



Boise City Planning & Development Services

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Planning & Zoning Commission

Hearing Minutes of June 11, 2007

**Commission Members
Present**

Brandy Wilson /Chairman, /Gene Fadness Vice-Chairman, Doug Cooper, Andy Brunelle, Doug Russell, Lauren McLean.

Staff Members Present

Scott Spjute, Josh Wilson, Todd Tucker, Sarah Schafer, Cody Riddle, Diane Perkins, Josh Johnson, Angela Wood, Mary Watson (legal) Pam Engelhardt.

Consent Agenda

ITEM 7. CUP07-00022 / RED CLIFF DEVELOPMENT

ITEM 7a. SUB07-00050 / KEENELAND PARK SUBDIVISION #2

ITEM 8. CUP07-00056 / THE PURSUIT

ITEM 10. CUP07-00066 / VALLEY VIEW INVESTORS, LLC

ITEM 11. CUP07-00069 / BPA GROUP

ITEM 12. CUP07-00057 / IDAHO POWER

ITEM A. SUB07-00044 / ELTON SUBDIVISION

ITEM B. SUB06-00117 / GRACE SUBDIVISION

ITEM C. SUB07-00048 / ELLIPSOID SUBDIVISION

Applicants all present for above applications and in agreement with staff report on each and no public opposition present.

Commissioner Brunelle: I will make a motion to include the following items on the consent agenda: **CUP07-00022, SUB07-00050, CUP07-00056, CUP07-00066, CUP07-00069, CUP07-00057, SUB07-00044, SUB06-00117, and SUB07-00048.**

Commissioner Cooper: Second

Commissioner McLean: Aye
Commissioner Brunelle: Aye
Commissioner Cooper: Aye
Commissioner Fadness: Aye

4 in favor, 0 opposed, motion carries in approval of the consent agenda.

DEFERRAL AGENDA

ITEM 1. CAR07-00005 / THE COLLISTER NEIGHBORHOOD ASSOCIATION

The Collister Neighborhood would like their case deferred to July 16.

No members of the public wishing to testify who could not return on July 16.

Commissioner Fadness: I make a motion to defer CAR07-00005 to a date certain of our July 16 hearing.

Commissioner Cooper: Second

Commissioner McLean: Aye
Commissioner Brunelle: Aye
Commissioner Cooper: Aye
Commissioner Fadness: Aye

4 in favor, 0 opposed, motion carries to defer CAR07-00005.

ITEM 9. CUP07-00060 / PIERCE PARK, LLC

Location: 7018 N. Pierce Park Lane

REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 15-UNIT PLANNED RESIDENTIAL DEVELOPMENT ON ±2.14 ACRES LOCATED IN AN R-1C ZONE.

ITEM 9a. SUB07-00047 / CORDOBA CONDOMINIUMS

A PROPOSED PRELIMINARY PLAT FOR A CONDOMINIUM SUBDIVISION WITH 1 LOT (15 UNITS) AND 1 COMMON LOT LOCATED ON THE EAST SIDE OF PIERCE PARK, NORTH OF HILL ROAD.

No members of the public wishing to testify against this project, however, noted for the record that 2 emails were received in opposition to the project. First was from Marsha Kersley and she believes that the single-family home model is best for this neighborhood and she opposes 2 story units in this location. She also would prefer that this development be in accordance with the 9

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unit town home model at the corner of Pierce Park and Hill Road. She feels that model is more appropriate than what the developer is proposing.

Also received an email from David C. Leach and he feels the development does not fit in with the character of the neighborhood.

Applicant was present and in agreement with the staff report.

Commissioner Fadness: I make a motion that we approve CUP07-00060 and SUB07-00047.

Commissioner Cooper: Second

Commissioner McLean: Aye
Commissioner Brunelle: Aye
Commissioner Cooper: Aye
Commissioner Fadness: Aye

4 in favor and 0 opposed, motion carries to approve.

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.

No members of the public wishing to testify.

Commissioner Fadness: I make a motion that we approve CAR07-00033.

Commissioner Cooper: Second.

Commissioner McLean: Aye
Commissioner Brunelle: Aye
Commissioner Cooper: Aye
Commissioner Fadness: Aye

4 in favor and 0 opposed, motion carries to approve.

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

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

Questions from the Commission:

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Commissioner Cooper: It was mentioned about the affidavit of legal interest for the property. I noticed in our packet tonight that we have a letter from Brighton Corporation stating that they could not provide one and I understand that the land has been purchased by Boise State and I just wanted to ask if Staff was satisfied that ownership has appropriately been proven.

Angela Wood: With any submitted application, we do require that our affidavit of legal interest form is complete and submitted with that application. That was done with regards to this application and later we had Brighton Corporation rescind the previously signed affidavit of legal interest. We now have the affidavit of legal interest signed by Boise State University, there is an addendum to be attached to the staff report and everything is available in our records center but that addendum includes the pages associated with the traffic impact study, the archeological study, the wildlife mitigation plan and Boise State University's affidavit.

Commissioner Brunelle: Question for Angie, the statement from Mr. Fowler in behalf of the Harris Family Limited Partnership does raise some concern with me concerning the standard of compliance with all of the conditions that have gone with the land over the last 10 years since this land was annexed and I just want to know how solid we are as far as seeing that those conditions are being complied with. I think we need to do a little bit of work on the condition that we have in front of us tonight for example the Wildlife Mitigation Plan I think it is very week and needs to be tiered to the overall Wildlife Mitigation Plan that we insisted upon for the whole valley. So what I am wondering about are all of these other ones, there are dozens of other conditions and we don't have them in front of us tonight and I just want to know where staff is as far as do you look at all these things and decide which ones apply and which ones don't?

Angela: Yes, we have looked and the conditions actually are all included in your packet including the applicant's response and then brief analysis per the conditions that pertain. I wanted to explain that the application was screened with two major considerations. First, what findings are necessary for conditional use review, what are the findings and that are those standard findings that we always work with. Second, what requirements are set forth in the existing conditions of approval that we need to take into consideration? Previously Harris Ranch related conditions limited any development prior to the construction of the East Park Center Bridge. In 2005, the applicant revised these master conditions to allow incremental development and it was not specified to what extent that interim development could occur. Another application with this incremental development was Harris Ranch 9 and that was the residential development that you saw south of the Mill District. Two the master conditions would allow construction of a school site or any public amenities that were to come in before the construction of the East Park Center Bridge. All this considered the applicants met several times with Boise City Administrators to discover the scope of whatever they needed to submit to figure out compliance with those conditions of approval. We are happy to provide further analysis outlining how the applicant has met these conditions but it is determined that because the master conditions allow a project to be judged on its scope this site was not impacted by the waterways that were a major consideration with the other major conditions. Regarding traffic mitigation, it

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was major mitigation just going ahead and locating the East Junior High School site further down easterly on Warm Springs. So that in itself the location is mitigation as agreed upon by the approval issued by Ada County Highway District. Further, I was in touch with Idaho Fish and Game today and it is anticipated that if we were to include the conditions included in Mr. Tiedeman's Wildlife Mitigation Plan that it would be anticipated that is acceptable. Another option we may want to pursue this evening is having further review by Design Review to meet any design concerns surrounding the site though I do want to note that there is not current design guideline standards that have been adopted associated with this plan and so for that reason we found it to be acceptable. As far as the other conditions, I know that the applicant may want to respond but there have been many meetings determining what was necessary to submit with this conditional use application and in the end the important consideration was that school uses are possible within R-1C single family residential zones as long as a conditional use permit was approved. One option may be to attach all the master conditions also on this condition list.

Commissioner Fadness: I would like to hear the applicant's response to the HRNA's proposals regarding parking and creating more space for student use and whether you want to do that now or in your rebuttal is up to you but I just want to be sure to get the school district's response to that.

Scott Henson – LCA Architects: 1221 Shoreline Lane. I am representing the Boise School District and we will be giving relatively a short presentation on how we have generated the plan that is being reviewed tonight and we have brought a few people that will need to be a part of that discussion. Scott introduced several members of the School District present at the hearing to answer any particular questions. What I want to do is show you the overall impact site for the East Junior High School. Scott was showing a slide show of the boundaries and what the school site will look like you can see this building is centered in the current and future population to be in the Barber Valley. School is designed to accommodate 920 students, we understand based on the information they have gathered to date for their attendance the school will be opened at just under 500 students. The building is being designed to accommodate all the future growth that we can really foresee in the near future. The drawing he showed was a drawing of what they had obtained so far of the Brighton parcel. This is not representing a final design for them by any means but it is the most current drawing available. To the north is the Triplet Subdivision, which is currently under construction there are a number of homes finished, and more being constructed. Scott pointed out Golden Dawn Subdivision and the Mill District and Riverstone School, which is directly across from the East Junior High property and the Idaho State Parks and Recreation, and the Shakespeare Festival. We had 4 separate meeting with neighborhood associations as well as sending out invitations to all parents within the geographical area of East Junior High School so thousands of invitations were sent out on four different occasions and we had four different meetings. We started with a blank site plan and we wanted it to be an interactive design charette. We were allowing people to give input as to where the building needed to be sited, where the parking needed to be and those sorts of things. We also had two separate meetings with the East End Neighborhood Association and the HRNA on more private meetings where they discussed their concerns and what they would like to see implemented into

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the design. Of those meetings the major points that came out of that was to pull the building as far forward as possible to limit the amount of parking that was fronting the street and to create more of a building presence on Warm Springs. We did that. Also, we wanted to break up the parking lot so to do that we created more small clusters of parking all the way around the building. We are tied to the requirement for parking, which is one for every 4 fixed seats, which would be primarily gymnasium, plus one for every fixed teaching station in the building. So it is required for 336 car parks and that is what we have provided. Other areas are hard cork play area outside as well as basketball outside. We also needed to separate the cars from the bus access so what we have is the entrance for the parent pick up and drop off as well as all staff and visitor coming in at one location and the pick up and drop off for the busses is located at the other location. Pedestrian access was a very big concern to all the neighbors as well as the school district. What we did agree to do is run a new sidewalk that would run along the entire frontage of Golden Dawn Subdivision from the point of our western property edge all the way to the street where the Harris Ranch sidewalk terminates at this point. So we would be running the sidewalk along Warm Springs there. As well, we are connecting the Ridge to Rivers Trail that runs along the canal and at this point it would probably be integrated into the Brighton Development across our property and cross over into where the Triplet Subdivision has created their walkway to then allow that pathway to head up and along the edge of the foothills. We have also got sidewalk that would be integrated into one of the developments (which he showed on the overhead). We would pick that up and have sidewalk running along the entire frontage of the school facility. Additional we have sidewalk that connects into the internal pathway system that we would have in the future. As far as some of the documents that were produced and submitted to the City. One of them was the Wildlife Mitigation Plan and Robert will be speaking to that here in a moment but we also produced the traffic transportation analysis that was submitted to staff when we made the submittal to the project. John Ringert can get into any detailed information that you would like on that. We also submitted to the City a very detailed archeological survey as well that concluded there were no structures or anything found on the site other than some broken glass that they could not identify as having any historical character or if it was new. The canal that runs along the back of the site was constructed in 1908-1909 time frame by inmate labor. We may need to do a little more investigation on that but there is no permanent structure as part of that ditch it is open ditch and dirt. With that I think I would like to have Robert come up and speak to the Wildlife Mitigation Plan that he prepared.

Robert Tietaman – 217 North Walnut Street. I am a certified fishery scientist, a certified wildlife biologist, a certified wetland scientist and a certified wetland delineator. I say this not to boast or brag but to give you sense of the credentials and credibility that I have to that I bring to this project. I have worked on many projects throughout the City of Boise as well as Ada County and Idaho. The authority for the involvement of the Idaho Department of Fish and Game and the proposed project comes largely from the Harris Ranch Master Plan and it states in part Condition of Approval 31. The applicant shall

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mitigate for project related facts to Wildlife and Wildlife Habitat. The applicant shall develop and implement a Wildlife Mitigation Plan and approved by the Idaho Department of Fish and Game prior the any further land use approvals. Condition of Approval 44, prior to any future submittal of a development application for the Boise River Corridor the applicant shall provide documentation from the Idaho Fish and Wildlife Service that conclusively determines where the bald eagles nest or perch on the subject property. Finally Condition of Approval 50, the applicant shall comply with the following agency requirements and regulations and it specifically sites Idaho Department of Fish and Game and the US Fish and Wildlife Service. Commissioners there are approximately 182 species of birds, 12 species of reptiles, 6 species of amphibians, 74 species of mammals that have potential to occupy the project area. The habitat types within the project area are similar to and would accommodate these numbers of wild animals. Perhaps though the creatures of greatest concern to the public in that area and specifically mentioned in the Harris Ranch Master Plan are mule deer, great blue heron, and bald eagles. I would like to walk you through a summary of this document which is a mitigation plan which I prepared for the independent school district. And by the way I would be happy to share this document with you and provide you copies if you feel important. I can provide you my copy at the end of my presentation and each of you copies at a future date.

The Harris Ranch Master Plan identifies and locates wildlife habitat and migration corridors within the footprint of Harris Ranch. They include an approximately 100 foot wide migratory corridor through Council Springs and also a 600 foot wide corridor under the Idaho Power high voltage lines. There is no wildlife corridor identified within the project area for East Junior High School. This is in accord with Idaho Department of Fish and Game knowledge of the area where they report that there are approximately 30+ mule deer that make use of the project area, the alfalfa field and they loiter in it to feed but they migrate through primarily Manard Gulch further to the east and a drainage area even further to the east between Harris Ranch and Diversion Dam. Although the principle migratory corridors are outside of the project area in consultation with Eric Lightsinger at the Idaho Department of Fish and Game we came to the conclusion and agreed that it was appropriate for this project to accommodate the daily migration of animals that maybe make use of portions of the lower foothills and then migrating to the upper foothills through Manard Gulch, Council Springs and the other unnamed migratory corridor I described to you. So for that reason the project there does provide permeability for daily movements of mule deer and I will describe in some detail what that is. However, I would like to move on to some other species of concern and that would be bald eagle. There are four known perch sites on the north and the south shore of the Boise River between Barber Dam and the proposed East Park Center Bridge. Roosting primarily occurs in Barber pool with the secondary roosting site between Eckert Road and Barber Dam. There is no habitat and there have been no observed bald eagles on the project area. They are oriented toward the river for their feeding as well as for their roosting and there is simply too much distance between the project area and the river and there is no habitat there for them to occupy. There is approximately 2 miles along the River a Blue Heron Rookery where birds will nest and rear young however, that is two miles downstream from the project area and again oriented on the river not the uplands where the proposed project is located. And finally, if we speak to mule deer in particular, I would like to report to you that

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on May 18 I met with Eric Lightsinger and discussed Idaho Department of Fish and Game and discussed concerns for mule deer and the Boise Independent School District agrees the mitigate potential adverse impacts to mule deer by the following measures which have been recommended by Idaho Department of Fish and Game. 1) Fencing of the north boundary of the project area along the penitentiary canal will be prohibited unless it is in accord with the design capable of allowing movement of mule deer approved by the Idaho Department of Fish and Game Southwest Region. If permitted by federal State of Idaho resource and regulatory agencies and the State Historic Preservation Officer the canal will be placed in a pipe to remove it as a potential harm to students. 2) A visual barrier will be established at the west boundary of the project area with Golden Dawn Estates and the east boundary with the development proposed by the Brighton Corporation. Long story short this visual barrier will keep migrating deer from moving into Brighton's property or Golden Dawn Estates and then being unable to make their way back over the fence a second time because they don't have sufficient running distance. So the intent is to funnel deer if they are going to be making use of the East Junior High Property, through the property, down to the river where they would be oriented rather than having them migrating in an easterly and westerly direction and become trapped within an established neighborhood. 3) The Boise Independent School District will accept that depredation of formal landscaping being installed within school grounds is likely. Fish and Game will not be held responsible for depredation claims. 4) Chain link or other fencing in sports fields will be no higher than 40 inches and have a horizontal top with no protrusions or sharp edges. This is to prevent mule deer from being impelled on fences. 5) The Boise Independent School District will continue to sponsor and participate in environmental education programs for students including development of curriculum and classroom instruction and field studies.

Scott Henson: Angie identified how the busses will circulate in. (Scott explained how the busses and cars including staff will enter the parking lot and drop off kids and then exit). We have had an opportunity to meet a few times with the East Neighborhood Association and Harris Ranch folks and I think the biggest thing that came out of their discussions was discussion about traffic calming and those type of impacts. The most crucial thing about this site is locating it where we will be locating it and that is moving it much further east than out of the downtown vicinity and what will wind up happening there will be once the school is open and the East Park Center Bridge is operational, the traffic on Warm Springs east of Walnut will go from 340 vehicle trips per day for the school down to 75. This will be a significant reduction in traffic volume in the more historic portion of Warm Springs. We also had a lot of discussion with them regarding pedestrian crossing. One benefit that this school will certainly bring to Warm Springs is all schools require a 20 mile and hour school zone so that in and of itself will act as a traffic calming measure. We will also have school zone flashers approximately 100 feet beyond the edges of the property. There will be a pedestrian crosswalk and it will be a center raised island with in round flashers to people of any students crossing the road and also restrict the road to further traffic calming and warning people of the pending school. Scott showed a drawing of Riverstone's future build out and their plan to expand their facility and relocate their entrance. ACHD has asked us to move our entrance further away from the intersection (he showed on the map). We

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are proposing to move the entrance down and construct a new entrance for Riverstone school. Showed the character of the facility.

Commissioner Cooper: I have just been given a note from legal reminding me that I am working for a party of Harris Ranch Partners that opposed this application and they recommend that I recuse. I guess I will point out to my fellow commissioners that I am working with the Harris Ranch Partnership although not connected with this application. I just wanted to know what my fellow commissioners thought about this.

Commissioner Fadness: I was just going to ask Commissioner Cooper since he is not affiliated with this application if he feels that there would be at all a conflict for him in acting on this.

Commissioner Cooper: I do believe I could separate my professional relationship with Harris Ranch and my position as a commissioner on this application.

Commissioner Fadness: He is not connected to this particular application and with the make up we have of this commission, if we started recusing everyone who were remotely connected to a larger project we might have trouble seating a full commission or even a quorum sometimes. So as long as he is comfortable with it I am, I don't know how the other commissioners feel.

Commissioner McLean: I agree we are a volunteer commission and I think that we come to this commission with the desire to do the right thing and the best thing for this community and in this case if Commissioner Cooper is comfortable that he can separate the issues I will stand by him and ask that he stay.

Commissioner Brunelle: I agree.

Chair Wilson: And so do I. I feel that just as Commissioner Fadness stated we all know a lot of people and if we simply had to recuse ourselves because we have a business relationship with somebody who is opposed to an application, we would be a fairly small commission. I would support you staying on as well and I guess we need to have a motion to that affect.

Commissioner McLean: I move that Commissioner Cooper remain as a part of this commission on this matter before us and that I find that the potential conflict of interest is de minimous.

Commissioner Fadness: Second

Commissioner McLean: Aye
Commissioner Brunelle: Aye
Commissioner Fadness: Aye

3 in favor and motion carries.

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Commissioner Brunelle: I had a question for Mr. Tiedeman if he would approach the podium. I was wondering if you had a chance to review the Wildlife Mitigation Study that Harris Ranch prepared as part of the larger Barber Valley planning process that was before this commission over the last couple of months. I was wondering what you have done as tiered to that if at all and if so how. I was pleased to hear the roll that East Junior High students would play perhaps on some volunteer work in the area for enhancement of winter range perhaps and also the commitment on the part of the school district to involve some curriculum component to it. But I am just curious how you see what you have done fits within the broader plan that has been put together for the rest of the area.

Robert Tiedeman: I have not been privy to the entire document. I have seen pieces and parts of it in my discussions with Eric Lightsinger of Idaho Department of Fish and Game the part of the document that he has. Eric did share with me several graphics that did show migration corridors that assisted me in the preparation of my mitigation plan for wildlife. I would be happy to share those graphics with you if you would allow me to step back to my place there and get my report.

Chair: For the record Mr. Tiedman has approached the bench and he is showing a few graphics from the end of the report.

Robert: One of those graphics shows the migration corridors identified in the original Harris Ranch Master Plan and the second one shows an update of that particular document. What those graphics show me is that there is little of any relationship between this particular parcel, this particular project and the identified migration corridors because they are quite a distance from this parcel. Manard Gulch being one, the unnamed drainage further to the east and the Council Springs corridor through the Harris Ranch development. The other corridor that is identified on the original master plan is the corridor that runs approximately east/west along what is referred to the northern bypass or some call it the Wiling Ditch. But that certainly doesn't accommodate the north/south movements from the Boise River to the lower foothills. The largest of those arrows, the widest and most bold of them is the 600 foot corridor that lies beneath the Idaho Power transmission lines. Commissioner Brunelle in regard to your pleasure in hearing that the school district will be involved in environmental education and curriculum, I too share in that bit of joy. I have been a long time educator and have done several work shops for both teachers as well as students in environmental education and I see this as a wonderful opportunity for the students to be doing some of the monitoring that is called for in this Wildlife Mitigation Plan. So that they become actively involved in proving that the project has been benign to mule deer and in fact the landscape plan prepared by the landscape group indeed mitigates fully for all the impacts for the other non game wildlife and smaller wildlife. While not as important to some as mule deer, we consider smaller wildlife important non the less.

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Commissioner Fadness: Question for Robert. I have a question about the visual barriers. The one on the side that would go along with the future Brighton Development. Do you anticipate putting that in as the school is built or wait until Brighton is built out?

Robert: The current plan calls for the western visual corridor adjacent to Golden Dawn be constructed concurrent with the proposed project. The one on the eastern boundary adjacent to the Brighton property would be constructed in cooperation with the Brighton project at the time the Brighton project is implemented.

Commissioner Cooper: I have a question for Mr. Henson and maybe for staff in relation to the relocated entrance. The information in our packet has the entrance close to the western boundary of the site and you had an image of more of a central entrance across from an entrance which looks like for a future phase of the Riverstone school. I agree this is a better location. Is there any condition that we could attach to the application that would require that?

Angela: This staff report was finalized after hearing the final outcome of Ada County Highway District's hearing which was conducted on June 6 and Ada County required them to move that entryway and so by linking them to those recommendations they would have to move that entrance.

Scott: We would certainly be happy to enter that document into record.

The Harris Ranch Neighborhood Association – Chris Hendrickson – 5264 East Branchwood. Our presentation will be two part I am going to provide some introductory comments and then Kevin Kitts from our association will present a power point presentation if that is okay. As introductory comments we do appreciate being included in the school districts process and meetings for planning the site. We have been involved since the Harris Ranch Charette process over a year ago. We offered some relevant input along the way however, we really can't go to our homeowners and present to them what is being proposed until the application is filed and once the application is filed then we as a board can look at it and call a meeting of our membership and discuss it with them. We don't have a lot of control over when ideas come to us but we held a meeting just last week, our final neighborhood meeting about the school and some of the ideas that were presented were very good ideas and wanted to bring those up tonight. They seem like they are coming last minute but we felt they were excellent ideas and needed consideration.

Switched to the East End Neighborhood Association as the Harris Ranch Neighborhood did not have the power point presentation set up.

Deanna Smith – 1208 East Jefferson Street. The East End Neighborhood Association appreciated the Boise School District's willingness to work with us and respond to some of our concerns particularly to traffic and transportation. I do have some concerns and feel that it is important to express that it has been unfortunate that the school district has felt it necessary to

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rush this project. It's frankly been very challenging to us to participate as fully as we would have liked to. This project showed up falling on two other projects that all had to do with the Harris Ranch Master Plan. It has now been split into 3 to 4 applications if you include 24 homes Brighton submitted a while ago. This has made it very challenging to look at the broader concept plan, which is how we are approaching this. That said, we feel the school district has done an admirable job in responding to our traffic concerns and we appreciate the fact that we will begin changing the street typology further east and there will be detached sidewalks for the full length of Golden Dawn and the full length of this project as it is completed. The one concern that we have had all along and I will state it here was we discussed it at the ACHD hearing, we had hoped that some roundabouts could be incorporated into the entry way, that has proved somewhat difficult because not all the property owners are interested in participating at this time. ACHD was willing to remove their language that a light would go in when and if it was warranted and change that language to state some traffic mitigation would be considered. It is our hope that there will never be any lights in the Barber Valley and this very nice roundabout concept that is being developed throughout this valley could be the first one in the area to reduce traffic congestion while not having to widen roads to facilitate the easy flow movement of traffic throughout the valley. The school district was very open and still is about roundabouts. The southerly neighborhood is not in favor of them at this time but we are hoping they will be. I have three very specific comments on three conditions. Condition number 7 where it refers to traffic management. We would prefer that this read that they shall participate in the TMA in our mind again, they are a part of the original Harris Ranch Master Plan Concept and it is our hope that all the property owners will participate in the TMA. We are also working with property owners in the Barber Valley that are not part of the original Harris Ranch.

It appears that may have been what the staff was intending, it was not clear to me the way it was written but we would prefer that condition number 7 clearly state that they will be participants in the TMA.

Condition Number 18 I think it needs to be much stronger, this condition about light pollution. This did come up at one of the meetings but I think it is incumbent for this body to insure to the extent possible that there will be a minimization of night sky pollution within the type of lamps chosen and the number of lamps chosen. I know this will be a challenge for the school. It is a school and it needs lights for security. The school seemed amenable to working with that, but I think it would be good for condition 18 to be a little stronger and specifically refer to minimizing night sky pollution.

Condition number 19; also is not clear to me how it is stated. I would prefer the condition number 19 refer to full compliance with existing conditions for the Harris Ranch Concept Plan as sited in the history of previous actions. There are so many different actions at this point. This has to do with the "if". If this doesn't get built, if this is subdivided, if something else happens. It is our desire that the original decision from Boise City Council to attach all of the conditions to the ground remain. Going forward until things are approved and actually are built. We would prefer that get clarified that those are the conditions that number 19 is referring to.

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I am a little curious and I don't know if I can get the answer to this later but I did have a couple of conversations with Mr. Tiedeman regarding the wildlife. I have not had a chance to see the submitted plan but I would like to know what visual barriers refer to. My last conversation with him was when we were talking about fencing that ran the full north/south length on the east and west side which surprised me because it has not been the approach that Fish and Game has been taking in the rest of the Harris Ranch Plan. That is a different language and perhaps that has changed and visual barrier refers to something other than fencing, maybe it is live fencing as in vegetation.

The East End Neighborhood Association really is not going to take a position of up or down on this. Nevertheless, we would encourage this commission and we feel that it has been pushed and moved very fast. I understand that the school district's concern for that resides in their concern for cost and the escalation of cost but I think that frankly that is contradictory to some other actions they have taken that I will not go into regarding the acquisition of this land. Given that, they have other actions that contradict their concern for cost to the taxpayer. I think what is in front of you and what your responsibility to the taxpayer is to make sure that this application is as good as it can be. I think the speed has unfortunately made it difficult for a good discourse about the entire project. We had a lot of opportunity to talk about the specific site plan but it came with a building that was a building and it was not really a flexible in terms of that. It came a fairly specific site so it has been challenging I think for the school district as well as us. They shoehorned it in to this particular location.

Back to the Harris Ranch Neighborhood Association.

Kevin Kitts – 5078 East Stemwood in Harris Ranch and I am here to represent the Neighborhood Association. Some issues that we have regarding land use at the site and recommendations regarding that. The Harris Ranch N.A. position is that we support the application to build East Junior High on the proposed site. We think that getting to this parcel of land was flawed and the decision to put it here was without public input but with that said we do appreciate the opportunity to participate in how that land that has been acquired is going to be used for this school. We do have several concerns about the land use and the allocation of land. We think that there is a very large amount of land dedicated to motor vehicles that can be addressed. We think there is additional outdoor facilities that can be provided by addressing the first point. Penitentiary canal has been viewed as a burden and a great opportunity and some regional valley wide bike access issues at the north side of the site. We would like the Commission to consider these in the approval of the application process.

So the original land allocation, I think we need to start with what the school originally envisioned for the site, which was about 30 acres. 20 at a Harris Ranch site, 10 acres of field across Eckert for a 30-acre site. We are now 20 to 21 ½-acre school site and we are having to shoehorn all those requirements that were going to fit into 30 acres now into 21. So what gave way unfortunately it looks like is room for kids. We need to change the prioritization for that in

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the land use of this proposed site. There is really some conflicting objectives such as an attractive streetscape versus great outdoor facilities for kids. In the charette process, they asked would you like the parking in the back or the front and the answer was obvious that we want it in the back because that is what is attractive. It may not have ever been presented as “Do you want it in the front or do you want it in the back if it means giving up useable land space for the school functions.” So if forced to choose the priority is clear, it is more important to have the facilities for kids and that is what we are encouraging the school district to go back and look at again. If they were able to go back and look at a redesign and we think this can be done with P&Z approval and before City Council, review is to review vehicle space. I have heard them testify that the school is designed for 900, there are 500 who are going to start there and they provided 100% of the required parking. I think it would be appropriate to look at a variance because Brighton land next door can be used, once it is built out into residential that street parking can be used for overflow. Fish and Game besides having parking they also have unused land that could be used for additional parking. We spoke to Riverstone and they of course when they expand are going to have the same issue with parking and they are interested in looking at a reciprocal parking arrangement and so the bottom line is, lets not look at parking as if this land exists all by itself but let's look at it terms of what other parking facilities are available for those rare instances where there is a need for other parking spaces. This requires a lot more work but moving the building on the site to make more room for outdoor facilities and field space. Kit showed some pictures of the site on the overhead. We think that the first step is to cut the parking to the minimum and maximum the use of current and future parking. Over on the east we have got future residential, parks and rec. and Riverstone all represent ways to cut parking spaces on the site. Kevin then points out the size of the building site and the parking area on the overhead and talked about the parking in more depth. The use of vehicle is already 18% of the total land and if you include land that is sort of lost or wasted or is run off from the pavement it is almost 40% of the land area. Again, these are eyeball numbers. A huge amount of this total land is going toward vehicles. We would like to see that reduced. Everyone would like to drop kids on one particular side because it is the front. The HRNA doesn't really see a huge problem with having the kids walk around from the back of the school to the front of the school. In so doing this what we are really try to do is you picture that huge bus lollipop that is occupying a huge amount of land. We need to get rid of that huge lollipop and the way to do that is to double up with the truck access while still providing pedestrian access. In this sort of a scheme kids who are walking on that sidewalk would cross traffic one lane at a time, similar to a roundabout. Kevin explains other ideas which the neighborhood had with regards to changing the parking areas and increase the amount of field and areas for the children and he also gave some ideas for a track field and other outdoor activities.

Lyndon Kiefer – 5007 East Stemwood Street. I am essentially here to support it I don't really have anything in substance to add to what has already been said. I support the school being built there and be the most beneficial to my neighborhood that it can be.

Shannon Marshall – 4993 E. Stemwood. I am here as well to testify in favor of the school district and that it moves along in a timely manner.

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Sue Lovelace - 2774 E Migratory Drive. My family has lived in Boise 13 years. She serves as the president of the PTO for the East Junior High School. She works as a volunteer and co-chaired the most recent school bond campaign that passed in March of 2006. Sue was speaking to the Commission to urge them to approve the proposed Barber Valley School site.

Fred Shoemaker – Business address – 950 W. Bannock. Representing the Harris Family Partnership. His office submitted a letter to Mr. Simmons which he intended to be part of the record but did not see it in the packets. He brought a copy of the letter to the commissioners. The Harris Family Partnership regrettably has to oppose this application as I think most of you know my client was served by a lawsuit filed by our school district on May 21 and we are not here tonight asking this commission to arbitrate that dispute, some jury or judge will do that. We would however, like the playing field to be level and I echo the remarks I heard from both Mr. Kits and Ms. Smith that there has been kind of a rush to judgment and I don't think we have the best project for the City and Barber Valley and frankly my client deserves as a neighbor. The Harris Family Partnership again is all for Boise State University acquiring the East Junior High site but I just want to say what we are not about, we are not trying to derail that process. The Harris Family Partnership is not opposed to the school district succeeding or having a site for the Junior High and this site as I think you all know has been donated and agreed to donate to the tune of about \$1 million dollars an Elementary School site despite the fact that it is now the defendant it is not backing away from that commitment. So let me talk a little bit about what I think is wrong with this application perhaps because of the rushed judgment or for other reasons.

I heard both Mr. Kits and Ms. Smith say that she noted that the condition number 19 should be expanded to include compliance with the Harris Ranch Master Plan. I guess on this fundamental issue we disagree with staff's recommendation, which seems to overlook that requirement. One of the important conditions of the Harris Ranch Master Plan which I think is both a narrative as well as a pictorial, is to have a design that was compliant with the plan and the school district in it's letter to you of January asked that you relieve the school district of any obligation other than to submit their prototypical site. We ask you to make sure that the applicant comply with the condition imposed on everybody else including the Harris Family Limited Partnership and by example and in particular compliance with the Wildlife Mitigation Plan which is in spite of Mr. Tiedeman's best efforts really kind of a 11th hour effort. There is no approval by the Department of Fish and Game.

Mike Reinick – 4760 E Zero Junction Drive. I support the application however my concern is the traffic provision for pedestrians primarily. Right now I think there is 12 students that would be coming out of the Mill District. However the currently planned pedestrian crossing at Linstead however within 3 to 4 years there is a possibility there will be another 400 to 600 homes there on both the north and south side of Warm Springs with a lot more children either on bikes or on foot. What I am asking the commission to do is consider adding a condition that the traffic be open to another session with public comment in three years after the school opens. After we get a chance to see what really happens because almost anyone can go up there and speculate.

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Dr. Stephanie Bender Kits – 5078 E. Stemwood. I would just like to go on the record my support of the approval of this application.

Ana Canning - 4025 Millsight Avenue in the Mill District of Harris Ranch. I wanted to state that I am in favor of this application. It is nice to see a lot of our neighbors out in favor of a large project. I was concerned with one thing I heard from one of my neighbors. That is a push for the variance. If the commission feels that the parking standards that the City sets aren't appropriate then the Planning Commission has the opportunity to suggest to staff that they change that rather than asking an applicant to go through a variance process. I did want to speak briefly about that. I was able to get to one of the neighborhood meetings that the school district had regarding this project and I was really impressed not only with the methodology but also in the results that they received. I think it sets a really great example for other projects that the school district might do for other school district. I would also like to talk a little bit about fiscal responsibility. As a public servant I am always concerned about how I spend public tax dollars and I know there has been talk about slowing this down versus speeding it along and it you know we hear about prices changing daily. I would hope the Commission could find a way to move this forward and still accommodate those changes that have been talked about. So to summarize I think this project is consistent with the original version and I think that is why people are here tonight to speak in favor of it. I think the applicant has really worked with the neighbors to address a lot of their concerns. I think it is a fiscally responsible decision and I would urge you to approve the application.

Stephanie Bennett- 3954 South Millside Avenue. I just wanted to go on record as being in favor of this school continuing in the direction it is going.

Doug Fowler – 889 East Valley High Lane – Eagle. Just for the record I wanted to give the Harris Family Limited Partnership position statement pertaining to the proposed East Junior High application.

The Harris Family Limited Partnership strongly supports BSU's acquisition and plans pertaining to the existing East Junior High site. The Harris Family Limited Partnership strongly supports Boise public schools and in fact has offered an elementary site as a gift to the Boise School District dating back to November 1998. Harris Family Limited Partnership strongly supports a new East Junior High in Barber Valley. There are other issues pertaining to this project that are best disgust in an alternate venue. We will not use this land use body to further those discussions. However, the Harris Family Limited Partnership believes strongly that all applicants be held to the same standards of compliance in connection with the long-standing conditions of approval that pertain to the land use. All we ask is a level playing field for all applicants. This is only fair and equitable. Not doing so will set precedence for other applicant's noncompliance or substandard compliance with the conditions of approval. A few examples pertaining to this application would be implementation of a Traffic Mitigation Plan as required by the City of Boise, condition 11a, a Wildlife Mitigation Plan approved in writing by Idaho Fish

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and Game prior to development, condition 31, requirement of contractors to use alternate routes condition 36 to name a few. Additionally we believe that this project should be subject to review by the Design Review Committee.

We have been under the impression all along that all lands that were subject to the Development Agreement would be held to those original Conditions of Approval. We would hope that this body would continue with that effort.

Chair Wilson: For the record we have the Harris Ranch position statement.

Questions from the Commission.

Commissioner Cooper: I have a question for staff. It was mentioned about the affidavit of legal interest for the property. I noticed in our packets tonight we have a letter from Brighton Corporation stating they could not provide one. I understand the land has been purchased by Boise State and I just wanted to ask if staff is satisfied that ownership has appropriately been proven?

Angela: With any submitted application we do require that our affidavit of legal interest form is complete and submitted with that application. That was done with regards to this application and later we had Brighton Corporation rescind the previously signed affidavit. We now have which was turned in May 30, the affidavit of legal interest signed by Boise State University there is an addendum to be attached to this staff report and everything is available in our records center. That addendum includes the pages associated with the traffic impact study, the Archeological Study, The Wildlife Mitigation Plan and Boise State University's affidavit.

Commissioner Brunelle: Question for Angie. The statement from Mr. Fowler from the Harris Family Limited Partnership does raise some concern with me concerning the standard of compliance with all of the conditions that have gone with the land over the last 10 years since this land was annexed and I just want to know how solid we are as far as seeing that those conditions are being complied with. I think we need to do a little bit of work on the condition that we have in front of us tonight for example the Wildlife Mitigation Plan I think is very weak. I think it needs to be tiered to the overall Wildlife Mitigation Plan that we insisted upon for the whole valley. So what I am wondering about are all of these other ones. The dozens of other conditions and we don't have them in front of us tonight and I just want to know where staff is. Did you look at all these things and figure out which ones apply and don't?

Angie: Yes we have looked at all of them. The Conditions are actually included in your packet including the applicant's response and then brief analysis per the conditions that pertain. I wanted to explain this. The application was screened with two major considerations.

First; what findings are necessary for conditional use review? What are the findings? And those are the standard findings that we always work with.

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Second; what requirements are set forth in the existing Conditions of Approval that we need to take into consideration? Previously Harris Ranch related conditions limited any development prior to the construction of the East Park Center Bridge. In 2005 the applicant revised these Master Conditions to allow incremental development and it was not specified to what extent that interim development could occur. Another associated application with this incremental development was Harris Ranch 9 and that was the residential development that you saw south of the Mill District. Two the Master Conditions would allow construction of a school site or any public amenities that were to come in before the construction of the East Park Center Bridge. All this considered, the applicant met several times with Boise City Administrators to discover the scope of whatever they needed to submit to figure out compliance with those Conditions of Approval. We are happy to provide further analysis of outlining out the applicant has met these conditions but it is determined that because the master conditions allow a project to be judged on its scope, this site was not impacted by the waterways that were a major consideration with the other Conditions. Regarding traffic mitigation, it was major mitigation just going ahead and locating East Junior High School site further down easterly on Warm Springs. So that in itself the location is mitigation as agreed upon by the approval issued by Ada County Highway District. Further, I was in touch with Idaho Fish and Game today and it is anticipated that if we were to include the Conditions included Mr. Tiedeman's Wildlife Mitigation Plan that it would be anticipated that is acceptable. Another option we may want to pursue this evening is having further review by Design Review to meet any design concerns surrounding the site though I do want to note there are not current design guidelines standards that have been adopted associated with this plan and so for that reason we found it to be acceptable.

As far as the other Conditions, I know that the applicant may want to respond but there have been many meetings determining what was necessary to submit with this Conditional Use Application and in the end the important consideration was that school uses are possible within R-1C (Single-Family Residential) zones as long as the Conditional Use Permit was approved. One option may be to attach the Master Conditions also on this Condition list.

Commissioner Fadness: And maybe the applicant will include this in the rebuttal but I would like to hear the applicant's response to the HRNA's proposals regarding parking and creating more space then for student use.

Scott Henson: To speak to those particular concerns of the HRNA, we certainly appreciate their comments and support of this project. It needs to be stated, because there was a number of people that mentioned the pace at which this project is moving.

Chair: I am afraid you are going to have to limit your testimony to just responding to the question.

Scott: In looking at their plan, we talked with them today on the phone and this was the first discussion that we had with them regarding this. I would not be in support of reducing the

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number of parking spaces that are provided. They are necessary for event parking. I don't believe that sharing parking across the street with a parking lot that is not yet developed would be prudent and suggesting that people are going to be crossing the street for night time events out there just doesn't seem to make a whole lot of sense to me for safety. When we take a look at being able to reduce that parking he showed a graphic on there to show how things could be manipulated, I think that was a little bit of an overstatement of what could be developed there. There is circulation that needs to take place all around the building for fire access, which is a very wide road that has to circulate around the entire building. The suggestion that we could create a lot of space on the sides or the back of the building really isn't something that we could accomplish. What we did agree to over the phone today was that we would be able to meet with them again. I believe there is sufficient space on the site without reducing parking and without modifying the current design to incorporate some additional basketball courts. Right now there is no program for volleyball in fact some volleyball sand courts within the district we have taken out because they were overgrown with grass, as they simply don't use them as that is not part of their program. We believe we have designed a great facility for kids with the appropriate amount of athletic fields and venues that meet their program and meets with what is dictated by the school district and their athletic program.

Commissioner Fadness: Did I understand you correctly when you said you determined the number of parking spaces you look, your employees and there is some sort of standard regarding seating in the gymnasium and the parking you need for that. The number that you came up with is the minimum amount required?

Scott: Yes sir.

Commissioner Fadness: So it is not even 10 over the minimum?

Scott: We are providing the exact number that is required by that statute.

Commissioner McLean: Question for applicant. It has been suggested tonight that we either attach the Master Conditions to a Conditional Use Permit or at least address some of the Conditions that would level the playing field. I wanted to know what the District's position on that was.

Scott: We have met many times with staff and Hal Simmons on trying to determine which of the Conditions of the Harris Ranch Master Plan Conditions of Approval are applicable to this particular project. I think to say that each and everyone of them is applicable unconditionally is not appropriate given where this is located. There are requirements in there to build a bridge and to extend things that are well beyond the circumference of our property and things we have control over. The items that we spoken to directly have to do with Traffic Mitigation and Wildlife. We have a Traffic Mitigation Plan that was submitted two months ago and it identifies exactly what it is that we are doing. Unlike other types of development, a school is a completely different animal when it comes to mitigation. I mean it is mitigating traffic by simply providing

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buses that are picking up the majority of the kids and bringing them to and from school. So in effect that is a mass transit system, which the school district is providing to the building. In addition to the traffic calming and pedestrian circulation, we have met with all the neighborhood associations and ACHD on this and believe we have taken adequate measures. The major traffic calming issue is dealing with speed on that street and by putting in the flashers and warning lights and reducing the speed there is really no way that speed would be reduced on Warm Springs below 35 miles per hour without a school being placed there. So we are lowering that speed by 15 miles per hour more than what it ever could be lowered by ACHD. So I believe we have met all those things and in fact when I went back and looked at the records for Harris Number 9 development of the 51 Conditions of Approval, 21 of those were addressed non-applicable or no comment. I believe we have done far beyond that in identifying our response to each and everyone of our Conditions of Approval. With regard to the Wildlife Study we stand on the packet that was submitted to Fish and Game and those Conditions of Approval can certainly be made a part of that recommendation and conditions to our project.

Chair Wilson: I have a question for staff. I would just like to have your input on the suggestion that this go before the Design Review Committee as it is a pretty significant building. What is our take on this?

Angie: I know in the past this has been a topic of discourse with staff and I know that we have received legal opinion but we can refer it to Design Review for a design opinion, which I think in this case there are some opportunities to look at. For example when we do receive the final recommendation from Idaho Fish and Game the landscaping can be further flushed out or detailed. Additionally I wanted to show this parking chapter which Scott Henson is referring to and I will go ahead and read it. For Junior and Senior Highs for every teaching station you require a parking space and for every four fixed seats a parking space is required. Typically, by policy we have allowed the accessory uses such as the gymnasium to be considered under that same just teaching station and fixed seats canopy only because the athletic activities are accessory to the function of the Junior High School. That may be an option to eradicate more parking spaces but I do know with the anticipated enrollment of 900 students, I don't know that there is much room. Back to your design review question, that is one example of what we can refer to for Design Review to look at. We can lead them through the minutes of what to pay attention to.

Commissioner Fadness: I have a couple of questions on the conditions. The representative from the East End Neighborhood Association on Condition 18 felt that the Condition didn't strongly enough minimize night pollution. As I read the Condition and the way I interpret it is that is the whole reason it is there is to minimize night pollution. What is your response to their suggestion that be reworded more strongly, is that necessary in your view?

Angie: In order to make the finding that something is not detrimentally impacting neighbors that is why we require all conditions that we do. I had included the wording that is our typical wording for public facilities if there is further enhancement that is necessary you know we

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haven't done it before but that is not to say that we can't tonight. I don't know, I know that Sarah Schafer, our Design Review Chief is here tonight she may be able to help me and I can report back later this evening how that condition may be rephrased.

Chair Wilson: I think the concern is that the way it is worded currently it does prevent glare on adjacent properties but it doesn't specify downward facing lighting to minimize the night sky pollution and that is probably the language that I think would be desirable here. So if you want to include that as part of your closing comments from staff, if you have some suggested wording by then that would be appreciated.

Commissioner Fadness: On Condition Number 7 the East End Neighborhood Association (EENA) also talked about participation in the Transportation Management Plan. That can entail any and all parties including neighborhood associations isn't that correct?

Angie: That is correct and so I was able to speak with Deanna Smith (representative of the EENA) and I think that what she is looking at for 7 is to require school district participation within a Transportation Management Plan. I just wanted to note for record it has been extensive meetings that we have come to this point, I don't consider it a rush job but I learned through those meetings that there is an extensive outreach program put on by the school district both to their employees and then too the routing of the students to the schools. Essentially, they are and already have been conducting their own Mitigation Plan there through the school district.

Commissioner Brunelle: I have two sets of documents. One was the printed copies and then on Friday we were emailed a six-page set of findings and then attached at the end of the findings there was recommended Conditions of Approval and they were numbered 1 and 2. I think what they are in addition to all the other recommended Conditions of Approval.

Angie: Thank you for clarifying that. That was the intent of those Conditions. Essentially, why the reasons of decision came later was because having transportation authority approval on schools is a necessary finding for approval so we waited on our reasons for decision before we issued them. In regards to the Conditions, those were intended to be tacked on to the Site Specific Conditions contained within your original staff report.

Closing Comments by Staff.

Angie: Summarized on how it has been a long process in determining how compliant this request was with the existing parameters on site and also the request compliance with all findings for approval for a Conditional Use Permit. In the end with all Conditions imposed and any further Conditions that we may be able to flush out through the motion, I think this is a request that is approvable and I commend the applicant with their patience and dedication to going the extra mile, far beyond what a Conditional Use requires but to demonstrate their willingness working within the context of the Planned Community surrounding them and further with the

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neighbors. We do commend their effort and are glad they were able to work out solutions together.

In response to Commissioner Brunelle's observation that the addendum Condition be inserted. What I would say is that those conditions be inserted under Site Specific Conditions, that the applicant still be required to comply with all considerations from the Ada County Highway District, that number 7 be amended to include school district participation in a Transportation Management Plan which I would like to elaborate for the record, they are doing that. 18 I have wording that I would like to read into the record and then I will actually bring it up as an exhibit. All lighting for site shall utilize fixtures, which provide shields directing the lights downward. The applicant shall submit cut sheets of all lighting fixtures for staff's approval.

The school will later come in for a building permit and that will allow us to verify that at the time of building permit approval. Additionally, I know that in testimony Condition Number 19, that is a standard Condition just to insure that any future division of land would have to abide by our subdivision requirements but we can add to 19 that the applicant comply with Conditions. One option may be to bring back the Conditions of Approval in front of you that apply to the Harris Ranch Master Plan. However, it was our intent to simplify this process to determine what was applicable to the project and that is why we have resultant Conditions that they have to comply with ACHD's directives and Idaho Fish and Game.

Rebuttal by the applicant.

Scott Henson: Although we certainly appreciate all the comments, we have received from the EENA and the HRNA, our meetings that we conducted with those groups occurred in November and December. To point that this project has been rushed along that was over 8 months ago that we met with them and we took great pains to entertain all comments that came in from those groups. The result as you see it in our proposed plan is what came out of those meetings as we started literally with a blank site plan. So to come out today and to look to completely reorient the building to cut back the parking, to change the requirements that have been laid out by the Boise School District for their athletic programs that they want to see on their site, it seems a little late in the game to be doing that. We believe this will be a great facility for kids and provide all the needed sporting activities that they have. As I said in my previous statement, we are committed to meet with HRNA to talk with them about how we could integrate some additional hard courts. To respond to some of the comments related to the Conditions of Approval 7 and 18, we are certainly fine with that. We would be concerned about how strong the language is on the light pollution. If it is simply as Angie stated, we would be fine with that and we have had conditions in Hailey where they have implemented dark sky ordinances where that has actually become a problem as they have incidents on their site with insufficient light levels to be able to allow people in the evenings, after events to see. With that, we would like to proceed with this project. All of the other schools that were part of the bond campaign are under construction currently and are scheduled to be open on schedule. This project is well behind schedule by many months and is going to wind up opening late and cost additional money as a

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result of that so we certainly do not want to delay the process any longer than we absolutely have to.

Public Hearing Closed.

Commissioner Fadness: I make a motion that we approve CUP07-00044 with some changes to Conditions, Condition number 7 to include School District participation in the TMA (Transportation Management Plan). That we also modify condition 18 to say that all lighting for the site shall utilize fixtures, which provide shields directing the lights downward. The applicant shall submit cut sheets of all lighting fixtures for staff approval in addition, that staff bring back to us the conditions that include also those that are included in the Harris Ranch Master Plan when we come back for approving our findings. Moreover, I would be open to the amendments to that motion as far as number 19 is concerned if we want to do something that is not quite that complicated.

Commissioner McLean: Second

Chair: We have a motion and a second, discussion.

Commissioner Cooper: I wonder if the maker of the motion would consider adding a condition to revise the entrance to the property as shown on the exhibit tonight.

Commissioner Fadness: Yes.

Commissioner McLean: Secunder concurs.

Commissioner Cooper: And I wonder if it would make sense to include a condition about investigating the possibility of adding additional basketball courts.

Commissioner Fadness: You are requiring them to add basketball courts.

Commissioner Cooper: Require them to investigate the possibility of adding them.

Commissioner Fadness: Well maybe we could word it to say, "Investigate the possibility of other outdoor recreation opportunities." I hate to say it has to be basketball, soccer, or sand lot volleyball of whatever. So I would agree to something like that if the seconded concurs.

Commissioner McLean: Secunder concurs.

Commissioner Fadness: I just wanted to state my reasons for making my motion. I appreciate the input we received from both Neighborhood Associations and I think we have been able to add in some of the things that they have thoughtfully recommended. I do have to agree with the school district though that some of the suggestions made particularly from HRNA did come

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pretty late in the game and they are major modifications. I do trust that the School District will work with the Neighborhoods Association on parking issues, maybe there are ways that you can find to increase parking spaces and I hope that the two will be open to working with that. I do not think it is safe for schools to have parking off site. I do not think it is a good idea to have people parking on neighborhood streets. There is a good chance that the Brighton Development I assume will be primarily residential so I do not think there will be a lot of opportunity for parking there. There might be at Riverside but they are growing and they need their parking space so I just think that you need to plan ahead and have ample parking available onsite and I also was not at all impressed with dropping students off at one end of the school lot and having them walk all the way around to front, that could be quite a distance especially in winter conditions. I think of custodians and teachers as kids track in mud and snow from walking around so you know I think those are issues that are major and pretty significant changes kind of late in the game. The other issue that has come to everyone's attention is whether this meets the overall Harris Ranch requirements and as the people representing the Harris Ranch Family stated that is an issue that needs to be decided in a venue separate from this one and so I don't even want to comment on that.

Commissioner Brunelle: I was wondering if the maker of the motion and the seconded would allow for an additional condition adjustment. We had this added condition regarding the Wildlife Mitigation Assessment that was part of what was sent to us late Friday so it is not in the original set of conditions, it is on page 6 of 6 of the attachment, condition number 2. I just felt that it was not specific enough that we do need to tier the Wildlife Mitigation activity for this site to the larger Wildlife Mitigation work that is going on for the Barber Valley. So I would like it to read something like, "The applicant would submit a Wildlife Mitigation Plan tiered to the Wildlife Mitigation Plan for the Harris Ranch area and approved in writing by the Idaho Department of Fish and Game just as we had required the Wildlife Mitigation Plan on the whole Barber Valley last month.

Commissioner Fadness: So when you say tiered to, you mean it would coincide with...

Commissioner Brunelle: Yes. Tiered to meaning that it is smaller in site and more specific because it is dealing with a 20-acre site as part of a larger 1000-acre wildlife mitigation site. There is some logical step down from a broad scale look at the wildlife mitigation issues down to this. I just do not want them existing in separate universes. Obviously, what we have here is, one place where it does come together is the Department of Fish and Game but they are getting them from different consultants and in this case, it is the school district and whom they have hired to work on the Wildlife Mitigation Plan versus the Harris Ranch Limited Partnership hiring some other parties. I think there does need to be a little bit of collaboration there.

Commissioner Fadness: Well I was comfortable with the fact that Fish and Game had to approve the plan before a building permit could be issued but I certainly have no problem with coordinating with the overall Harris Ranch Wildlife Management Plan.

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Commissioner McLean: Second concurs.

Commissioner Cooper: I did have a comment. I just wanted to get in the record that I applaud the applicant's design team for doing a yeoman's job on working on this site and I wanted to point out that a large reason for the difficulty and frustration that I think the HRNA expressed was the fact that the school district uses a one size fits all design and it is dropped on whatever site happens to be purchased and makes it extremely difficult to use that site efficiently and also it makes it impossible to design any spaces that make any recognition of where the sun is or that sort of thing. I think that is short sited and the fact that the building is going to be there for 50 years and it has to be lived with.

Chair: So Commissioner Cooper; are you recommending that we get an opinion from the Design Review Committee or are you happy with the design as it stands?

Commissioner Cooper: I was not intending to make a statement about Design Review Committee.

Commissioner Brunelle: Just one more comment in favor of the motion in particular I think writing into that condition 7 mandates the school district, as part of the Transportation Management Plan and it would be an active participant is an important component of this. While not a condition I think testimony from Mr. Reinick brought up the point that say in 3 years we ought to be looking at what is going on with transportation out at that site and having TMA in place that is the exact place where that topic ought to be taken in two or three years after some additional construction and building is going on out in the Barber Valley.

Chair: Any further discussion, okay with that we will call for a vote.

Commissioner McLean: Aye

Commissioner Brunelle: Aye

Commissioner Cooper: Aye

Commissioner Fadness: Aye

Hearing 4 in favor and 0 against, motion carries.

ITEM 5. CUP07-000058 & CVA07-00021 / J.W. ENTERPRISES

Location: 2227 S. Dorothy Avenue

REQUIESTS APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 6-UNIT PLANNED RESIDENTIAL DEVELOPMENT ON \pm .57 ACRES LOCATED IN AN R-2D ZONE. THIS APPLICATION INCLUDES VARIANCE REQUESTS FROM THE SETBACKS, SERVICE DRIVE WIDTH, AND BACK-UP SPACE REQUIREMENT.

ITEM 5a. SUB07-00046 / MILO PLACE SUBDIVISION

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A PROPOSED PRELIMINARY PLAT FOR A RESIDENTIAL TOWNHOUSE SUBDIVISION WITH 6 BUILDABLE LOTS LOCATED ON THE WEST SIDE OF S. DOROTHY, SOUTH OF PENNSYLVANIA.

Applicant – Steve Renberg, member of J.W. Enterprises – 3037 Hudspeth, Meridian, Idaho. I think I have it worked out. We had a little meeting outside and I think we have worked it out.

Todd Tucker (city staff): In the staff report for the subdivision application there is a statement in the staff report regarding sidewalks that says the applicant will be required to construct a 5 foot wide concrete sidewalk on Dorothy Avenue. That provides a safe public route within the sidewalk system. That statement did not make it into a condition of approval so there is no condition of approval that requires sidewalks. There is a condition of approval in the general conditions that states Ada County Highway District must approve this and must sign off on the final plat. The applicant has a letter from the Ada County Highway District not requiring sidewalk on this site because the existing situation of Dorothy Avenue as the highway district will be reconstructing Dorothy Avenue in the future due to its condition. So there are no modifications to the staff report.

The applicant is now in agreement with the terms and conditions of the staff report.

Commissioner Cooper: I'll make a motion to approve CUP07-00058 & CVA07-00021.

Commissioner Brunelle: Second.

Commissioner McLean: Aye
Commissioner Brunelle: Aye
Commissioner Cooper: Aye
Commissioner Fadness: Aye

4 in favor, 0 opposed, motion carries to approve.

Commissioner Cooper: I'll make a motion to approve SUB07-00046.

Commissioner Brunelle: Second.

Commissioner McLean: Aye
Commissioner Brunelle: Aye
Commissioner Cooper: Aye
Commissioner Fadness: Aye

4 in favor, 0 opposed, motion carries to approve.

ITEM 6. CAA07-00059 / DANIEL & JANICE ROUNSEUEL

Location: 4607 Kootenai Place

ARE APPEALING THE CONDITIONS ASSOCIATED WITH THE PLANNING DIRECTOR'S APPROVAL OF A HOME OCCUPATION PERMIT ON PROPERTY LOCATED IN AN R-1C ZONE.

Angela Wood (city staff): Summarized the staff report as included in the Commissioner's Packets. It is not because of the property itself, it is that all properties are subject to the rules of rezoning ordinance and for that reason I will conclude that the Planning and Zoning Commission should uphold the approved Home Occupation Permit with all conditions of approval in place and that includes prohibiting any commercial vehicles being stored at the property.

Angela entered into the record two letters dated June 7, 2007 from Gilbert Shoemaker and one dated June 2, 2007 from Margaret and Richard Anderson.

Appellant – Janice Rounseuel – 4607 Kootenai Place. All I want to say is we were blind sighted by this. All of a sudden we have to move 90% of our business and we did. She submitted letters and pictures of their property to show what it looks like and that it is not trashing as some neighbors say it is.

Daniel Rounseuel – 4607 Kootenai Place. The recurring theme in the complaint is noise and traffic and you hear that again and again. It is a 3 page complaint against us and that is what you see over and over again is traffic and noise which is curious because we do not conduct any business there at all. We are in the tree business, we go to people's homes, take care of business there and there is nothing done on our property. The only thing related to trees there is we burn firewood so I do split wood for our use and I have a pile of wood there that I split for my parents and when we go visit them in July I will take it to them. This is the same wood that you see in the pictures and the wood that is being complained about, but it will go away in July. The only noise we generate is personal not related to business. We have no customers coming to the house. We leave in the morning and come home at night and park that is it. Another complaint was what if the business grows, well it is not going to grow, we don't want employees, it is just Janice and I working together. We are having to store our truck off our property which means we lose an hour of our time to go and pick up the truck from storage before we can go to the job sites.

Public testimony

Mary M. Stivers – 4611 Kootenai Place. Have used Dan to do tree trimming, does a good job but the truck they use and park on the property has progressively gotten bigger. They don't want the truck parked there.

Kay Rasavage – 4621 Kootenai. She hears the Rounseuel's splitting the wood and it is so loud

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she has to go in the house. The trucks going by her house into the cul-de-sac are noisy.

Tom Gaither – 4610 Kootenai. I have a small residential area, which I am going to develop and I want to have this neighborhood remain residential. If I build these single-family dwellings, I do not want commercial in the area. There are signs, which indicate no trucks on the street but he has seen semi trucks on the street.

Closing remarks by City Staff

Angela Wood: As is the case with appeals they are very controversial but what is important is that is not about neighborhood opinion what we work with everyday is the zoning ordinance to make sure everyone is held to the same standards. One of the standards is there is no commercial operations on a residential property because we are in the heart of a residential neighborhood. So for that reason I stand by my original conclusion that the appeal should be denied because the City of Boise did give the applicant the opportunity to conduct business from that property but just within the parameters that is a home occupation permit.

Rebuttal by the appellant

Janice Rounseuel: They understand the zoning and have moved their truck.

Public hearing closed

Commissioner Fadness: I make a motion that we deny CAA07-00059 the appeal.

Commissioner Cooper: Second.

Commissioner Fadness: It is a clear-cut case and we have to abide by what the zoning ordinance requires.

Commissioner McLean: Aye

Commissioner Brunelle: Aye

Commissioner Cooper: Aye

Commissioner Fadness: Aye

4 in favor, 0 opposed, motion carries to deny the appeal.

ITEM 13. DRH07-00021 / THE NEIGHBORS OF 1805 GOURLEY STREET

Location: 1805 S. Gourley Street

ARE APPEALING THE DESIGN REVIEW COMMITTEE APPROVAL TO CONSTRUCT THREE SINGLE FAMILY DWELLINGS ON CONTIGUOUS LOTS OF RECORD LOCATED IN AN R-1C ZONE.

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Josh Wilson (City Staff): This is an appeal of an appeal the DR Committee of a staff level approval to construct on 3 contiguous substandard lots of record, single-family homes located at 1805 S. Gourley Street. It is generally located south of Gourley Road near the intersection of Nez Pearce Street very near Whitney Elementary. Because it was 3 contiguous substandard lots, it was a staff level decision initially for the approval that was appealed to the DR Committee. That decision was upheld by the DR Committee with a modification and now this decision is before you tonight on further appeal. The applicant had proposed 3 lots, which are accessed off the alley, which is required by ordinance. I found that the front setbacks, side setbacks and the garage setbacks off the alley were all appropriate allowed by ordinance. The applicant had proposed the 3 homes to be a combination of structures. What is labeled, as the foursquare would be the southern most lot is a wider lot at 35 feet and then they have the two 25 foot lots. It was proposed as a full 2-story structure with the second story being setback 8 feet from the first story for a total of 13 feet from the property line for that second story on that foursquare home. The middle known as the Prairie Home is also considered 2 full stories in height. This is generally allowed on the interior of a development when adjacent to single-story homes. In the north home which is labeled the Cottage was designed with a modified story and a half structure with a cable which runs side to side so what you end up with is a peaked roof that slopes to front and the rear of the home and then with a shed dormer on the front of the structure there. The reason for these designs with the 2-story in the middle and then this kind of modified 1½ story on the north and set back 2-story on the south is because there are single-story homes adjacent to the property on either side to give some context to the neighborhood. This is the property from Gourley Street, there is a single-story home on the north that you can see in the rear (Josh is showing pictures on the overhead) it would be on the other side of the alley there is a 2-story, newer structure that is behind. This structure on Gourley that is immediately adjacent to the 2-story property is a 1-story. Additionally to the south, the existing home would be a single-story as well. At their hearing on April 11, the Design Review Committee did take the further action and what they did is they upheld staff's decision and denied the appeal and they required that all the homes be taken to 1 ½ story or 1 story structures, that was the condition by the committee. They found that would take further efforts to integrate these new homes into the surrounding homes and minimize the impacts on the adjacent properties. That is the decision that is being appealed before you here tonight. Staff has recommended denial of the appeal and to uphold the Design Review Committee's decision.

Appellant – Alisa Sanders – 1810 Gourley: She asked all those who joined her on opposition in the audience to stand up. I live across from the 1805 project and I have lived at 1810 Gourley for more than 30 years. The findings for the original approval state that this project is compatible with surrounding dwellings but I will show that this is not the case. Alisa then asks Josh Johnson to help with pictures on the overhead. The homes that face Gourley Street are not eclectic, they are all single-story, the majority have basements and large well-manicured lots and there is no street parking. She shows a picture of the original home, which has been demolished but was on the proposed lot. She goes on to say that this was the original farm home on the acreage that encompassed Eagleson Park addition and was built in 1833 and it did compliment the neighborhood. It was a single level with a partial basement. You can see a little bit of the 2-

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story duplex infill behind the yellow home, which is 1801 Gourley. That was not a good addition to the neighborhood, the owner of the 1801 has since sold her home and it has been used as a rental. As you can see from these homes, the rooflines are all compatible, they have large lots, there is more than 5 feet between the homes, the driveways are off Gourley Street into the garage and there is no street parking. Residents are not transient; we are a well-established, unique neighborhood as most residents have lived here for 10 to 50 years. These homes have definitely stood the test of time. Alisa then shows an insert on the picture of the 3 proposed homes and points out that they are not compatible to the present dwellings. They are 2-story and the one is a 1 ½ story but they invade the privacy of the home at 1821. Small yards with 5 feet separating the homes, there is no Gourley Street driveway or garage off Gourley Street. They do have detached garages and they have alley access but historically allies were designed for utility purposes and not for personal driveways into garages. A neighbor Velda Shaw who lives on Shoshone Street and she has lived there since 1948, she stated that approximately 50 years ago her neighbor built a detached garage that you can see there with alley access. They drove a small vehicle and they ended up not using the garage because the turn radius was too small off the alley into the garage. They then made the garage into a 1- bedroom apartment for their son and it eventually became a rental and street parking resumed and you can see the result of that detached garage. The 1805 project does not capture the elements of the older homes. Building 3 infill homes on substandard lots would remove historic implications of these pre and post World War II home structures and impact the 1800 block in a negative manner. It creates an undo burden to the neighborhood and it is an incompatible design. We have a loss of privacy, increase traffic and then increased street parking, which will bring on more pedestrians and maybe a safety issue for those pedestrians. A large majority of these infill homes are becoming rental homes (as indicated in the picture she was showing at the time) and this is not what we want to see happen to our neighborhood.

Applicant - Evelyn Grime – Place Design and Planning - 720 Idaho Street #38: Evelyn shows some photos and documents on the overhead. To briefly recap our interactions with neighbors and such to date, we did meet prior to submitting our application to Boise City for the 3-infill homes. We met at Melissa Sanders house and they shared with us their concerns for design but I think one of the strongest points that came out that meeting to me was they would much rather see 2 homes instead of 3 and we discussed those options. Forward to Josh Wilson's approval and to the first appeal to the Design Review Committee at such time the evening of the Design Review Committee we stood outside and I did indicate that I could give the neighbors another meeting prior to the ten day appeal period to go over a new design to determine if they would like to look at the re-design options or proceed with the appeal here to the Planning and Zoning Commission. On the 5th or 6th day of the appeal period, I had not heard from anyone and I got the notice that the appeal had been filed. What I would like to share is the design thoughts behind the project initially and then show you what we have submitted to staff for redesign just to indicate that we are responsive to the neighbors concerns. Notwithstanding the desire for 2 homes instead of 3. If we look at the neighborhood in a broad sense (and she shows on an overhead) I simply highlighted those areas beyond the initial block of the 1800 block that do have their original lots developed duplex uses or that higher density use that would indicate the

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diversity in the neighborhood. When we look specifically at the 1800 block, these are the 3 lots that are in question and this is Paula Spang's residence and Melissa Sander's residence and I do concur that this block of homes is very well kept and very pleasant to be in. This is the 2-story duplex that I think has caused a lot of concern from the way that it was designed and then the way that it has been lived in. I do not think it is fair to apply the problems of the duplex directly to the new homes we are constructing here but I certainly respect the concerns. The general design that we submitted, called for that 2-story 4 square here next to Paula's house and then our Prairie in the center and originally the Cottage here on the corner. There is about 25 feet from the home, 20 feet here to the property line and another 5 feet to the residence, being proposed here (and she was showing the pictures on the overhead). From Paula Spang's property the initial design and the subsequent design take in to account how far her home sits back from the street and then we have tried to place any either second floor or 1 ½ floor for bedrooms within the same location of her home rather than invading on her privacy for the rear yard. The distance from the street back to where we are proposing the new 1 ½ story for the bedroom would end equal to her back patio area notwithstanding that we have about 3000 square feet plus of a back yard. We are trying to make sure that we don't invade the immediate space outside of her home. Evelyn then shows photos of the original plan proposed and the subsequent plan to point out the differences. And the design elements for this came from the larger neighborhood; this is a broad-brush approach this is not immediately 1800 block post World War II homes. This is looking 6 blocks out and finding that there are a lot of different style homes within the area. Initially we proposed greater distances between the 16-foot alley and the garages to allow parking behind the garages that would not impact the street for that 3rd vehicle of a teenager or those guest people coming over. We also modulated the front of these homes to allow for privacy between the homes in their own rear yards in addition to giving privacy to the neighboring yards. Evelyn then shows a picture of the redesign proposal and explains that the extra width in this third lot next to Paula Spang's residence gives us a lot of design potential where the 25-foot lot widths don't give you as much flexibility when it comes to width. If we take a direct page from Paula's home or Melissa's home which is directly across the street, I as the designer feel that we have strongly incorporated some of those details into the new Tudor design and this is 1 ½ story. The Cottage now moves to the interior and it is a modified 1 ½ story to the front. This (inaudible) plan also steps back where the bedroom additions are to the center of the house further allowing privacy to the northern neighbor and also bringing down the massing of this structure to the street. We are not asking that we be allowed to pursue the original design, we are simply stating that we have been more than willing to work with the neighbors and willing to work with the Design Review Committee. We think there recommendation was based on the new code that is getting ready to be adopted and go ahead and be forward thinking to bring everything to 1 ½ story. When we look at our pattern for density, I think another concern for public safety and utilities we have essentially an R-1C zone, which is 8 units per acre. This block portion right here is 1-acre, this block portion right here is 1-acre; the density on this side is 4 units per acre. That is fabulous for living in that area. (Evelyn is showing pictures on the overhead as she explains). It is not what it is zoned for so it is a bit misleading to say that this is what the neighborhood is supposed to read like given the R-1C zone. This side with the addition of these 3 homes and counting this duplex will be 9 units per

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acre. Given the additional parking buffer behind which we are willing to take to 15 feet and evidence from different utilities as were routed through the design review application process; there has not been any indication that there is a concern for utilities or for the ability of the streets to handle the traffic or to cause greater traffic concerns to bring up concerns for kids and such. We really do feel we are providing that single-family home with new construction here where for many people my age wants to live in these old neighborhoods but they don't want to live in an old home.

Commissioner Fadness: Just a quick question for the applicant about off street parking. Is that one space per each of the 3 houses?

Evelyn: No, each home has a 2-car garage, the larger lot has an oversized 2-car garage, that meets the minimum requirements for parking and in addition to that, moving the garages away from the alley will allow a 15-foot length of driveway which 15-foot length is your compact car length minimum requirement. In that sense, we are trying to provide opportunity for a teenager, a 3rd car driver in the household to be able to park off street as well. We are exceeding the minimum requirements for parking.

Paula Spang – 1821 S. Gourley. I have been at this address for 18 years and am the 3rd owner of the house, which was built in 1947. 1821 is the famous house that is adjacent to the southern side of 1805. First, I think we have to set a few things with the record. This is the first we have seen of the redesign. The proposal was that the redesign plans would be submitted to design review and then there would be another 10-day comment period. There were 2 days left in order for us to file and appeal and we still hadn't heard whether or not the new plans had been approved so we filed the appeal. I think it is safe to say that Sue Pizanni of the Vista Neighborhood Association was the person who suggested that the meeting happen within 10 days it wasn't the applicant. We did not find out that there were 3 houses or any houses going on that lot until the gas company came over and shut off the gas. We didn't know what was going on until we received notification regardless of what may be required by the ordinance; we did not receive any notification until we received the approved plans. (Paula showed some pictures on the overhead) The guideline standard number one of the code says discourages full-length 2-story houses but under certain circumstances. Yes, we tried to address the height issue by lowering the height to 1 ½ stories but we still have privacy issues, we still have excessive shading of my lot I know it is only 5 feet on that particular side of the house but I like it, I pay taxes on it, it's mine. Now height, window placement and designs you might be able to change those but one thing you can't change is the mass of these houses on the lot. You are going to have to flatten the roofline regardless of what design you use and regardless of what height adjustment you are going to try to make, you are going to have to flatten the roofline in order to meet that. That just adds to the mass. The structures still intend to be a full-length structure; it has to be in order to be a viable real estate project. The setbacks are 20 feet, which would mean that the 4 square foot print or whatever it is called now will extend 5 feet passed the front of 1821 adding to the mass of the structures. What we are doing is replacing 1400 square feet of living space with 4700 square feet of living space, which is triple what has been there for the last

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70 years. Committee member Simmons remarked that the mass of the homes in that area just didn't seem to blend in with the neighborhood at all.

Marney Houser - 1824 Gourley Street: My main concern is with the parking. I have actually tried to pull into one of these infill houses and there was a power pole directly behind the garage, which decreased my turn radius such that I could not get my car into the garage beside the other car that was there. There was a drop off and a fence all the way back, there simply was not enough room to turn into the garage and I understand they have set them back further but they need to take into account what is already there such as the fence and the power poles. These things do shorten up that alleyway. They do park out on the street for instance you park in front so you can run in, do a quick errand. Whitney as they have shown is less than 3 blocks away. Last Thursday on the last day of school, there were probably 30 children that walk down the street to get to their homes. There are no sidewalks so they walk down the center of street. With cars parked along there, you can't see them and there are no stop signs on these other streets such as Spaulding and down a little further so the cars just zip through there. If cars are parking there, they are not going to see those kids walking and that is a real concern of mine.

Susan Donnelly – 1816 Gourley. I have called 1816 Gourley Street my home for 18 years. My 4 neighbors that just spoke ahead of me and I have a combined total of 136 years living together in the same neighborhood and paying property taxes at the same addresses. We believe that the proposal for 3 single-family dwellings at 1805 Gourley Street is flawed with its planning and respect for design, parking but most importantly privacy. The reference guidelines standard that we received 1) states the proposed structures are 2 stories in height and have utilized design features to insure compatibility with the surrounding dwellings. As you saw in the pictures, we certainly do not agree with that statement. The homes in the neighborhood are all single-level ranch style homes from the 50's with garage access from the front of the street. We are not opposed to progress in our neighborhood we support progress that will enhance the neighborhood while maintaining traditional, historical values. Building without regard to neighborhood concerns and using economics as a motivation for that building is something we strongly oppose. There are many neighborhoods, on the bench that would benefit from a fresh look and a new house. This block is not one of those neighborhoods. I would like to go on record that after the first hearing, we were given to understand, or at least I was given to understand that they had 10 days to submit new designs for all of us to look and talk about. I did not know it was my responsibility to call and ask them and then tonight is the first time I have seen any new designs.

Wendy Kirkpatrick - 2005 Cataldo Drive. I am actually an urban planner by profession and I chose to live in this neighborhood because it is near the urban core and it is a dynamic, changing neighborhood. While I do not live on this street, there are definitely several houses on my street where I would be thrilled if some of those houses were taken down and there was new infill. I moved to the bench because I wanted to live near the core and in an interesting neighborhood. I did not want to be in a traditional subdivision and I wish I had the opportunity to purchase a newer home. I am in a 1957 home with a flat room and a carport and plumbing I'm redoing and

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it has been an adventure. I am here in support of this, I think it is a real nice project and I actually much preferred the original set of drawings with the 2-story homes. I thought those were more nicely designed rather than the second where they made provisions. I am in full support and I think when you have an older neighborhood you have change or you have decay and I think it is a good project and a good use of land.

Bill Weber – 1703 Gourley: I have lived in that Vista Neighborhood for 20 years and I have owned for about 16 of those years. I like the neighborhood it is a real nice, charming neighborhood. I don't see other than Evelyn Grimes is the applicant and Boulder Creek has brought in their hired gun. We are just simple people, we live in a neighborhood, we live in homes, and we bought them to have a roof over our heads. We don't have covenants so we are asking you to be our conscience. There are places in Boise where you can't leave your garage open for more than an hour or two or you can't park on the street or have one of those pods where you can actually put your furniture in if you are remodeling your house, you can't do that. We have you to act as our conscience and the conscience of the City. In the pamphlet that I picked up today which is a little larger map than was shown earlier, I counted 35 of these smaller homes it is not very hard to do to look at the plot of our neighborhood and see the tiny little lines which mean tiny little houses. In the larger map that saw today there are 35 of them just east of Owyhee Street. The developer doesn't live in our neighborhood he doesn't feel the impact of what happens when these new houses come in, the rentals and the multiple people living in them. The safety of the kids and the parking things on the street. They come in, they buy a house, they scrape it or scrape the lot, tear down the trees and what happens is they clog the land fill with old houses, they line their pockets and the City lines theirs with their taxes that they get from the property. Everybody is happy but the people who live there.

Commissioner Cooper: Commissioner Cooper had a question for Josh. There was a comment about not receiving proper notice. I just wanted to make sure that the City had done that.

Josh: Our mechanism for checking that is that the applicant signs an affidavit that they did do that. They give us the mailing list of the addresses and I have that list in the file showing what was used to print those mailing labels to the neighbors. I have a copy of the packet they say was sent out and we have to kind of take them at their word on that.

Commissioner Brunelle: I have a question for staff, I know what we are going to be doing tonight is ruling as an appellant body on the decision of the Design Review Committee, what I'm wondering is what discretion do we have as far as a remand to the Committee or to were the Committee to follow me on a proposal I'm thinking of making. Can we have them do some follow up as far as now there is a new set of designs for these lots that design review could now take a look at?

Scott Spjute: You have the authority to remand the application to design review or back to design review staff. Your decision should be based on whether you feel that the design review committee erred in upholding the staff approval of this based on the findings not of

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compatibility, not of traffic, not of many of the things that have been mentioned but just the findings that are required in the ordinance for approval of homes on substandard lots. If you feel that in order to meet those findings which Staff and the Design Review Committee said have been met, if you feel the need in order to meet those findings a redesigned is required then you certainly can require that.

Commissioner Cooper: Just a quick follow up to that and just to clarify that the Design Review Committee did require that the houses be revised to 1 ½-story designs all 3 of them.

Scott Spjute: Yes, that was the action of design review.

Rebuttal by appellant.

Paula Spang: I think we need to take into account just the fact that the new plans haven't been seen by Design Review. I would assume that there would still be issues of privacy for instance the windows will definitely be an issue for 1821, the view. 1821 has a side of windows that are 19 feet long and 4 ½ off the ground and 3 feet wide. Any kind of redesign will definitely have to take into the account the fact that there is going to be a privacy issue. I am sure there are other things that Design Review would be interested in seeing and I think we should have an opportunity to look at the new design before any kind of decision is made. This is the first time that anyone has seen it. I think it is purposefully but be that as it may, I think the intent of the ordinance is that there is a review of the design.

Commissioner Brunelle: I will make a motion that we deny DRH07-00021, so deny the appeal. Also, I do believe that we do need to send this matter back to Design Review for their input and review of the revised drawings that we saw tonight. They are not part of our packet and I think that the Design Review Committee is best suited to see if those drawings meet the intent of what their adjustment was when they heard the appeal of the staff's decision. So it would be a motion to deny plus a direction that the jurisdiction goes back to the Design Review Committee.

Commissioner McLean: I will second for discussion purposes.

Chair: At this point I would just like to ask for legal's input as to whether the motion meets whatever we need to meet for legal purposes.

Mary Watson: I have been sitting over here with Scott Spjute and we are trying to figure out exactly where we are in this process as well. It sounds like you want Design Review (DR) to get another look at this because they instructed that the applicant return with a product that is less than what they originally intended. And as Scott Spjute indicated you can refer these back to DR, I don't think the vehicle is necessarily to deny or uphold the appeal as motioned at this point.

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Chair: So if the commission did decide to remand this back to the Design Review Committee, would this be a motion to defer a motion on the appeal?

Scott: The Design Review Committee upheld the staff application with the requirement to reduce it to 1 ½ stories but allowed the revised drawings to be approved by staff again. That is the direction it is going, the decision to uphold the decision is what is before you tonight. If staff comes back and approves the revised drawings then I guess we could go through this process all over again with an appeal to the Design Review Committee etc.

Commissioner Cooper: This sounds to me like the process that Commissioner Brunelle would like to have happen is already the intention of the Design Review Committee that it will go back for staff approval.

Scott Spjute: I think you are correct Commissioner Brunelle and I think at first I did not adequately answer Commissioner Brunelle's question but if your decision tonight is to uphold the Design Review Committee's decision and the revised drawings at a lesser height would be back for review by staff with the same criteria for substandard lot development.

Commissioner Fadness: And what is the public involvement in that? Since we have denied the appeal and it now has gone to Design Review with a new drawing, does the public again testify before Design Review and again appeal if they don't like the 1 ½ which I fear they won't.

Scott: This would not go to Design Review Committee; it would go to Design Review Staff for basically the same process that started this whole thing, staff level review. Design Review Staff is only reviewing it against the design criteria that are contained in your packet. They would be looking at the revised drawings against those same criteria and there would be opportunity for appeal after that decision.

Commissioner Brunelle: That is why I tried to craft the motion that it would go back to the Design Review Committee because I wanted to see some sort of opportunity for public input in front of the body that made the determination that these units should only be 1 ½ stories not 2-stories. Not back to the staff that approved the original 2-story as originally submitted by the applicant, I just felt that Design Review deserves another at bat at the plate with these revised drawings.

Chair: So would it be possible for us to remand it back to Design Review Committee and not all the way back to staff?

Scott: Yes, the Design Review Committee could look at it at a public work session, which we would advertise.

Chair: Okay and so does Commissioner Brunelle's motion meet the legal test and can we vote on it?

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Scott: Asked that the motion be restated.

Commissioner Brunelle: One is to deny the appeal, second is to remand to the Design Review Committee DRH07-00021 for review of the revised drawings.

Scott: Thank you for reminding me. I think the motion would be better stated if rather than remand, we modified the Design Review Committee condition to send it to staff to read that it be sent back to Committee for a Public Work Session so we would not actually be remanding it but we would be changing the condition from staff level review to committee level review.

Commissioner Brunelle: Okay I will adjust the second part of my motion to make a committee level review rather than staff level review.

Commissioner McLean: I concur.

Commissioner Fadness: I support the motion, I just want to give my standard infill development stump speech or sermon because we hear a lot. If you good folks could be here every Planning and Zoning Hearing, you would hear the same thing. Oh we think infill is great, we understand that there are good places for greater density in neighborhoods but ours is not the neighborhood for it, put it in someone else' neighborhood. I have to take issue with the comment that none of these half lot homes have improved neighborhoods and that the developer puts them in, makes his money and takes off. That is simply not the case. I do know that before the substandard lot ordinance passed we did have some pretty poor looking skinny homes as they were called. Since the substandard lot ordinance passed I think we have had a lot better projects and I think they have improved a lot of older neighborhoods even a lot of older blighted properties. I understand that isn't the case in your neighborhood but you can see a lot of cases in the North End and from my neighborhood in the Collister area, a lot of improved property with newer, very nice, smaller homes, affordable. We face a choice of either we grow in the City or we eat up more farm land and put more houses back further out south and east. Increase traffic, increase congestion, increase pollution or try and grown within the City boundaries. We are seeing a lot of traditional neighborhoods that used to be just single-family neighborhoods, now become mixed neighborhoods with smaller homes, larger homes, condominiums, attached town houses, it is a choice we face. Whether we want more urban sprawl or whether we want to try and come up with attractive infill design and so I hope that you will look at the new drawings objectively and not be immediately opposed to them which I have no reason to believe you will be. And realizing this is an issue we face all throughout our City and in all our neighborhoods.

Commissioner McLean: I just want to say too it is very unusual that I would be voting to send something like this back to design review or even not upholding it for many of the same reasons that Commissioner Fadness brought up. I live in an old house and there are many small, skinny houses going up around me but when it comes down to it we have to look at this place as a larger whole instead of just the blocks that we live on because this is not the same city that it was when

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you moved into your house 30 to 40 years ago, not the same city that it was when I moved into mine 10 years ago. The more that we do as a community to grow internally, the better off we are going to be long term and environmentally. And from a community perspective and a revenue perspective as well.

Commissioner Brunelle: Just one comment. I live on east Hays and ½ block behind me we have got these things going up left and right. Some very disappointing and a couple of others I have seen some great strides in design improvement. There are some that look like a single story from the front and then they go to a split-level in the back. I would submit that to the applicant that they are worth a look because they have less impact on the streetscape. I think that the changes that we have been proposing and the new ordinance for the substandard lots will continue to make these things look a little bit better. I know it is tough when you know these are legal lots on record and there is an entitlement to build on 3 and if I knew of a way to be able to say no to 3 I would have come up with it already. Our hands are really tied there but we can do something about design.

Commissioner Cooper: I would like to echo one comment Commissioner Fadness made about pre-substandard lot ordinance design and post substandard lot design. There has been a great improvement and I encourage you to keep your powder dry until you see the design. It is not going to be like the one that is already in your neighborhood, the ordinance really has been changed I think effectively to improve the appearance of these and I guess I would also add that I have lived in an utterly charming free standing house on a 25-foot lot that was built in 1920 and it is all about design and it can be done. That house was actually a 2 ½ story so it can be done.

Commissioner Fadness: Aye

Commissioner Cooper: Aye

Commissioner Brunelle: Aye

Commissioner McLean: Aye

4 in favor 0 opposed, motion carries.

ITEM 14. CUP07-00059 & CVA07-00022 / BROADWAY FRONT, LLC

Location: 401 S. Broadway Avenue and 316 E. Myrtle Street

REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A MIXED-USE PLANNED DEVELOPMENT THAT IS TO INCLUDE 64 RESIDENTIAL UNITS ALONG WITH HOTEL, RESTAURANT AND RETAIL SPACE ON ±5.94 ACRES LOCATED IN AN R-ODD ZONE. INCLUDED IN THIS APPLICATION IS A REQUEST FOR APPROVAL OF A HEIGHT EXCEPTION AND VARIANCES TO REDUCE THE DIMENSIONS OF PARKING STALLS AND SERVICE DRIVES. VARIANCES FROM THE BUILDING AND PARKING LOT/SERVICE DRIVE SETBACKS HAVE ALSO BEEN REQUESTED.

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Cody Riddle (City Staff): Summarized the staff report, which was included in the Commissioner's Packets.

Applicant – Rick Dugan – 300 Canyon Oaks – Wimberley, Texas 78676. I am here representing Broadway Front, LLC. Described the project and stressed that they have met with City Staff and all other entities required and have been striving to meet all the requirements for the site. Held 2 neighborhood meetings and have no objections from the neighbors. There are some of the conditions with the Design Review Committee that we will take up with staff and we agree with them. On some of the other Site Specific Conditions that are put forward by Staff we would like to respectfully disagree and explain why the variances we are asking for are important to us. To clear away one of the variances requests that we had asked for but have since adjusted, while we have had great success in all of our projects on parking lot dimensions, 60 foot no snows, we will fully comply with local ordinances on parking lot and drive isle dimensions and on compact space requirements. On the southeast corner of the triangular building, we are suggesting that at the expense of several parking spaces, we will slide the building on a diagonal line to the northwest to allow the streetscape dimensioning on both Broadway and Myrtle to meet the standards that staff is recommending that are in the guidelines. That will still require a setback variance but we will pull back and create the pedestrian environment around that corner that staff is recommending. This project will energize this area and brings much desired retail to this part of the City where thus far retail has been either unable to succeed or unable to sustain the combination of mixing residential with retail particularly a grocery use, particularly a whole foods use makes for a spectacular gateway for this City.

Commissioner McLean: Did you address the pedestrian access off Myrtle?

Applicant: Myrtle and Broadway are compliant with the streetscape according to standards that are in the guidelines in terms of dimension and use.

Commissioner Fadness: Had the applicant point out on the overhead where the hotel is and where the condominiums are.

Applicant: Pointed out what is included in the entire parcel/project.

Commissioner Cooper: Did you ever conduct a study where you brought buildings up to Broadway, not just a parking lot? Would you talk about how you came to this conclusion?

Applicant: Yes. The density shown and we have in fact reduced the size of the residential component between our first CUP application and this one. We have taken this building apart several different times, several different ways to pull retail pieces apart from each other. To pull residential apart from each other and the practical reality is we are on 3 very busy streets with a grocery store. A grocery store has to have a back door the back door to the grocery store we thought would be best served on Avenue B instead of pulling the building tight to another street

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and trying to find out where to put the loading dock and the trash compactors. Avenue B serves that purpose.

Commissioner Brunelle: Do you have an illustration that would show the west elevation?

Applicant: He shows the illustration asked for. Therefore, from left to right we have the condominium over hotel tower, the parking garage on top of the loading dock openings.

Commissioner Brunelle: What we don't have in the background there is the Washington Group International Headquarters.

Applicant: It is behind the building.

Chair Wilson: I think what we are looking for here is a little bit of context with some of the surrounding buildings for instance the Washington Group and the Idaho Water Center. Do you have any perspectives or elevations that incorporate some of the surrounding structures?

Applicant: No specifically no.

Jeff Snyder – CSHQA – 250 South 5th Street – Boise. Front street goes in across Broadway and Washington Group is diagonal to the left. Jeff continues to explain where the surrounding buildings are in relation to this new structure.

Commissioner Fadness: Do you know how many feet it is six stories but is it 70-100 feet?

Commissioner Brunelle: I believe it is a 114 feet tall.

Mike Hall – Capital City Development Corporation – 805 West Idaho Street, Suite 403. CCDC supports this project.

Chuck Winder – 5528 North Ebits Avenue – Boise. How do you take a hotel and spread the height over a site like this, how do you take the condominiums and do the same thing? Met with the neighborhood associations and have met with Winn Co, Kriesenbeck, City Partners, which developed the County Property across the street, Strawberry Square who had a big problem with the height of the building east of the Washington Group building. This is an urban transition area it is not downtown.

Closing comments by staff

Cody: I would ask if the Commission decides to grant any variances on setbacks to grant the height exception or to eliminate the pedestrian requirement, to please clearly state some findings. Most critically, what you feel to be unique circumstances or hardships associated with the 6-acre site that would justify approval of those variance requests.

Rebuttal by the Applicant

Applicant – Rick Dugan. We know that as a project we are not in absolute technical compliance and therefore in need of variances on setbacks. I believe we are the poster child for adaptive reuse of this urban edge, gateway, and corridor site. This project will bring to this part of the City something that is desired and is lacking. It is a lifestyle center, it is mixed use, increases residential density, and it brings a gateway project to this gateway part of the City.

Dave Slauser: 301 Las Lumas, Austin, Texas. A quick perspective from our group being out of state and sort of an import into Boise. Talked about the visit from the leaders of this project to Austin to meet the leadership of similar projects there and to get a first hand experience of how a project of this magnitude fits in to the scope of a City the size of Boise.

Rick Dugan: With your permission, we have taken the liberty of taking staff recommendations and slightly modifying them to match what we are asking for. I would like to submit them to you.

Chair: For the record we have a received a revision to the site specific conditions of approval from the applicant in terms of what they would like to see happen with these this evening and sir they do take into account some of the things you mentioned about for example moving the triangular building to the northwest?

Rick: They do it by allowing some of recommendations to stand which would cause that to happen right.

Chair: With that, we will close the public hearing and deliberate towards a decision. I think the way that will start because we just have one copy of this is I will go ahead and read to you guys the changes and you can mark up your copies and then we can proceed with either discussing these conditions in more detail before we make a motion so we can try and make a more coherent motion for our planning staff and I think if we work through some of these issues first that will help us make one motion with one set of findings.

Site Specific Conditions on page 14 of 19. This is all under Site Specific Condition 1.

“Listed below are all the Site Specific Conditions with the changes highlighted and italicized”

Site Specific Conditions

1. Compliance with plans and specifications submitted to and on file in the Planning and
2. Development Services Department dated received April 24, 2007, except as expressly

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modified by the Design Review Committee or Staff or the following conditions:

- a. A 20' setback shall *not* be provided between the retail building located at the
- b. southeast corner of the site and each street frontage. The streetscape shall be designed in accordance with the River Street-Myrtle Street Master Plan, including the requirement for a double row of Class II street trees.

Chair Wilson: So basically, this would eliminate condition of approval A. No changes to b.

- c. The streetscape along Broadway *and* Myrtle shall be constructed in accordance with the Urban Parkway Section as delineated in the River Street-Myrtle Street Master Plan. This includes the requirement for an 8' planter, 8' detached sidewalk and double row of street trees.

This condition does not apply to the plaza space located at the northeast corner of the site *nor at the sidewalk along Front Street.*

- d. A 20' parking lot/service drive setback shall *not* be provided along Front Street, Myrtle Street and Broadway Avenue.

Chair Wilson: No changes to conditions e, f & g.

- h. The primary building shall be limited to *17*-stories in height with the proposed uses generally distributed within the currently proposed building footprint. The final massing is to be reviewed and approved by the Design Review Committee. Special attention shall be given to providing an appropriate transition to other structures near the site.

Completely eliminate condition i, j & k remain the same with no changes.

Again, I would propose that we step through each of these conditions and discuss them and where we find differences from staff we might talk about some of the findings that we might make for that and then if one or more of you could just keep track of what is going on in preparation for making a motion. So beginning with Site Specific Condition a.

Commissioner Cooper: I am having some heartburn on how some of the dimensions of the surface parking lot seem to be driving many of these proposed revisions. However, I think that meeting the River Myrtle Streetscape standards is a good compromise for that.

Chair: So you agree with the changes to Site Specific Condition a?

Commissioner's Cooper and McLean: Both agree with the changes to Site Specific Condition a.

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Chair: Let's move along to Site Specific Condition c, which is constructing the streetscapes along Broadway, Myrtle and Front in accordance with the urban parkway section. They would like to remove the requirements that this applies to Front Street and that this is the part of the application where they discussed moving the primary pedestrian pathway actually in and adjacent the retail instead of keeping the sidewalk out along Front Street. So how do people feel about having the sidewalk be further off Front Street and further into the project versus constructing the sidewalk on Front Street the same way that it would be constructed on Broadway and Myrtle.

Commissioner McLean: I actually think that this design by pulling into the project will encourage more people to mull about the project and we would end up having more interaction between people on this corner where so often we just have cars going by so quickly. I hope that long term it will contribute to some more connectivity with people moving back and forth. My one concern is how people on bikes are going to work it but I think from the drawings it would be wide enough that I think it would both people and bike friendly.

Commissioner Cooper: Again, I am bothered how the parking is driving this. There is actually a lot of room up at that end of the site and I agree with the notion that it is much better to walk along a retail frontage than it is by the rushing cars. I do not have any trouble understanding why that parking cannot be adjusted to make this work on that side.

Commissioner Brunelle: My impression on this change that they are asking for, I think it makes sense because of the need to access the site from the Front Street side and it would seem like by allowing pedestrians to move towards the buildings that can at least allow the cars to be stacked on Front Street headed west. You could have a tendency of cars that are turning left to Broadway Avenue on to Front would then want to make the left turn to get into the site if you move the pedestrian and bike traffic over towards the building. That would allow the cars to ingress the site a little easier and not have a traffic impact onto Front Street.

Commissioner Cooper: This is also the main hotel entrance along this side so that is kind of the driver for the layout. If you look closely, a lot of the surface is given over to pedestrian space even though they don't meet the dimensional standards for the sidewalk there is quite a bit of room for pedestrians to move through.

Commissioner McLean: Is this something that when this goes through

design review we could request that they look at as well? The interconnectivity of the walkways that are proposed in the design as well as the design of the building?

Chair: Yes, we could certainly have them look at it but what we need to do is to give them guidance on what the setbacks are.

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The next setback – d. Not providing a setback along Front Street, Myrtle Street and Broadway Avenue at least not a 20-foot parking lot service setback. This one unlike the previous ones doesn't refer to another standard that we could put in here or what that setback would be.

Commissioner Cooper: I guess this is related to the first condition where, in lieu of the 20-foot setback, we are providing what I believe is a reasonable compromise on using the River Myrtle standards.

Chair: Yes, I think if we were to accept that condition, we would need to rewrite it to state that we would be in accordance with the River Myrtle Street Master Plan.

Commissioner McLean: I would like to see that we reference the recess design of the parking lot that was demonstrated here tonight or if we were to give up that setback that we would see that in the end.

Chair: The next one is the height exception. How do folks feel about the height exceptions being requested?

Commissioner Cooper: I guess I don't have much problem with this one. I really agree with what has been stated by the applicant CCDC about what has been happening in this area and what CCDC's intentions were in the

design guidelines of this area and what has been happening with this site. There are obviously tall buildings in place and going to happen in the area. One that is interesting is that the tall part of this building is not on Broadway, it is setback and that is positive.

Commissioner Fadness: I think we could also mention in our findings Mr. Hall's comment that the River Myrtle Street Plan never intended that 9-stories would be an upper limit but that was just to encourage building up and not as a rock solid upper limit. I think we can also say that this is easily compatible with the development that is going on around it including on 3 story building not too far away. I think we also have a different situation here where we do not have neighborhood associations or even other developments complaining about obstructions of view. We don't have that in this situation so I think that the 17 stories is very appropriate, if it is appropriate anywhere, it is appropriate here.

Commissioner McLean: I agree with the commissioners so far. I think the more we grow up, the less we are going to grow out. This is a great place to put a building like this. I am concerned, and again I am going to rely on Design Review to insure that we do not end up with a big box, gateway to Boise like we have on our other gateway streets. However, I think this is a great place and compatible with what is going to be happening along the Front Street corridor.

Commissioner Brunelle: I am supportive of granting a height exception, I think that the shape

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of the building being rather narrow being viewed from the west and that is why I wanted to see the west elevation to get that impression. As well as the traffic coming from the east on Park and Front Street, it won't be faced with a too imposing structure and if anything, it will be kind of a preface to that Aspen Building that will roughly be the same height down on the 9th Street garage. The variation in the height also steps down toward Broadway I think that is something in its favor as well that I can support going as high as 17 at the western end of the lot because it is stepping down as it goes toward the east, towards the intersection of Broadway.

Commissioner Cooper: I guess I would just add, I am a great fan of the Vancouver, BC model of buildings where often there is a very short podium that comes up to the street. I actually wish they had done a little better job of that. The tall, slender towers keep the life on the street but also maintain views for the occupants of the buildings above.

Commissioner McLean: I was wondering what the Commission thought about deleting that last sentence. "special attention shall be given to providing appropriate transition of the structures..." I think that it transitions okay so it is okay to delete.

Commissioner Brunelle: I think it did transition okay. I would leave it in.

Commissioner Fadness: I think it is an appropriate safeguard to leave that in there. We believe it does transition well and for that reason, I think we should leave that in as a condition.

Chair: Okay the next one is the Broad Street connection the east/west connection. The pedestrian connection through the middle of the site.

Commissioner Fadness: I think we can make an argument on this one that it already is not practical with Winn Co in there and with this project in there. It does not seem to be practical unless there is a design feature that I am not seeing. I like the overall concept of the pedestrian walkway through there but I don't see how it is practical.

Commissioner Cooper: You know the River Myrtle Plan envisioned Broad as being the residential corridor with buildings and a lot of pedestrian activity and it is slowly drifting away. I don't know if anything can be done about it because of the way the parcels are being developed but I guess I wouldn't hold this up for that reason.

Chair: I think this project almost provides a dead end to Broad Street. You would not want the Broad Street intersecting Broadway. It is a difficult connection; I can't imagine what a mid street connection would be like there. I hope that eventually Broad Street will dead into this residential and retail area but I sure don't envision taking Broad Street all the way over the Broadway.

Commissioner Cooper: I don't think the plan ever intended that. The one unfortunate thing is it

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is loading dock of the project.

Commissioner Brunelle: My take is that the Winn Co approval years ago rather foreclosed the opportunity to have that interior street opened. Also in that area there is greater distance between the couplet block headed over towards Capital Boulevard than when you are over here at Broadway it becomes more of a tight squeeze.

Commissioner Mclean: I move that we approve CUP07-59 and CVA07-22 with the following amendments to the Site Specific Conditions of Approval.

Condition 1.

- a. A 20' setback shall *not* be provided...
- c. The streetscape along Broadway *and* Myrtle shall be constructed neither in accordance with the Urban Parkway Section... *nor at the sidewalk along Front Street.*
- d. A 20' parking lot/service drive setback shall *not* be provided along Front Street, Myrtle street and Broadway Avenue. However, we have been one to say that the pedestrian access should be in accordance with the River and Myrtle Street plans. In addition, parking should have the recess designed as demonstrated in the record tonight.
- h. The primary building shall be limited to *17*-stories in height...

We will delete i. and that is it.

Commissioner Cooper: Second.

Chair: One of the things that we need to do with this motion if you would turn to page 13 of 19 of the staff report, the findings for the variance we need to supply staff with some findings that would approve the variances rather than deny the variances. If you could Commissioner McLean step through those a, b & c and talk about how you believe that granting these setbacks first off there was some hardship associated with the property that would merit granting these setbacks and that we can make findings that the variances should be approved.

Commissioner McLean: First, we will discuss the parking variance and it says; the granting will not be in conflict with the spirit and intent of the Comprehensive General Plan for the City and will not affect a change in zoning. We heard tonight from CCDC that this does in fact meet with their vision of the River Street/Myrtle Street Master Plan. The relief from parking lot setback requirements is not in conflict with the adopted plan. The applicant tonight has made it clear that based on their development agreements and the unique needs of this area, they are going to need the parking spaces in the flat area in order to bring the people in to meet the needs of the retail stores that we all hope to see going in there.

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- b. This goes back to the location here that we have as part of this planning area and the desire to see commercial and residential uses in this area. They have demonstrated tonight that the setbacks would make it difficult to meet with the plans that they have in place. They have provided us with appropriate modifications in design to mitigate the parking lot setbacks that we would normally require.

Chair: I would suggest on item b that staff did suggest in their report that there are unique circumstances associated because you have 3 gateway drives that you have this one piece of property in the middle of and they find that the variance is acceptable on the buildings for that reason but they did not find that the parking was acceptable. Those circumstances do create a hardship with respect to parking and that parking needs to be within those setbacks as well.

Then for portion c. that it is not going to be materially detrimental to public health, safety or welfare or injurious or cause any other hardships. I think with that, I don't think the variances are going to be detrimental either. In their last paragraph, they discuss how the parking lot setbacks would have a negative impact on the neighborhood but I think that you could probably find that locating the parking within those setbacks is acceptable considering that those are all big, huge, 5 lane arterial roads.

Commissioner McLean: And they have done more than meet the minimum requirement of parking spaces as well.

Commissioner Brunelle: I think it would make sense if we take into account that it is not unique that we are dealing with a large parcel that is frontage on all four sides. However, I think what is unique here is the fact that it comes in at an acute angle on the southeast side. Furthermore, that it is a couplet of these multi-lane streets that ingress and egress is going to be a challenge as far as traffic and those are the combinations that I am persuaded or it makes sense of hardship here as far as enough space for the parking. You want to be able to get the cars in and out and also deal with the pedestrians, which we will deal with in condition 1c. I think it is not just that it is frontage but the angle along Broadway there.

Commissioner McLean: Aye
Commissioner Brunelle: Aye
Commissioner Cooper: Aye
Commissioner Fadness: Aye

Hearing 4 in favor, 0 opposed, motion carries to approve.

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Meeting adjourned.

Date

**Brandy Wilson, Chairperson
Planning & Zoning Commission**