



Boise City Planning & Development Services

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Planning & Zoning Commission

Hearing Minutes of

June 4, 2007

Commission Members Present Brandy Wilson/Chairman, Gene Fadness, Amber Van Ocker, Doug Cooper, Brian Ellsworth, Doug Russell

Staff Members Present Angela Wood, Cody Riddle, Joan Johnson, Diane Perkins, Josh Johnson, Terry Records, Todd Tucker, Dave Abo, Jennifer Tomlinson, Scott Spjute, Pam Engelhardt & Mary Watson (Legal)

CONSENT AGENDA

ITEM 1. CUP05-00111 / WESTMARK CREDIT UNION

Chairperson Wilson: This is a time extension and we know the applicant has requested this so we do not need to go into all of that.

ITEM A. SUB07-00043 / LEICESTER SQUARE CONDOMINIUMS

A PROPOSED PRELIMINARY PLAT FOR A CONDOMINIUM SUBDIVISION WITH 3 LOTS (5/UNITS) AND 4 COMMON LOTS LOCATED ON THE NORTHEAST CORNER OF 26TH STREET AND SUNSET.

Chairperson Wilson: Is the applicant present, and are you in agreement with the terms and conditions of the staff report? Let the record reflect the applicant is present and agrees with the terms and conditions of the staff report. Is there any member of the public who wishes to testify in opposition to this application? See no opposing testimony, Item A is placed on the consent agenda.

ITEM B. SUB07-00045 / FIFTEENTH STREET CONDOMINIUMS #1

A PROPOSED PRELIMINARY/FINAL PLAT FOR A CONDOMINIUM SUBDIVISION WITH 1 LOT (11/UNITS) AND 4 COMMON LOTS LOCATED ON THE SOUTH SIDE OF GRAND AVENUE, BETWEEN 14TH AND 15TH STREETS.

Chairperson Wilson: Is the applicant present, and are you in agreement with the terms and conditions of the staff report? Let the record reflect the applicant is present and agrees with the terms and conditions of the staff report. Is there any member of the public who wishes to testify

in opposition to this application? See no opposing testimony, Item B is placed on the consent agenda.

ITEM C. SUB07-00053 / FIFTEENTH STREET CONDOMINIUMS #2

A PROPOSED PRELIMINARY/FINAL PLAT FOR A MULTI-FAMILY RESIDENTIAL SUBDIVISION WITH 1 LOT (9/UNITS) AND 2 COMMON LOTS LOCATED ON THE SOUTH SIDE OF GRAND AVENUE, BETWEEN 14TH AND 15TH STREETS.

Chairperson Wilson: Applicant is present, and is still in agreement with the terms and conditions of the staff report. Is there any member of the public who wishes to testify in opposition to this application? See no opposing testimony, Item C is placed on the consent agenda.

ITEM 13. CAR07-00038 / THE CITY OF BOISE

REQUESTS APPROVAL OF A COMPREHENSIVE PLAN AMENDMENT TO ADOPT THE UPDATED BOISE FIRE DEPARTMENT MASTER SITING PLAN.

Chairperson Wilson: Assuming the applicant is in agreement with the City since it is the City on this application. Is there any member of the public who wishes to testify in opposition to this application? See no opposing testimony, Item 13 is placed on the consent agenda.

ITEM 15. CUP07-00063 / BERRY FAMILY, LLC

Location: 401 & 495 W. Boise Hills Drive

REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A MIXED USE BUILDING WITH MORE THAN 25% OFFICE SPACE ON ±1.35 ACRE PARCEL LOCATED IN AN M-1D ZONE.

Chairperson Wilson: Is the applicant present, and are you in agreement with the terms and conditions of the staff report? Let the record reflect the applicant is present and agrees with the terms and conditions of the staff report. Is there any member of the public who wishes to testify in opposition to this application? See no opposing testimony, Item A is placed on the consent agenda.

ITEM 17. CUP07-00051 & CVA07-00023 / THE EASTWIND COMMUNITY CHURCH

Location: 4750 S. Surprise Way

REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT MODIFICATION TO CONSTRUCT A GRAVEL PARKING LOT ASSOCIATED WITH AN EXISTING CHURCH ON ±3.5 ACRES LOCATED IN AN A-1 ZONE. THIS APPLICATION INCLUDES A VARIANCE REQUEST TO UTILIZE GRAVEL SURFACING.

Chairperson Wilson: Is the applicant present, and are you in agreement with the terms and conditions of the staff report? Let the record reflect the applicant is present and agrees with the terms and conditions of the staff report. Is there any member of the public who wishes to testify

in opposition to this application? See no opposing testimony, Item 17 is placed on the consent agenda.

ITEM 18. SURGICAL HOSPITAL, LLC

Location: 2619 W. Fairview Avenue

REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A AT A 4-STORY HOSPITAL ON THREE PARCELS TOTALING \pm 4.01 ACRES LOCATED IN A C-3D ZONE. THIS APPLICATION INCLUDES A REQUEST FOR APPROVAL OF A HEIGHT EXCEPTION.

Chairperson Wilson: Is the applicant present, and are you in agreement with the terms and conditions of the staff report? Let the record reflect the applicant is present and agrees with the terms and conditions of the staff report. Is there any member of the public who wishes to testify in opposition to this application? There was one person who signed up to testify against this project but changed his mind. Item 18 is placed on the consent agenda.

Commissioner Ellsworth: I make a motion to put the following items on our consent agenda. Item 1 - CUP05-00111, Item 13 - CAR07-00038, Item 15 – CUP07-00063, Item 17 – CUP07-00051 & CVA07-00023, Item 18 – CUP07-00067, Item A – SUB07-00043, Item – SUB07-00045, SUB07-00053 along with staff's findings of fact, conditions of approval and conclusions of law.

Commissioner Cooper: Second

Commissioner Van Ocker: I need the record to reflect that I will not be voting on Item 15 – CUP07-00063.

DEFERRAL AGENDA

ITEM 2. CAR07-00033 / THE CITY OF BOISE

REQUESTS APPROVAL OF AN ORDINANCE AMENDMENT DEALING WITH ANIMATED SIGNS AND ADDING A NEW SECTION (11-11-07.R), DEALING WITH ELECTRONIC MESSAGE DISPLAYS.

Chairperson Wilson: It has been requested that we defer this item to the June 11, 2007 hearing. Is there anyone from the public here tonight to testify on the item that would not be able to return next week and provide testimony? Hearing no response, I am reading to hear a motion.

Commissioner Cooper: I will make a motion to defer CAR07-00033 to a date certain of our June 11th hearing.

Commissioner Ellsworth: Second

Commissioner Russell: Aye
Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Ellsworth: Aye
Commissioner VanOcker: Aye

5 in favor, 0 opposed, motion carries to defer CAR07-00033.

ITEM 3. CAR07-00029 / THE FIRST INDEPENDENT SCHOOL DISTRICT OF BOISE

Location: 5600 E. Warm Springs Avenue

REQUESTS APPROVAL TO MODIFY THE DEVELOPMENT AGREEMENT ASSOCIATED WITH HARRIS RANCH TO ALLOW THE CONSTRUCTION OF A NEW JUNIOR HIGH SCHOOL OF A \pm 21.5 ACRE SITE LOCATED IN AN R-1C/DA ZONE.

ITEM 4. CUP07-00044 / THE FIRST INDEPENDENT SCHOOL DISTRICT OF BOISE

Location: 5600 E. Warm Springs Avenue

REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A NEW JUNIOR HIGH SCHOOL ON A \pm 21.5-ACRE SITE LOCATED IN AN R-1C/DA ZONE.

Chairperson Wilson: It has been requested that we defer this item to the June 11, 2007 hearing. Is there anyone from the public here tonight to testify on the item that would not be able to return next week and provide testimony? Hearing no response, I am reading to hear a motion.

Commissioner Russell: Even though this is a deferral item, I will be recusing myself because my firm has provided design services for the School District on this project.

Commissioner Van Ocker: I will be making the same comments and abstaining from this.

Commissioner Fadness: I will make a motion to defer CAR07-00029 and CUP07-00044 to a date certain of our June 11 hearing.

Commissioner Cooper: Second

Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Ellsworth: Aye

3 in favor, 0 opposed, motion carries to defer CAR07-00033.

ITEM 8. CAR06-00075 & CAR06-00074 / BONAR DEVELOPMENT GROUP

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Location: 6700 N. Bogus Basin Rd.

REQUESTS APPROVAL FOR ANNEXATION OF +/- 150.70 ACRES WITH A DEVELOPMENT AGREEMENT AND A ZONG DESIGNATION OF R.-1A.

ITEM 9. CUP06-00124 & CVA06-00053 / BONAR DEVELOPMENT GROUP

REQUESTS APPROVAL FOR A CONDITIONAL USE PERMIT TO CONSTRUCT 14 BUILDABLE LOTS AND EIGHT PRIVATE STREETS LOCATED AT 6700 N. BOGUS BASIN RD. IN A PROPOSED R-1A (SINGLE FAMILY RESIDENTIAL) ZONE.

ITEM 9a. SUB06-00124 / BONAR SUBDIVISION

A PROPOSED PRELIMINARY PLAT FOR A SIGNAL FAMILY RESIDENTIAL SUBDIVISION WITH 14 BUILDABLE LOTS AND 1 COMMON LOT LOCATED ON THE WEST SIDE OF BOGUS BASIN, NORTH OF CURLING DRIVE.

ITEM 10. CFH06-00046 / BONAR DEVELOPMENT GROUP REQUESTS APPROVAL OF A HILLSIDE & FOOTHILLS DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A PLANNED RESIDENTIAL DEVELOPMENT ON +/- 150.70 ACRES LOCATED AT 6700 N. BOGUS BASIN RD. IN A PROPOSED R-1A (SINGLE FAMILY RESIDENTIAL) ZONE.

Chairperson Wilson: It has been requested that we defer this item to the July 9, 2007 hearing. Is there anyone from the public here tonight to testify on items 8 through 10 who would not be able to return on July 9 and provide testimony? Hearing no response, I am reading to hear a motion.

Commissioner Cooper: I will make a motion to defer items 8, 9, 9a & 10 CAR06-75, CUP06-124, CVA06-53, SUB06-124 & CFH06-46 to a date certain of our July 9 hearing.

Commissioner Fadness: Second

Commissioner Russell: Aye
Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Ellsworth: Aye
Commissioner VanOcker: Aye

5 in favor, 0 opposed, motion carries to defer Bonar Development Group.

ITEM 11. CAR07-00035 / THE IDAHO ATHLETIC CLUB

REQUESTS APPROVAL TO REZONE A ± .35 ACRE PARCEL FROM L-OD (LIMITED OFFICE WITH DESIGN REVIEW) TO C-2D (GENERAL COMMERCIAL WITH DESIGN REVIEW).

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Chairperson Wilson: It has been requested that we defer this item to the July 16, 2007 hearing. Is there anyone from the public here tonight to testify on the item that would not be able to return to our July 16 hearing? Hearing no response, I am reading to hear a motion.

Commissioner Van Ocker: I will make a motion to defer CAR07-00035 to a date certain of our July 16 hearing.

Commissioner Cooper: Second

Commissioner Russell: Aye
Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Ellsworth: Aye
Commissioner VanOcker: Aye

Hearing 5 in favor and 0 opposed, motion carries to defer CAR07-00035 to July 16.

ITEM 12. CAR07-00037 / LUMBER PRODUCTS REQUESTS APPROVAL OF AN ANNEXATION OF ± 7.18 ACRES. APPROXIMATELY 5.67 ACRES LOCATED AT 2390 S. MAPLE GROVE ROAD ARE REQUESTED TO BE ZONED M-1D (LIMITED INDUSTRIAL WITH DESIGN REVIEW), AND APPROXIMATELY 1.51 ACRES LOCATED AT 2401 S. THREE MILE CREEK ARE REQUESTED TO BE ZONED R-1B (SINGLE FAMILY RESIDENTIAL-4.8 DU/ACRE).

ITEM 12a. SUB07-00026 / LUMBER PRODUCTS SUBDIVISION A PROPOSED PRELIMINARY PLAT FOR AN INDUSTRIAL SUBDIVISION WITH 2 BUILDABLE LOTS AND 1 COMMON LOT LOCATED ON THE EAST SIDE OF S. MAPLE GROVE, NORTH OF VICTORY.

Chairperson Wilson: It has been requested that we defer this item to the July 16, 2007 hearing. Is there anyone from the public here tonight to testify on the item that would not be able to return to our July 16 hearing? Hearing no response, I am reading to hear a motion.

Commissioner Cooper: I will make a motion to defer CAR07-00037 and SUB07-00026 to a date certain of our July 16 hearing.

Commissioner Ellsworth: Second

Commissioner Russell: Aye
Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Ellsworth: Aye
Commissioner VanOcker: Aye

Hearing 5 in favor and 0 opposed, motion carries to defer CAR07-00037 and SUB07-00026 to July 16.

ITEM 16. CUP07-00054 / JAYO CONSTRUCTION, INC. REQUESTS CONCEPTUAL APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 34 UNIT PLANNED DEVELOPMENT ON ± 7.1 ACRES LOCATED AT 401 & 495 W. BOISE HILLS DRIVE IN AN R-1B (SINGLE FAMILY RESIDENTIAL) ZONE.

Chairperson Wilson: Now the reason that staff has asked us to defer this item is that we do not have the information from ACHD yet. Typically, we get their information, they have their hearing first and then we have our hearing so that everyone is talking about the same thing and we are all talking off the same page. With some of the traffic issues being so up in the air and us needing their input before we begin, we thought it would be wiser to go ahead and defer it wholesale so that everybody could be looking at the same plan and talking about the same thing. It was requested that we defer this item to the July 9, 2007 hearing. If you cannot make it back for that meeting and you would like to provide testimony this evening, we can make that opportunity available.

Commissioner Ellsworth: Attended the neighborhood meeting and lives in the neighborhood so sat out of the discussion and did not vote on this item.

Ann Houserath – 1820 North 7th Street. I really commend you for deferring this because I do believe the major issue for us is traffic. I have submitted some written testimony, which I am sure you have read. I had asked to represent the North End Neighborhood Association. I think I have the most institutional memory on this exceedingly long and tortuous issue, which I am hoping to be able to summarize for you. In theory, I am not opposed to some residential development on this property but I urge you to defer approval even at the conceptual level until effective traffic calming speed reduction measures are in place on Brombeck, Boise Hills Drive and North 7th Street. This is one more step from what I gave you in my written testimony, I thought about it a lot and this is an issue that I have been involved with for quite a few of the 30 years. I realize that what I was asking the Commission to do in my written testimony was taken verbatim from the staff report in 1999 and since it has not happened, yet I realize that I don't have a whole lot of hope that if we require it that it will happen on this development. Traffic has been an issue for this roadway section for 30 years. It was a major issue at the time of approval of the first Somerset concept plan in 1977. Responsibility for some traffic calming, speed reduction was acknowledged by the Somerset Developer in 1985 (attachment given in Commissioner's Packets). Traffic calming, speed reduction was a major topic and indeed a requirement for approval of the latest 1989 house phase Somerset 1999 (attached on that also in packets) For 30 years, each time development is proposed upstream of this portion of the north end traffic is sighted as a real problem. Yet effective traffic calming, speed reduction measures have not been implemented. The current speed bumps were installed at the request on neighbors in the 1990's when that was the only tool offered by ACHD for slowing traffic. They are totally

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ineffective and in fact very disruptive to neighbors regarding noise. My neighbors and I have petitioned ACHD prior to learning about this proposed development and have been accepted as candidates for discussion of traffic calming, speed reduction measures on Brombeck, Boise Hills Drive and North 7th Street. We are willing and eager to work with ACHD and our Boise Heights Neighborhood and the developer to come up with effective engineered measures to enforce the 20 mile an hour speed limit (I submitted testimony on this as well). There was an error in the staff report, the speed limit on all these streets is 20 not 25. We pledged to work with all deliberate speed, we really care about traffic calming. This is not a delaying mechanism on our part, we are not trying to slow this development down. We want traffic calming we would like to work as fast as possible to see that this gets implemented. Therefore, we urge you to defer approval of this development until engineered traffic calming measures are actually in place. Traffic safety is my number one concern and the major concern of most of my neighbors. I also want to address some other concerns. The retention pond: please remove the retention pond from the density calculations. This area almost one acre was a requirement for other areas of Somerset. It drains many uphill areas. It will not drain this development; it cannot legally be built on and should not be part of the density calculation. Connecting pathways: Please require the developer to provide a pathway parallel to Boise Hills Drive separated from the roadway. In addition, I would like you to consider requiring public streets and public sidewalks. I realize the developer is proposing private streets. I am imagining the reason is that ACHD requires wider streets than the developer would like. I am in favor of narrow streets but I think public streets and public sidewalks better serve the connectivity for the public than by private streets. In addition, I personally would be glad to work with ACHD on their standards to try and find a way to change the rules for this particular one or change their standards to allow public streets with narrower width. Ingress and Egress: before giving final approval to the developer please work with the neighbors and ACHD to address significant bicycle and pedestrian as well as auto related safety issues. Probably safety dictates moving the west entrance further up Boise Hills Drive. In summary, most of my concerns are traffic and transportation related. There is currently a great deal of bicycle and pedestrian activity in this area. Bicycles use Boise Hills and Brombeck Drive to access major foothills, very popular foothills trails. Boise has encouraged these forms of public transportation for many years. Boise City has also established protection of neighborhood as a goal in the Comprehensive Plan for many years. In an era of heightened awareness of global warming, air pollution and peak oil, practical solutions are increasingly necessary. I urge you to deny or defer this proposal based on their authority to find that without traffic calming or other engineered speed reduction measures b) that the proposed development will place an undo burden on transportation and other public facilities in the vicinity. d) that the proposed use will adversely affect other property in the vicinity and e) the proposed use is not in compliance with and does not support the goals and objectives of the Boise City Comprehensive Plan regarding neighborhood protection. I also urge you to officially request ACHD not to reclassify Brombeck and Boise Hills Drive as collector. The reclassification would do absolutely nothing to solve the traffic safety problems which currently exist and which will be exaserated by further development. It would allow ACHD to say that the roadway is no longer over capacity without addressing any of the fundamental safety concerns, which have been documented on this section of roadway for 30 years. As you know Boise residents look to Boise

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City to protect existing neighborhoods from adverse affects of traffic. I am really glad that you are deferring this to get the information from ACHD but I beg you, I implore you to get that traffic calming in place before you approve this development. What we have is years and years and years of promises, recognition of safety issues on this roadway and no affective traffic calming has been built. Please defer this approval until traffic calming of Boise Hills Drive, Brombeck and North 7th Street has taken place. ACHD has a process their effective model is already in place on other streets, this is not rocket science, after 30 years please require effective measures that will protect existing neighbors before you approve a new development.

Ann Agnew – 302 West Crestline Drive. I too have very many traffic concerns. I think Mrs. Houserath has adequately described the concerns particularly along Boise Hills Drive. I also have other concerns about Crestline Drive as it is a fairly steep descent and is often ridden by many cyclists as they come down from Hulls Gulch and the Foothills and there is no speed control along Crestline Drive. Not even the non-helpful speed bumps that area along Boise Hills Drive. I am also concerned about the developments proposed entrance and exit on Crestline Drive. As the first house with a driveway that opens out onto Crestline Drive I have had many a near miss as I have tried to back my car out of my driveway as cars come down Crestline and I am very concerned if the proposed entrance is close to that we are going to have double the problem there. I think the density is also high and I think reconsideration of the pond drainage that Mrs. Houserath talked about is also a concern. I think recalculation of the actual buildable acreage will reduce the density. My last, somewhat personal concern because I live in the first house and I currently have an un-obstructive view of the Owyhee Mountains, I know there is absolutely no zoning law that prohibits heights of buildings. There has been a historical perspective ideas that building new residences not obstruct current views that I would like for reconsideration of the proposed current town houses as there are two sets of town houses to be considered. The higher town house is actually going to be right across the street and I think will result in some obstructive views for not only myself residents in the apartments as well. I wish all of these issues be considered at the time of the deferral.

Tom Walter – 408 Summit Ridge Road. I would like to basically reflect on the last two testimonies and say basically the same thing. We are concerned about the traffic and the density right now is at 34. I would like to see the density reduced to some percentage because I think the traffic will be too high. The land that is part of the proposal seems to include part of the wetlands as well as some area along Boise Hills Drive. The last woman that spoke mentioned Crestline being very steep, it also has a sharp curve in it so I would like to not that adds to the traffic problem on Crestline with the entry coming off Crestline that really needs to be looked at. Lastly the open space which I think Boise really values it would be nice to have more open space and less building especially since a lot of the neighboring lots have houses on one part but are big lots which allow for a lot of open space. That should be reflected in the neighborhood.

Commissioner Van Ocker: I move we defer CUP07-00054 to the July 9, 2007 hearing.

Commissioner Cooper: Second.

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Commissioner Russell: Aye
Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Van Ocker: Aye

Hearing 4 yes and 0 opposed, motion carries to defer to July 9.

ITEM #14. CAR07-00034 / MICHAEL & DEBORAH DALE

Location: 1251 N. Five Mile Road

REQUEST APPROVAL TO REZONE ±0.55 ACRES FROM R-1A TO N-OD.

Chair Wilson: Waived the staff report. Determined that the applicant was present and does agree with the terms and conditions of the staff report and there was no opposition from the public.

Commissioner Van Ocker: I will recommend approval of CAR07-00034.

Commissioner Cooper: Second.

Commissioner Van Ocker: This is a housekeeping issue as this building has been used in this fashion for a number of years and will probably continue this way so it is not a big stretch to rezone the parcel.

Commissioner Russell: Aye
Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Ellsworth: Aye
Commissioner Van Ocker: Aye

Hearing 5 in favor 0 opposed, motion carries.

ITEM #5 - CAR07-00018 - Hale Development, Inc.

Location: 2350 W. Hill Road. Requests approval to rezone ± 1.45 acres located at 2350 W. Hill Road from R-1C (Single Family Residential) to R-3D (Multi-Family Residential with Design Review)

ITEM #6 - CUP07-00025 & CVA07-00017 - Hale Development, Inc.

Location: 2350 W. Hill Road. Requests approval of a Conditional Use Permit to construct a planned residential development comprised of 39 units on ± 3.26 acres located at 2350 W. Hill Road in an R-1C (Single Family Residential) and proposed R-3D (Combined Residential with Design Review) zone. The request includes a variance request to the front setbacks.

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ITEM #6a – SUB07-00040 - Perennial Town homes Subdivision – A proposed preliminary plat for a single-family residential town home subdivision with 17 buildable lots located on the North side of Hill Road, Southeast of 24th Street.

ITEM #6b – SUB07-00041 – Perennial Town homes Subdivision – A proposed preliminary plat for a condominium subdivision with 23 units located on the North side of Hill Road, Southeast of 24th Street.

ITEM #7 – CFH07-00011 - Hale Development, Inc. requests approval of a Hillside Development Permit for the grading associated with a planned residential development on ± 3.26 acres in R-3D (Multi-Family Residential with Design Review) and R-1C (Single Family Residential) zones located at 2350 W. Hill Road.

Angela Wood (City Staff): Went over the staff report for the rezone, conditional use permit and the hillside development permit.

Todd Tucker (City Staff): Went over the staff report for the two subdivisions.

Applicant – David Hale – 1402 W. Grove. This is the old Hillside Nursery site off Hill Road. Applicant purchased the property within original conditional use conceptual approval that had 24 units planned for the site. I decided to take a different approach to the project seeing this is a good opportunity to redevelop an infill parcel. The problems I saw with the original project were how the original developer attempted to gain building footprints by leveling pretty much the entire 3 parcels. He had one design of all the 24 units and there was a retaining wall at the back of the property that extended anywhere from 10 up to 30 feet possibly higher in some locations. David goes on to explain his proposed development. He has tried to maintain the existing topography and vernacular of the structure that sits on site. Talked about how he had attempted to reduce the trip count. Held neighborhood meetings as required and separately with some concerned neighbors and working hard to address the issues of traffic, density and height. Had an original 39-unit development planned which is now reduced to 37 and took the original zoning from R3 to R2-D, which keeps the height limit at 35 feet.

Paul Werner – President - Central Foothills N.A. – 3014 N. Mountain Road, Boise. Voted on issues with Hale Development at Neighborhood Meeting and included those issues in a letter, which was included in the Commissioner's Packets. Paul summarized those issues as follows: The zoning change in the condominium area, they would like to keep it R-1C and asked the commission to think of this parcel as one unit when considering the density and zoning. Parcel is 125 feet wide on the west side and then it tapers in the middle to about 250 feet and on the east side it is about 250 feet and it is about 950 feet long with a very steep back, northern area. The main contention is that this parcel is not a good one to have this high density, need to get rid of the railroad ties along the property. Central Foothills N.A. is highly opposed to this large of a project on this parcel.

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Randy Erdley – 2734 Terrace Way. Opposed to the zoning change to this property for a number of reasons, one being the traffic including the bus stop just east of the site and the bicycle traffic (including bicycle races) along Hill Road. Second point is the zoning and high density.

Bernie Clark – President – North End Neighborhood Association - 1929 N. 17th. Support the Central Foothills N.A. and their issues are the same as North End Neighborhood Association. The North End Neighborhood Association is opposed to the development, the density, the height and the traffic.

John Morgan - 2759 Lancaster – Boise, ID 83702. John has a lot of support for the 2 neighborhood associations. With regards to the staff report – the standards that are used he realizes are set by coordinates and policy of the City however, he does believe that if a Planning and Zoning Commission is going to be an effective body, they cannot divorce themselves of the values and ideals of the citizenry that live within the confines of Boise City. So technically, while all kinds of rules and regulations may have been met by the developer or variances have been granted, the commission should be considering the values and ideals of the citizenry.

Kurt Swofer – 2416 Compass. Great place to develop, where infill is needed but Kurt is concerned with the density of the site and especially the zoning. Biggest concern is traffic. He too feels that it is disingenuous to compare this development with the former development – Hillside Nursery.

Joanie Fossie - 2944 Hillway Drive. Joanie is opposed to the traffic, the density and the change in zoning.

Chris Cooper – 2817 Hillway Drive. Chris is opposed to the density increase and the traffic on Hill Road.

Michelle Cooper – 2817 Hillway Drive. Michelle is opposed to the density and traffic. She talks about page 11 paragraph 4 of the comprehensive plan and how it supports high density as 10 units per acre on transit routes and where pedestrian and bicycle activity can be promoted. The higher the density, the more people and the more traffic and even more stress in what is already a very stressful system.

Kirt Holser – Lost River Cycling - 1516 W. Hays. Kirt feels this is an incredible project. As a cyclist riding down Hill Road several times, a week and look at the design changes this project will bring with the addition of the sidewalk and the bike path widening. This is exactly the right type of development and increasing the density here is exactly the right thing to do.

Angela Wickam – 2770 Lancaster. In general she stated she is in support of the development and very supportive of Mr. Hale and his listening to the concerns of individuals. Still had some

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concerns with the traffic and quotes from the staff report where it states that the Boise City Foothills Policy #1.02.5 that states, "Central Foothills shall be developed only to the extent that it can be demonstrated that traffic impacts on existing neighborhoods will be minimized." Angela still had very strong concerns about the safety and traffic issues.

Lyle Christiansen - 2217 Smith Avenue. Mr. Christiansen is not concerned about the development in an R-1C to be compatible with the neighborhood but he is concerned about the traffic.

Tom Hitchman - 2203 Hill Road. Tim is opposed to the development. The thing that worries him the most is the fact that the 1.5 acre loop hole that the commission is getting Dave Hale in the door and how the comprehensive plan clearly states anything 3 + acres cannot be allowed under a state density 2. Mr. Hale splits property up and does a property line adjustment and now he has done an in run on the comprehensive plan.

Bill Dryden – 2889 N. Mountain Road. Bill believes the current zoning is appropriate and should be maintained. Does support the development of the site but feels there is more work to be done in developing a project that is compatible with the surrounding environment.

Julia Wright – 2902 Hill Road. Julia commended David Hale and the fantastic job in meeting with the neighborhood and individuals. Concerned about page 12 of 28 of the staff report where it states that Hill Road is over adopted levels of service standards and the project is located within proximity etc...may allow the development of a three lane roadway including a turn lane in the future. That would change the road from a collector to an artery and that is conflicting with the comprehensive plan 6.1.4.8 that you want to reduce the number of access points to an artery. The solution is to make an artery but then they go against what they do when they make an artery.

Bill Starkey - 2404 Hill Road. In agreement with everything that was said. Does not believe this is the right development for this particular property.

Ann Toothacker – 2719 N. 24th Street. Ann stated she was at the hearing because of the P&Z's approval of the Sunset Nursery Development and since they approved that development, she had this awakening that projects are being approved one at a time. So today, she went into map her running and she found that between 28th and Sunset up 21st and over to 26th and Hill Road is 0.93 miles. What has been approved so far is some sort of multiple use permits behind the old Northwest Sewer District. You have 18 approved condos going in at Sunset Nursery, you've got Mr. Hale's 39 proposed units, you've got a request for a rezone of 1.5 acres above that and then on the other side of 24th Street, north of Hill Road there are two requests from Perennial for 23 and 17 units. Ann and her husband were struck by the fact that each request comes to the City one at a time and that there is no overall comprehensive plan for this area. She is not necessarily opposed to this development.

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Jack Vanvolkenberg -2605 Terrace Way. Does support infill and does appreciate David Hale's work to mitigate and work with the neighbors. He does have concerns however, one being the traffic and the other two were the children and where will they play and the third concern being the problem of safety with parties at night and the parking not being sufficient to accommodate those parties.

Scott Beechum – 405 South 8th Street. Scott was there testifying for Pam Parker who is a resident in the Lancaster Neighborhood. She likes the idea of a well-planned, innovative project in a close in location where people can walk and bike. She is supportive of the idea of improving Hill Road but differs a little from the others here in that she is generally supportive of the proposal.

Commissioner Van Ocker: Question for staff regarding the parcel that is being requested for the rezone. If it was to stay at an R-1C zoning and coming in as a PUD, what would be the maximum amount of units?

Angela Wood: You have 3.25 acres on the total site. The project that was approved in 2005 yielded 24 units and that was when the infill bonus was still in affect. If you were to times 3.25 today times 8.7, which is the total density, allowed by R-1C, and just in case you were wondering usually it is thought of the R-1C is 8 units per acre but it is not that simple 5000 divided in acreage you actually yield 28 units. That is 9 off from what is currently proposed.

Commissioner Fadness: Had a question about the amenities. Other than the rear yard mentioned is the amenity mentioned in your report on the east end of the condo building. Is that considered the amenity for both the condos and the town houses?

Angela: The cross walk, the re-stripping, the coordination with ACHD could be conceived as amenity. Excluding that, the open spaces within the condo building and the end most easterly open space, which is a courtyard park like area, is the amenity.

Commissioner Fadness: Ask the applicant the same question about amenities. What is your target demographic?

David Hale: Target demographic, historically the product that I build and sell has been singles, not families, I build smaller units, 2 bedrooms with an additional space for a loft. I cater to recreationalists. Common area and amenities: there are 4 separate common areas, one being a work out facility, two being a common rec. room and then 2 other portions where I removed 2 units to get that open space up on the 3rd level. That is in addition to the furthest east point in the flats of this project where we have tables and barbeque pits and potentially a volleyball court.

Commissioner Cooper: Question for staff about the “loop hole” about the lot split.

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Angela: Responded to the question by bringing everyone's attention to the provisions in the comprehensive plan.

Commissioner Cooper: Question for Terry Records (city staff). Asking the differences in the hillside design in previous application by Hale Development and this design.

Terry Records: The re-design enabled them to do less retaining wall.

Commissioner Ellsworth: Is the reason for the 10 foot to 5-foot landscape variance that they moved the buildings forward to get away from the hillside?

Angela: That is exactly right and the reason we supported the variance.

Angela: Closing comments and emphasizing how this application met all the requirements for approval.

Rebuttal from applicant – David Hale: Clarified some of the testimony heard. By his count, they do have over 2 parking spaces per unit. Emphasized how this building design fits very well with this long narrow parcel. States that the bike lane proposed will be wider than typical and the hillside.

Commissioner Russell: Made a motion to deny the rezone of CAR07-00018.

Commissioner Van Ocker: Second

Commissioner Russell: Was in full support of the previous application in 2005 when it was approved for 24 units. 24 units fit pretty good on the parcel with the retaining walls, design, and with the set backs that were required. With the current zoning, 28 are allowed and 24 to 28 is a good number for this site.

Commissioner Cooper: I will not be supporting this motion as I agree with staff that this is an appropriate site for a higher density. Traffic is not generated here but is generated by all the traffic coming down this road.

Commissioner Ellsworth: In 2005, I thought the 24 units was a pretty good fit and here we are with a more intense use although the commercial use was more intense yet. There has been a compromise in zone. I guess I could support it but I am thinking the mass of the condo unit is too big for the neighborhood. I guess the compromise would be to support the rezone and possibly go from 24 to 17 units with a smaller footprint.

Commissioner Van Ocker: I seconded the motion and I will support it. I am a huge proponent of infill and as far as I am concerned, you pack them in deep. My biggest problem is actually the size of that building. I think it is massive and very uncomfortable on the site.

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Commissioner Russell: The main reason that I am making the motion to deny the rezone is I do not like the way that we are trying to achieve the 39 units and because of that, I would like to stop it here. If something did come before us that had 39 units with a different design that did not have the impact that this footprint and this building are going to have I would be open to it.

Commissioner Russell: Aye
Commissioner Fadness: No
Commissioner Cooper: No
Commissioner Ellsworth: No
Commissioner Van Ocker: Aye

With 2 in favor and 3 against, the motion fails.

Substitute Motion.

Commissioner Cooper: I want to make a motion to approve CAR07-00018.
Commissioner Fadness: Second.

Commissioner Ellsworth: I would like to go on record to say I think it is still too massive and I would like to make a condition of approval that we reduce the number of units.

Chair: I think we can take that up with the CUP, right now we just need to focus on the rezone.

Commissioner Russell: No
Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Ellsworth: Aye
Commissioner Van Ocker: No

With 3 in favor and 2 against, the motion carries and the rezone is approved.

Commissioner Russell: Made a motion to deny CUP07-00025 & CVA07-00017.
Commissioner Fadness: Second

Commissioner Russell: I have an issue with the mass of this building. I do not have any issues with the 4 buildings on the west end. I guess I do have some questions on the architectural style although I am not completely against the style that is proposed here tonight. I do have a problem with reducing the set backs along Hill Road there are some issues with elevation difference between the road and the site.

Commissioner Cooper: I am not going to support this one either. I think one of the things he didn't do very well is present a very complicated design adequately.

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Mary Watson (City Staff legal counsel): I ask that some of the commissioners make more statements on the record regarding the criteria that is required on the CUP actions specifically in City Code 11.06 4.13 it is on page 5 of your staff report. There has been a lot said by the commissioners about massing and I would just like to direct your attention to the criteria A through E and F listed on page 5 and maybe you could make some more statements regarding that because if this gets denied obviously staff is going to have to come back with returned findings for denial.

Commissioner Russell: I will be clearer on these items. If you look at is the location of the proposed use compatible with other uses in the general neighborhood. Well I think that the fact that it is residential use makes it somewhat compatible but I think that typically in this area we have single-family homes. I understand that there is an apartment complex on the east end but beyond that, the majority of the homes in this area are single-family with smaller footprints. I think that putting this large of a building in this area is definitely going to negatively impact these residences. I don't think the proposed use is going to place an undo burden on transportation and I think I said as much. I do think the site is a little bit limited in its size to accommodate 39 units at least as the design has been submitted in its current state. We are obviously talking about allowing a variance in this case and I am not so sure is necessary so I do have some questions as to whether or not the site is large enough. As far as, is it going to adversely affect other properties in the vicinity, well I think with the current design it will. There are some serious questions in height and how it is going to affect the facade along Hill Road and for the people that live upon the Rim. I am not so sure that this use is in compliance with the Comprehensive Land Use Map but I don't want to really get hung up on that I think more it is the architectural style and the mass of that building on the east end that doesn't fit into the neighborhood. Regarding Item F if you look some of the items that are in here and staff has done a good job of recommending some changes in the conditions in its current form. The applicant has provided good modulation, he has provided good mixes of materials so I would say they do meet the requirements of item F but it is the other ones that I really have a concern with.

Commissioner Fadness: I understand a lot of the concerns that Commissioner Russell has brought up. We have approved a lot of infill projects that are certainly different and they don't look like the rest of the neighborhood. I have heard my fellow commissioners say they are not opposed to the number of units but they are opposed to the design and especially of the eastern most parcel but to me they have not presented strong enough arguments against the findings that the staff has made. Especially since, they do not seem to have an issue with the 37 units to go against what staff has found. Some of the issues that Commissioner Russell has brought up could be addressed in design review.

Commissioner Van Ocker: I personally do not have a problem with the architecture, I think it is fabulous and I love it. Something new and fresh and I can be sold on it in a second. I have a problem with the mass of the building and if you were to look at that site plan and look at the four buildings that are clustered on the western side of the site and keep that same idea traveling

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along the rest of the site I am 100% in favor of it. I think the large building on the eastern side is too large and too massive considering the topography around it.

Commissioner Fadness: Since we have approved the rezone, the developer could conceivably come back with a different project that would have maybe more than the minimum amount of units that the neighborhood wanted.

Commissioner Russell: Yes, that is one of the reasons why I was hesitant about approving the rezone. Now we have to cross that bridge and wonder where is he going to take this? Is the applicant pressing real hard to get 37 units no matter the cost or is he looking to just get a nice housing development in here that is going to fit and you know the rezone is in City Council's hands now. It is back to the CUP. The issue with me is the footprint, the mass this is a huge building.

Commissioner Cooper: This building above the second floor is really three buildings and that is why I wish we had been given the opportunity to see it from above.

Commissioner Russell: I do see Commissioner Cooper's point, you could argue that there are 3 buildings above the second floor but those breaks are relatively small. There are 3 stories and could be 4 if you want to count in the elevation change with a 5 or 10-foot setback and I think it is going to be overpowering along Hill Road.

Chair: I would like to note for the record that staff has just put up on the display the drawing from the elevations and we did have some of the elevation drawings in our packet we just did not have the advantage of having them in color so that has been put up on the overhead.

Angela: I just wanted to note for the record so it is clear when we forward this up to City Council. That building is observant with the set backs abutting Hill Road, it is the porch area that is enclosed that is not actually structural space, it is the small walls that abut Hill Road. The structure itself exceeds 20 feet from the property line abutting Hill Road.

Commissioner Russell: Aye
Commissioner Fadness: No
Commissioner Cooper: No
Commissioner Ellsworth: No
Commissioner Van Ocker: Aye

Therefore, that is 3 against and 2 in favor motion fails.

Chair: Do we have a substitute motion?

Commissioner Cooper: I will make a motion to approve CUP07-0025 & CVA07-0017 and I would like to add a condition that we do replace all of the railroad tie retaining walls.

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Commissioner Fadness: Second.

Chair: any more changes or additions in the conditions of approval. We have brought up several this evening.

Commissioner Fadness: I think the parking one was addressed and the applicant said there were more than 2 parking's per unit. One condition had to do with using a type of landscaping requiring low water use.

Angela: For clarification and the record. I can incorporate them in conditions of approval and bring them back to you next week as part of the findings.

Commissioner Cooper: I would rather hear them.

Angela: The 2 parking spaces has been met. Replacement of all railroad tie retaining walls. Low water landscape species where possible and then we need to just make sure this is out there explicitly to comply with all subdivision, Ada County Highway District and Public Works requirements. That will insure that the bicycle lanes, sidewalks, right of way are reanalyzed at the subdivision platting time and then the last condition of approval that I said if you just want to prescriptive to design review and amend anything that they should look at then I would do so on the record.

Commissioner Cooper: I guess I would be fine with including all those findings.

Commissioner Russell: No
Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Ellsworth: No
Commissioner Van Ocker: No

2 in favor and 3 against, motion fails.

Subsequent motion.

Commissioner Ellsworth: I will make a motion to approve CUP07-00025 & CVA07-00017 and I would like to add a condition that we limit the number of units to 5 units. Make 4 out of the condominium, make the footprint smaller and less massive. Or 37 minus 4.

Commissioner Cooper: Second.

Commissioner Fadness: I guess I would ask Commissioner Ellsworth, do you know or how do we know that would affect the footprint I mean where those 4 units would come off?

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Commissioner Ellsworth: That is a tough question. I guess we have done it before and we have seen City Council do it. It is a compromise that we have seen before I would ask the developer to go back with his design team to come up with something transitioning into the neighborhood just a little bit better and less massive. That is up to the design team.

Chair: So Commissioner Ellsworth does your motion include all of the conditions of approval that Angie read into the record with the last motion?

Commissioner Ellsworth: It includes the retaining wall, the condition to have at minimum 2 parking spaces per unit, water use landscaping etc.

Commissioner Russell: It sounds to me Commissioner Ellsworth if you want to cut some units out of this that it is because you are uncomfortable with the footprint. However, there is no guarantee that by cutting units out, it will reduce the footprint or the scale of the building. Perhaps he cuts out 4 units and makes the other units twice as big.

Commissioner Ellsworth: I can see that, I have asked and I have been clear on the record that I would like to see the design team to come back with something that doesn't increase the size of the units but takes those units out. Decreases the footprint and decreases the mass.

Commissioner Russell: It seems like then we would need a condition that regulates the footprint size and the height of the building. Who is to say that that additional space wouldn't go into the common area on the interior. I see what you are trying to do but I still can't support that motion because in my mind there is no guarantee that the footprint or the scale of the building is going to be reduced by that. I guess maybe if you could think of some conditions that you could add.

Chair: Talks about what was done at Crescent Rim and how we required them to reduce the height and that resulted in the reduction of units. I think if we ask them to reduce units and then leave it up to design review that may not get exactly what you are looking for.

Commissioner Fadness: Agreed with that and tried to give some alternative ideas.

Commissioner Cooper: Maybe we could stipulate that the ends of the buildings be reduced by one story that would be one method for eliminating units as a softer transition to the neighborhood.

Commissioner Russell: I would throw out there for discussion to take a look at the 33 units and state that no more than 4 units can be in a building.

Commissioner Van Ocker: I am about ready to have a fit. We have a project in front of us that is why I didn't even want to head that way. We can't design from the bench, so to speak. We

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have something in front of us that we, approve, deny or defer it. We can't write conditions of approval that are going to meet all the requirements that we are looking for on a project of this scale, we can't do it so there is a motion and whether it passes or fails, I don't think we are going to get where we want to get by doing what we are doing right now.

Commissioner Ellsworth: I guess I would stick with the motion and maybe it will fail but I think that this can be handled in design review and they do a good job in listening to our comments here tonight. I guess we could state to reduce the footprint of the building by taking out 4 units and maybe has a percentage or something like that. The message is clear that the scale and footprint and the mass is too large.

Chair: Okay with that, I think we will go ahead and call for a vote unless there are any further comments.

Commissioner Russell: No
Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Ellsworth: Aye
Commissioner Van Ocker: No

3 in favor and 2 against, motion carries to approve with conditions.

Commissioner Cooper: I will make a motion to approve CUP07-00040.
Commissioner Ellsworth: Second

Commissioner Russell: No
Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Ellsworth: Aye
Commissioner Van Ocker: No

3 in favor and 2 against, motion carries to approve.

Commissioner Cooper: I make a motion to approve SUB07-00041.
Commissioner Fadness: Second.

Commissioner Ellsworth: Okay on this one, do we need to change the number of units?

Commissioner Cooper: I will modify my motion to approve SUB07-00041 for 19 units.
Commissioner Fadness: Secunder concurs.

Commissioner Russell: No
Commissioner Fadness: Aye

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Commissioner Cooper: Aye
Commissioner Ellsworth: Aye
Commissioner Van Ocker: No

3 in favor and 2 opposed, motion carries to approve SUB07-00041.

Commissioner Fadness: I make a motion that we approve CFH07-00011.
Commissioner Ellsworth: Second.

Commissioner Russell: No
Commissioner Fadness: Aye
Commissioner Cooper: Aye
Commissioner Ellsworth: Aye
Commissioner Van Ocker: No

3 in favor and 2 opposed, motion carries to approve CFH07-00011.

Chair: Hearing is adjourned.

Date

Brandy Wilson, Chairperson
Planning & Zoning Commission