs. It's just not in use that often. But there is an easement; the railroad has an easement that's offset 60-feet from the north and south boundaries. You can see those spurs. That includes the railroad tracks themselves as well as that whole area in between the properties to the north and properties to the south. That area, it's really difficult to do anything, other than improve that area in between the tracks and the property. That's actually one of the amenities that we'll talk about a little bit later.

The project includes a total of five apartment buildings. These vary in size and configuration. We have a combination of 1-bedroom, 2-bedroom, and 3-bedroom units in these. The result of this project is a density of 12.31 units per acres, as we are requesting an R-2 district. That allows up to 14.5.

The project amenities include an outdoor plaza space, a sports court, garden area, numerous open landscaped areas with park benches and picnic tables, and walking paths along the north and south boundaries. That walking path is what I was referring to earlier; that space in between the track and the property boundary. We plan on improving that with some native unmown grasses and a gravel path with some benches and some trees through there. This also serves as a buffer between the existing single-family neighborhoods and the apartment buildings.

After meeting with the neighbors, in our required neighborhood meeting, we became aware of several of their concerns. Some of those concerns include their views and concerns about people seeing into their backyards and things like that. So that's why we've taken seriously the buffer in between the properties. None of the buildings are closer than 70-feet from the neighboring properties.

Building A, D and E, and those are the ones that are closest to the north and south properties, all three of those buildings step down to two-stories and then back up to three-stories towards the center of the project. The architectural style of the buildings, although it's what being presented, is pretty general and will be refined later in the design review process. It was originally presented

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to the neighbors in kind of a more contemporary modern design. We received some input from the neighbors and they weren't too excited about that. We've modified that; the style, the rooflines to show something that's a little bit more traditional and something that will blend a little bit better with some of those older homes. A lot of those were constructed in the 40's and 50's.

We've received a lot of input from the Planning Staff throughout the planning and design stages. And to that, we're grateful. We've adjusted our design because of that. One of the biggest things we did is we kind of hand the buildings spread out, kind of more around the perimeter. But after received some input from Staff, decided to create kind of a stronger hub of the outdoor space and the amenities. Some of those community spaces in there are just to kind of strengthen that part of the project. We've also added a lot more in the way of sidewalks and pedestrian connectivity within those amenities and to the neighboring adjacent areas. Especially toward Vista Village and then towards Kootenai.

We're showing access of off both Roberts Street, as Staff has mentioned, that's our primary access. At this time, we have limited access. We're proposing limited access off of Kootenai and we've had discussions with the property owner to the south and hope to reach some kind of an agreement to have a shared access there so that we can align a full access directly across the street from Columbus on Kootenai there. So, we're hoping to do that.

We're in total agreement with conditions and terms as presented in the Staff report. I think that's about it. With that, I'll stand for any questions.

Chairman Demarest: Okay, thank you, Mr. Powell. So, you know you may want, at this point, when we get to those, if you have questions to have some of the other members of your team to come on up. So, from the Commissioners either for Mr. Letson or Mr. Powell. Questions?

Commissioner Bradbury: Mr. Chairman?

Chairman Demarest: Commissioner Bradbury.

Commissioner Bradbury: So, Mr. Powell, could you just run through for me the applicant's proposal for fencing of this site?

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): Yes. Can I refer to a site plan? That's great. There's going to be a lot of fencing. One of the concerns, and kind of requests that we received from the neighbors, the neighborhood to the north, if you look at existing photos, there's a lot of run down fences that are pretty dilapidated. There's also just a concern about screening and things like that. Especially where we have that vehicular drive close to the back of some of those properties. And I'm talking about the drive coming off of Roberts Street. So, we're proposing a solid six-foot vinyl fence all along that northern property boundary. Not to the very

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point of that upper triangle. But just along that entire, where we're doing that path. Likewise, we're proposing to provide a six-foot vinyl fence along the south boundary as well.

Out of concern just for safety within the project itself and some of those outdoor spaces and amenities and buildings, you know are still fairly close to those track spurs. So, we're proposing some fencing between the buildings and those as well. Not for the entire length of that project, but just where it's close to buildings and some of those outdoor amenities. And that will go for the north and the south.

The railroad would like to see, you know if it were up to them, some kind of a wall or something in between their property to the east and ours. As of now, we're just proposing landscaping in that area.

Chairman Demarest: Any other questions?

Commissioner Stevens: Mr. Chair?

Chairman Demarest: Commissioner Stevens.

Commissioner Stevens: I'm going to start with Leon, if I could with regard to this question. I'm just hoping for a little bit of clarification on the Kootenai Street access. As I read the ACHD report, there were four options that they gave them, and the applicant was permitted to choose one of them. And they're all quite different. As I understand the new condition that Staff from City has recommended, you are suggesting full access and that that be the requirement. I want to make sure that that means and what you're intending is not just right in and right out. But full every direction access once that full access is built. So I just wanted some clarification on that.

Leon Letson (City of Boise): Yes, Chairman, Commissioner Stevens. So, the ACHD report as you mentioned, had several options. Some of those spoke to things that weren't readily available due to a lack of frontage. So, the Planning Team has created a condition, that upon redevelopment of the two vacant parcels closest to that access, a full access could be worked out between property owners. This team, or the developer here is willing to grant cross-access, at this point, so that when those properties redevelop, a full access could be constructed. To date, it would be a limited access. If this gets built right now, it will be a limited access: right-in, right-out only. It's only upon redevelopment that we would have a full access. And the idea there is, there's a lot of work going into Kootenai right now with improvements and traffic calming. So, speaking with ACHD Staff, really, more driveway cuts on this section of Kootenai is not desirable. So, cross access, although they support it, they can't grant it because it's not in the right-of-way. So that's upon the City to try to set the table that way.

Commissioner Stevens: Thank you.

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Commissioner Gillespie: Mr. Chairman?

Chairman Demarest: Commissioner Gillespie.

Commissioner Gillespie: Leon, are we placing, like, a recorded restriction or a requirement for development on these two vacant parcels?

Leon Letson (City of Boise): Chairman, Commissioner Gillespie, we're not. No. I mean obviously that would be challenging for us to do considering they're not properties that are subject to entitlement. What we're doing is kind of creating a yes on one side of the table so that when those properties come in to develop, we can get that yes on the other side, hopefully, in the event that we get that full access. In this situation, that is basically the best that we can do in terms of creating a good access point here. Or full access.

Chairman Demarest: Commissioners? Commissioner Thornburgh.

Commissioner Thornburgh: I think I'm directing this to you, Mr. Powell. If I owned Lot 11, and I may or may not have a fence at the back end of my lot, am I going to see a fence or am I going to see a public walking path?

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): You will see a solid fence there. Right up against the property boundary.

Commissioner Thornburgh: Okay. So the walking path is not adjacent and open to the property owners to the south.

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): Correct.

Commissioner Thornburgh: Thank you.

Chairman Demarest: Commissioner Bradbury.

Commissioner Bradbury: Thank you. I had a follow up question. The drawings all seem to include that parking lot that's on the corner of Roberts Street and Day Street. Is that intended to be used in conjunction with this project? Or is it used for some other purpose?

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): That was originally built as part of the, some of the new structures for Vista Village and the remodel there. The owners own those parcels. It, currently, there is some used. We're wanting to share that drive. We'll end up

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widening it. We see that as kind of, you know, if there is a need for some overflow parking that that could be used as that. So there is some cross-parking.

Commissioner Bradbury: Thank you.

Chairman Demarest: I've got a question for, I think it's for your, Mr. Powell. Would you just clarify for us, and I think it was in Leon's report, but just clarify for us; the train spur. It looks like it's right on the property. Have the owners purchased that?

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): You're talking about? I'm sorry. Which part?

Chairman Demarest: The spurs. The curve things. There looks like there are tracks right on the property where you want to build. Just clarify how that's going to work.

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): Yes. They are on the property. The railroad, Boise Valley Railroad, has an easement that's offset 60-feet from the property boundary. That includes, it kind of goes to the edge of those tracks, even a little bit beyond that, the constructed stone base of those tracks.

Chairman Demarest: Could you go back to that one just before that? No, the other one. In between there. Yes, that one. Go ahead.

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): Inside of those tracks, on that last site plan and the site plan that we submitted, I don't know if there is, I wish I would have brought a slide to put this up. It kind of shows the extent of where that cross access easement goes to. The railroad will maintain the tracks and a 25-foot offset centered on the center of those tracks.

Leon Letson (City of Boise): Chairman Demarest? I can pull up the plan if that would assist him. It will take just a second to get it.

Asides

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): If you could go to one. Can you zoom in at all? So, this is along the southern spur and it kind of shows that 60-foot cross access easement, and where the edge of that is in relation to the tracks. And then you see that 25-foot area they maintain and control. So, all of the buildings, and all the improvements for the project are within that easement, with the exception of.

Asides

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Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): They're inside the two, I hope. The space in between. The only improvements that we're doing outside of those, in between the property and the tracks, would be the improved landscaping and path, and then where the vehicular drives cross over and the fence, thank you.

Chairman Demarest: Commissioner Gillespie.

Asides

Leon Letson (City of Boise): I'll let the applicant explain.

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): You can see the, thank you Leon, right along the edge of the property is the six-foot vinyl, which is meant to kind of screen, you have that there. Then you have, working from the north to the south, we have our gravel path. Then you see you the tracks and then there will be another fence. What that is, we don't know. It could be wrought iron or something more transparent. And it could only be maybe four-foot tall, but something to create a little bit of a border there. We don't want to create a situation where you can't see into that space where the tracks are. I think that that could be more dangerous than maybe not providing anything at all. So, there will be a fence and some landscaping inside of that. But you would be able to see through to the tracks, to the path and to the screen fence to the north. That same condition, you could mirror that to the south.

Chairman Demarest: Commissioner Gillespie.

Commissioner Gillespie: Mr. Powell, so UP was pretty clear that they wanted fairly robust sound barrier between the main line and the development. I understood you were not interested in that at this time. Can you walk us through your thinking on that and how you would respond to them?

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): We're very aware and concerned about the noise that will come off of that. The tracks, and it depends on where you are, but in most instances, the tracks, you know are anywhere from four to five to six feet above the grade where the buildings would be. So, constructing a very expensive six-foot masonry wall, or something like that, would be huge waste of money and wouldn't do a whole lot to block sound. We'd rather put that money into window coatings or things like that in the structure itself then create a large wall that would probably end up being CMU and not very attractive.

Chairman Demarest: Commissioners, any other questions for either the applicant or staff? Okay, thank you both. So let's see if we've got anybody from Depot Bench Neighborhood Association. Do we? Okay, come on up sir. So, just state your name and address for the record and then we'll talk about your timing.

NEIGHBORHOOD ASSOCIATION TESTIMONY

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Jim Picket | President of Depot Bench Neighborhood Association (3501 Windsor Drive): My name is Jim Picket. I'm the current president of the Depot Bench Neighborhood Association. My address is 3501 Windsor Drive.

Chairman Demarest: Mr. Picket, to be fair we like to have your time and the applicants time for that initial period be about the same. So, ten minutes.

Jim Picket | President of Depot Bench Neighborhood Association (3501 Windsor Drive): I'll be well under that. Thank you Mr. Chairman and members of the Commission. First of all, I'd like to thank the applicant for considering this project. I think it's a great use for the piece of property. It's an unconventional use. I've lived on Windsor Drive for 20 years and I thought this piece of property would never be developed.

I think I probably agree with all the people on Day Drive will probably agree with me, they would rather see it stay R-1 and be individual houses. But, understanding that developers don't want to, developers want the most bang for their buck and they would rather put in apartments and that's certainly within their purview to do that and approach you guys with that idea. We do appreciate that they did only go to R-2C rather than R-3C. There is R-3C property to the south, so R-2C is much more desirable. I'll just go on the record as saying that. Part of our plan and part of our neighborhood association plan, we would rather see R-1C followed by R-2C for infill.

We felt that they have worked with, I've had several conversations with Rob. I know Rob's had conversations with residents. They've done a good job of altering their plan to meet those concerns. I believe, and you guys would know better than I do, but I believe the required setback is only 15-feet for a building this high in R-2C and they've well exceed that in their design.

I think it's going to be a quality development. I think it will be, in the long run, it will be an asset to the community; keeping a vibrant Vista Drive and keeping the businesses on Vista Drive vibrant. It's vital to the neighborhood. The Days have made a huge investment in that piece of property and this will continue to reap the rewards of that.

I do have a few concerns with the development. I think you'll probably hear these concerns echoed from others that will approach you this evening. Number one, there's going to be increased traffic on Kootenai. It's hard to predict exactly what the in/out traffic is going to be on this piece of property because it's kind of an odd way to get, how they're going to get to Vista or Kootenai, especially with in and right out. So, it's hard to predict what the true numbers are going to be. I believe Leon can help me here a little bit. I think the numbers on Kootenai Drive are approaching peak design values currently. So, I'm a little worried about the traffic on Kootenai Street.

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The widening of Kootenai and the addition of sidewalks in the next year, I believe that's a 2017 ACHD project, will help with that. Right now Kootenai is very busy. There's no sidewalks there. It's very unsafe to walk from Federal Way to Vista Avenue because there aren't any sidewalks. You have to walk in what passes as a bike lane. It's not really even a bike lane. So I think that'll help. But again, I think we're a little worried about the peak afternoon drive on Kootenai Street.

I know that ACHD has also, as part of that project, and I understand the way that ACHD works, they kind of work, on some of their items, they work after a project like this would be completed. But I think we would like to see at least a signaled crosswalk at the intersection of Kootenai and Columbus. This would allow residents of the new area to go across the street on Columbus, walk down Columbus, and go to Terry Day Park. I think we would be remiss if we didn't provide some pedestrian connectivity there, given that we're going to probably have 200-plus new residents in this piece of property. Like I said, I know that's something ACHD would evaluate after the project got in because they wouldn't want to put in something like that without the project being implemented. But I would just like to get that on the record.

Again, in closing, I appreciate the applicant putting together a quality project and if you have further questions for me, I'm ready to listen.

Chairman Demarest: Thank you, Mr. Picket. Any questions for Mr. Picket? Okay, thank you.

So we're going to go to the public sign up. Actually, Mr. Picket is the first one on it, but he's already had his time. We've got two others, but if you didn't have a chance to sign up, I realize some folks may have come in a little bit late, we'll certainly give you your due time. So the first person on the public sign up is Chris Gardner. Mr. Gardner, if you would state your name and address for the record. And remember, you've got up to three minutes and that'll be timed right there.

Chris Gardner (1010 Day Drive): My name is Chris Gardner. I'm the owner of 1010 Day Drive. I appreciate you giving me the opportunity to speak. My wife attended the neighborhood meeting. I wasn't able to attend. Otherwise I would have thrown more of my two cents out.

Again, the house has been in the family since the 40's. Day Realty put a nice masonry wall. That's one of the concerns that I have; this six-foot fence. So, where that overflow parking lot is, the very first lot is the property we own. There's a six-foot masonry fence. It is nice. That's what I would be, one of the options that I would throw out; improve that, listen to the neighbors. I think we're all looking for something like that as well as the traffic.

The gentleman over here mentioned he's working on Kootenai; the traffic going both in and out. I think that's very important. If you really look in that neighborhood, it's a slow paced neighborhood. If you have all the traffic going there out of Roberts, it's kind of like behind the

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shopping centers. So, if you have 200 people; 91 complexes, 200 people going in and out just on Roberts, it's going to be heavy impact. That's, like I say, it's just a little narrow sleepy street. So now you're opening it up. So I think it's big to have Kootenai, as well, opened up to allow traffic to go in and out.

Again, I think the wall is the big thing and you can't stop improvement. I still question some of that track. If you look where the entrance is; where the two tracks come together right there, on Roberts Street, I'd be kind of more curious to see how you're going to put the road in there. Are you actually working with the railroad and separating those two spurs? It's kind of narrow in that area. I don't have the measurements. Again, hind sight I wish I would have done a little more homework on this, but again, I think that's pretty much all I have to say. Any questions for me?

Chairman Demarest: Mr. Gardner, thank you. Any questions? I don't think so. Okay, next person on the signup sheet looks like Don Gunner. Sir, your name and address for the record please.

Don Gunner (8047 W Orbit): My name is Don Gunner. I live at 8047 W. Orbit. I work for DL Evans Bank that is up on 1600 Vista. I've worked in that area for some time. I've known the Days for some time.

This project, there is a demand in Boise for this type of project. It's a quality project. The Day's family have done very well in working with tenants and with the neighborhoods in those areas. They also serve on the Board with Vista Merchants. There is a need for that as well.

Right now, the way their property sits, I've heard and seen transients out there. We've even seen hypodermics, that type of thing. Anything to improve this property is going to help right now.

This project makes a lot more sense than going to a commercial type where you would see more activity during those peak hours from 8-12. It will make more sense in that respect. I would fully support what the Days are doing and how they're doing it and going about it. I think the project makes sense. There is a demand for it right now.

Chairman Demarest: Sir, thank you. Okay, so no one else on signup. But I see some other folks out there. Is there anybody who wants to have three minutes to testify? Sir, come on up. So, for those that didn't have a chance to sign up on this sheet, if you would make sure, before you leave the room this evening, this little white tab, you don't need to fill it out right now. But before you head out this evening get that back to us.

Corwin Brown (2215 & 2219 Kootenai): My name is Corwin L Brown. I own two properties right across the street from this parcel; 2215 and 2219 Kootenai. They're two single family homes. They're just adjacent to each other. That's all.

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I have been working with the traffic controlling committee a little bit. They have been doing a lot of work on the Kootenai problem from Vista all the way to Orchard, where they are working in that area to try to get some traffic control. The one thing that they have that we don't have is they have stop signs and speed control signs that are posted. We have nothing from Federal Way to Vista. The police can't patrol it because there's nothing to patrol. That was my biggest problem.

I was wondering if, and I'm going to approach ACHD, I would like to have them put a traffic counter and speed control counter in Kootenai now, while it is not being constructed or anything like that. I would like to get a base figure to see what kind of traffic we're dealing with now and I would like to see how this project increases to what extent to the whole overall flow of traffic from Kootenai.

Kootenai is a bad street because it feeds from BSU, Park Center, Federal Way, Broadway and the interstate. And it is also a major thoroughfare for all the emergency vehicles that use those other streets; as the police, the fire, whatever. I really wish that, I hope that we, like he said before, the ACHD has already purchased the rights to a foot and half on each side of Kootenai to put in a bicycle lane and some kind of sidewalk and foot-traffic lane on both sides of Kootenai. But it scares the holy living bejesus out of me because there are people who use that area to walk. There's kids who are walking from our area to Cassia School, which is down on the other side of Vista. Also, we have a problem with the, I would like to bring up the crosswalks. I like that idea. I don't know whether I agree with him about where the positioning of that crosswalk should be. But, we need some way to get the pedestrian lane across that Kootenai corridor. Then also, somebody, I think at the official, the developer, the meeting we had over here. just later, he approached the fact that the

Keri Donahue (City of Boise): Time.

Chairman Demarest: Sir, your time is up.

Corwin Brown (2215 & 2219 Kootenai): What?

Chairman Demarest: Your time is up.

Corwin Brown (2215 & 2219 Kootenai): Okay. He approached the fact that we, they would like to see about a bus stop enclosure, but the bus stop is over on the corner of Federal Way and Kootenai.

Chairman Demarest: Sir, your time is officially up. So make sure we get that little white thing from you. So, I see a hand up and it looks like it's Mr. Picket. Mr. Picket could we address a question for you? You've had your allotted time. So, I'm hesitant. No, I don't think you can actually. Sorry about that. But we've already, you've had your time. It's equal time with the

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applicant so I think we're in the realm of fair and good. So, but however, maybe there are some other neighbors out there that want their three minutes that didn't have a chance to sign up in addition to Mr. Brown. Yes, mam. Come on up.

Cindy Riggen (1003 Day Drive): My name is Cindy Riggen. I live at 1003 Day Drive.

Chairman Demarest: Mam, is it Rogan? Is that right? Riggen. Thank you.

Cindy Riggen (1003 Day Drive): I've lived there for 20 years. My biggest concern is, yes, I would like to see this developed because it, in the summertime, it's pretty much a fire hazard. It's just dry grass. And we've had one fire from an electrical box that the whole neighborhood was evacuated about five years ago. So, that is a concern.

My biggest concern is the traffic. If your main entrance is on Robert and Kootenai, there's no room there. You have businesses right on Kootenai coming in that park there. Your main entrance coming out, where they're saying the railroad track is, it dead ends right where the garbage truck picks up the containers from the businesses. There's no, with people parking there, that work in the Vista Village area, there's not really a thoroughfare there because you're also competing with delivery trucks.

So, I'd like to see this developed. I don't have anything for the Day family making a profit or whatever. I would like to see it on a lower scale. But my biggest concern is the traffic. If the main entrance is Kootenai and Roberts, it's going to be a problem. That's all I have.

Chairman Demarest: Thank you, mam. Okay, is there anybody else that wants to testify on this particular item? Okay, seeing none, we're going to close the public portion. We're going to give the applicant or applicants rep up to five minutes for rebuttal.

APPLICANT REBUTTAL

Rob Powell | Vista Village LLC (7761 W Riverside Drive Suite 100): Thank you. I don't have a whole lot more to say. There was, Mr. Gardner had a question about the space in between his property and some of his neighbors and the tracks and the ability to get that drive in there. There is room for five feet of landscaping, a 25-foot drive and then five feet sidewalk on the other side of that. It's a tight fit. But I can tell you that it does fit in there.

Just a few general comments about, I don't think I really addressed this and I should have, the Day and Jacobs family. You know, they really have a vested interest in this part of the neighborhood. They've for decades and decades, with Vista Village and some of the improvements and things that they've done, they're really interested in keeping the current personality, and character of the neighborhood, intact. We could have gone for that R-3, I think, and might have had a legitimate

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chance in getting that; doing more density, going four-stories and things like that. But they wanted, they're sensitive toward the neighbors. They want a project that works financially and that will fit in with the neighborhood. They want the neighbors to be happy so we've tried to respond to their concerns and things of that nature throughout the whole process. That's really all I have.

PUBLIC TESTIMONY CLOSED

Chairman Demarest: Mr. Powell, thank you. Okay. So this item, item #8, one's going to be a recommendation and one's going to be a full consideration is now before the Commissioners to either discuss or hopefully to make a motion for us to debate. Commissioners?

Commissioner Stevens: Mr. Chair?

Chairman Demarest: Commissioner Stevens.

Commissioner Stevens: I'll move for approval, well actually let me take the rezone first. I'll move to recommend a rezone of CAR16-30.

**MOTION: COMMISSIONER STEVENS MOVED TO RECOMMEND APPROVAL
 OF CAR16-00030 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 for you. Is there a second?

Commissioner Bradbury: Second.

SECONDER: COMMISSIONER BRADBURY

Chairman Demarest: Commissioner Bradbury. Discussion?

Commissioner Stevens: Mr. Chair?

Chairman Demarest: Commissioner.

Commissioner Stevens: I'll be brief. I think the Staff did a great job of explaining why this fits in this particular location. It wasn't just Staff. It was also the neighborhood association and I think what we've seen here is a really great example of the neighborhood working together with the developer. There's clearly a long history of that happening in this neighborhood and I commend the neighbors for being involved and for going to the neighborhood meeting and for talking. What

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we tend to see when that happens is better developments. And it seems to me like there has been some good compromise that has gone on here.

The thing that is particularly, makes me comfortable with this project especially is that we know that Kootenai is on the books next year for ACHD to be doing what they need to do; putting sidewalks in. A lot of times we see developments where ACHD's plans are way far out and it makes it a lot harder to approve these sorts of things. But this is an excellent use of an underused parcel in a great location where there is public transportation close by. There are amenities nearby, meaning there's retail. People can walk to get what they need. So, it's really a great project. I'm excited about it and I am looking forward to seeing it go in.

Chairman Demarest: Thank you, Commissioner. Further discussion? This is a motion to approve the rezone. Or to recommend approval for the rezone.

Commissioner Bradbury: Mr. Chairman.

Chairman Demarest: Commissioner Bradbury.

Commissioner Bradbury: My comments probably speak more to the PUD than the rezone. I'll state them now while we're talking generally about the project. Obviously it's a challenging site, a really difficult site. I think these guys came up with a pretty darn good solution to a difficult site and I think they were reasonably; I think they demonstrated reasonable concern for the effects on the neighbors. And we understand that that is always debatable. Change is hard and it's difficult to see that happening in anybody's neighborhood. I think that the applicant has done a pretty good job of trying to make a project work, in what I think anybody would agree, is a very difficult site.

I too, I share the concern about the traffic impacts and I am very hopeful that when Kootenai Street is widened and rebuilt this next year, that they'll solve some of these problems. I would highly recommend and encourage who are interested in that, and this gentleman here, you definitely need to speak to the highway district and let them know. We have limited ability to cause the highway district to do anything on roads that surround the projects. We have pretty good opportunities to work with the applicants and the highway district on roads that are more internal. But the existing roads, we don't really have a lot, we can't do much to help you. You've really got to go to the highway district and ask them, well, let me try it differently, yes ask them to do the things you'd like to see them do. And the gentleman that was suggesting the crosswalk, I think that's a great idea.

I'm also very hopeful that the applicant is going to be able to work with the neighbor to get a full access down there; across from Columbus. I think it would, I think, I'm pretty confident the applicant sees the benefit of full access down there too. Otherwise, that route really doesn't help a whole heck of a lot, at least in the short term. So that's essentially what I had to say. Thank you.

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Chairman Demarest: Okay. Any further discussion?

Commissioner Ansotegui: Mr. Chairman?

Chairman Demarest: Commissioner Ansotegui.

Commissioner Ansotegui: This too may, this comment may better fit with the PUD discussion. But since we're generally discussing this, I still have some concerns about the proximity of a higher density development that close to tracks where we see UP. Although we don't know anything, necessarily, about the frequency of trains on that line nor does UP give us much indication except to say that it may increase.

The applicant mentioned that they would prefer, perhaps, some kind of sound vibration attenuation in the building to a noise barrier, which I agree doesn't make much sense right there. So, I just wanted to put it forward to the Commissioners; would you be willing to consider a condition that would require some kind of attenuation. And I'm saying this having absolutely no scientific understanding of how that might work in a building.

Chairman Demarest: Procedurally, I think that would come on the next discussion.

Commissioner Ansotegui: Do I have to say it again?

Chairman Demarest: No. It's in the record. We'll remember well. Promise. Okay. Is there any other discussion? So we have a motion to approve the CAR.

Commissioner Stevens: Mr. Chair? If I could just add something because my comments as I made the motion to recommend approval for the rezone were also really based on the PUD and on the project itself. I just want to point out that we can discuss the noise thing in just a second. But I think generally speaking, this is exactly what we want to be seeing; increased density. So, with regard to the rezone, I'm very comfortable with it. I'm pleased with the compromise of not asking us for an R-3 and so that's the reason I'm recommending the rezone on that particular point.

Chairman Demarest: Okay. Any further discussion on the rezone? On this motion? Hearing none. All those in favor please signify by saying aye. Okay. It is so recommended.

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Now we have the possibility of a second motion. We've already started to discuss it, in fact. Does somebody want to make it official? Commissioner Gillespie.

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Commissioner Gillespie: Mr. Chairman, I move that we approve PUD16-27 for the reasons stated in the Staff report and with all the terms and conditions including those terms and conditions in the December 5, 2016 letter to us from Planner Letson.

MOTION: **COMMISSIONER GILLESPIE MOVED TO APPROVE PUD16-00027 FOR THE REASONS STATED IN THE STAFF REPORT AND WITH ALL THE TERMS AND CONDITIONS INCLUDINT THOSE TERMS AND CONDITIONS IN THE DECEMBER 5, 2016 LETTER TO US FROM PLANNER LETSON.**

Chairman Demarest: Okay. Is there a second for that?

Commissioner Bradbury: Second.

SECONDER: **COMMISSIONER BRADBURY**

Chairman Demarest: We have a second from Commissioner Bradbury. Discussion? Who wants to go for it? Commissioner Gillespie? You made the motion.

Commission Gillespie: I agree with the Staff report. Really, to me, the only outstanding issue is Commissioner Ansotegui's insightful point that it could get kind of loud in there. But, from my point of view, it's kind of a pretty obvious sort of self-disclosed condition. And so, people who rent and the guy who builds it, it's really an internal problem to the site. I don't feel that the City needs to go out of our way to remediate that as long as they're meeting the setbacks and the codes. As a public policy issue, I don't know that I want to get involved in trying to attenuate train noise. I do, completely, agree with the comment from the applicant that a six-foot high wall in that environment, when you're talking about a raised track-bed, and remember train engines are, the motor is high within the train. You'd have to build a 30 or a 40 foot wall to make any difference. I'm also not an expert on attenuating sound and vibration in buildings, so I would prefer that we just not go there. Although, I'm concerned about it, but I'm concerned, really, for the developer and his ability to sell or rent those properties as opposed to the neighbors or anybody else.

Chairman Demarest: Further discussion? We have a motion to approve and seconded with the terms and conditions in the Staff report. Further discussion? Commissioner Ansotegui.

Commissioner Ansotegui: I'm satisfied with that. Because I really, having said I would like that on the record that that is a concern. But I really don't know how we would approach that in terms of any kind of attenuation. So, I'm willing to step back on that.

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Chairman Demarest: Further discussion? All those in favor please signify by saying aye. Any opposed? It is so ordered.

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

Folks, believe it or not, one hour on the nose. That concludes our agenda I want to thank our Commissioners up here for their time. I want to thank our fellow our citizens. I want to thank our City Staff and Planners. Thank you.

IV. MEETING ADJOURNED

(07:00 PM)