Planning & Zoning Commission

Hearing Minutes of
February 13, 2012

COMMISSION MEMBERS PRESENT
Jennifer Stevens: Chair, Jay Story Vice: Chair, Karen Meyer,
Steve Bradbury, Ty Morrison and Rob Wallace (Student Commissioner)

STAFF MEMBERS PRESENT
Hal Simmons, Scott Spjute, Cody Riddle, David Moser, Josh Johnson,
Sue Cummings, Susan Riggs, Josh Wilson, Jennifer Tomlinson, Sarah
Schafer, Mary Watson (Legal) and Pam Baldwin (Staff Support)

CONSENT AGENDA

CVA10-00016 / JOSH COLLINS
Location: 801 W. Pennsylvania Street

Commissioner Stevens – As indicated by the staff report a public hearing is not required by City Code, so we will add Item 1 to our consent agenda.

CUP11-00094 / A RENEWED IMAGE
Location: 10110 W. Overland Road
CONDITIONAL USE PERMIT TO OPERATE A PERSONAL SERVICE (HAIR SALON)
WITHIN AN EXISTING 3,000 SQUARE FOOT BUILDING LOCATED IN AN L-OD ZONE.

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

CUP11-00102 / CTA, INC.
Location: 3115 N. Cole Road
CONDITIONAL USE PERMIT FOR A THEATER TO OCCUPY AN APPROXIMATELY
3,700 SQUARE FOOT TENANT SPACE IN AN EXISTING BUILDING LOCATED IN A
C-1D ZONE.

The applicant is present and is not present so we will assume they are in agreement with the terms and conditions of the staff report and there is no opposition to this item.
CUP11-00096 / ADA COUNTY OPERATIONS
Location: 200 W. Front Street
CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATION FACILITY THAT INCLUDES A 27’ TALL TOWER TO BE PLACED ON THE TOP OF THE ADA COUNTY COURTHOUSE LOCATED IN AN R-0D ZONE. A HEIGHT EXCEPTION IS INCLUDED IN THIS REQUEST.

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

CUP11-00101 / PROTERRA DEVELOPMENT
Location: 13648 W. Baldcypress Street
CONDITIONAL USE PERMIT FOR AN OIL AND LUBE FACILITY TO BE CONSTRUCTED ON 0.66 ACRES LOCATED IN A C-1D ZONE.

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

CUP11-00104 & CVA12-00001 / VINCENT TABOR
Location: 2100 W. State Street
SPECIAL EXCEPTION FOR AN APPROXIMATELY 600 SQUARE FOOT SALON ON THE GROUND FLOOR OF AN EXISTING SINGLE FAMILY RESIDENCE LOCATED IN AN R-2 ZONE. A PARKING REDUCTION AND VARIANCE FROM THE REAR AND STREET SIDE YARD SETBACKS ARE INCLUDED WITH THIS REQUEST.

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

CPA11-00002 / BOISE CITY PARKS AND RECREATION

The applicant is present and is in agreement with the terms and conditions of the staff report and there is no opposition to this item.
CUP11-00098 / CALLISON ARCHITECTS, P.C.
Location: 1575 S. Five Mile Road
CONDITIONAL USE PERMIT FOR A 2,740 SQUARE FOOT BANK WITH DRIVE-THRU WINDOW TO BE LOCATED IN A C-1D ZONE.

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

CUP11-00099 / GRACE BIBLE CHURCH OF BOISE
Location: 4262 N. Eagle Road
CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 21,000 SQUARE FOOT EXPANSION TO AN EXISTING CHURCH LOCATED IN AN L-OD ZONE.

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

COMMISSIONER BRADBURY MOVED TO APPROVE ITEMS 1, 2, 3, 4, 6, 7, 8, 9, AND 10 ON THE CONSENT AGENDA IN ACCORDANCE TO THE FINDINGS OF FACT, CONCLUSIONS OF LAW AND CONDITIONS OF APPROVAL SET FORTH IN THE STAFF REPORT FOR EACH ITEM.

COMMISSIONER MEYER SECONDED THE MOTION AND THE MOTION CARRIED UNANIMOUSLY.

REGULAR AGENDA

CUP11-00090 & CFH11-00036 / THE MICHAELS ORGANIZATION
Location: 1004 W. Royal Boulevard
RECONSIDERATION OF A CONDITIONAL USE PERMIT FOR A HEIGHT EXCEPTION TO CONSTRUCT A FIVE STORY MULTI-FAMILY RESIDENTIAL BUILDING ON 3.42 ACRES IN AN R-OD ZONE. A BOISE RIVER SYSTEM PERMIT IS INCLUDED IN THE REQUEST.

Josh Johnson (Staff) – If I’m not mistaken, I believe we need to vote for reconsideration.

COMMISSIONER BRADBURY MOVED TO RECONSIDER CUP11-00090 & CFH11-00036 FOR THE PURPOSE OF TAKING TESTIMONY THAT WAS MISSED WHEN THIS WAS ORIGINALLY PLACED ON OUR AGENDA.

Commissioner Meyer – I wasn’t here at the last meeting so I will be sitting out on this item.

COMMISSIONER STORY SECONDED THE MOTION.

Commissioner Stevens – Does the maker and the seconder wish to include that we will hear that testimony tonight?
**Commissioner Bradbury** – That was the intent of my motion.

**Commissioner Story** – Yes.

**ROLL CALL VOTE**

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ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

**Josh Johnson** (Staff) – This application is back before you. As at the last hearing a member of the public wished to testify in opposition to the project. Her name is Eileen Barber and she signed up with John Starr. Those two citizens and the applicant team are those only able to testify tonight because they were signed up at the last hearing. We recommend that after our staff report you let the applicant go as normal, then those members of the public, and then give the applicant the chance for a five minute rebuttal.

The issue before you tonight is the height of the structure. The structure is 59 feet along the Greenbelt and 63 feet along Royal Boulevard. The Parks Department’s comments on the original application recommended a limit of 55 feet.

Staff had talked to the Parks Department and thought we had worked out a compromise as we were recommending the parapet be raised to provide more modulation of the façade. Further discussions with Park’s staff today revealed they wanted the building held to a 55-foot limit. As you know they are the recommending body to this and if you wanted to exceed that, you would have that discretion.

**Commissioner Stevens** – Josh, can you remind me, when we approved this last week was it 55 feet, or was it higher?

**Josh Johnson** – No, we concluded a condition that referred to these revised elevations in a brief paragraph summary stating those additional heights that were part of the application. At that point we thought the Parks Department understood the additional height, but today they said, no, they did want that 55-foot limit adhered to.

**Mathew Bartner** (Applicant) – I’m the architect for the project working with Michael’s Organization, the applicant. I know you’ve heard about the project as of last week so I won’t belabor the points too significantly. As Josh mentioned, when we submitted for a conditional use permit back in December the project was intended to be a 55-foot height limit. One of the items mentioned in the staff report at that time was the consideration of some additional height to help animate the façade and provide relief to an otherwise flat roofline for the project. We worked within those parameters to bring some additional height, which started the discussion of 58-foot height limit.
At that time we did believe the Parks Department, as well as Planning & Zoning, were in agreement of that height extension. Further, moving from that point I worked with the Design Review staff. Again, they were looking for a little more extenuation in the façade and some changes there, so we ended up at the 63-foot limit you see before you today. That is what we are requesting as the conditional use tonight.

**Commissioner Bradbury** – Just so I’m clear, is the building different heights on different sides?

**PUBLIC TESTIMONY**

**Mathew Bartner** – Yes, because of the way the ordinance is written it’s written such that the height is measured from the adjacent grade at the curb-line. Our building, because of the flood plain issues and some other things on this site, is actually 4 feet higher than the Royal Boulevard side where the sidewalk is currently, or would be. So we include that 4 feet in the overall height of the building, but on the north side, the Greenbelt side, grade comes up basically to the floor level so that 4 feet is mitigated on that side.

**Eileen Barker** – I am one of the owners of Kinetics in the Kinetics building and I am representing Kinetics today. Just a heads-up, I did write a letter to the Commission and I would refer to some of the charts in there, so I’m assuming you’ll have them there.

First, let me start by saying I love new development. We would love to see the truck terminal replaced with something that enhances the Greenbelt and that serves our city. There are two main concerns with different proposed housing. The proposed height of building above what Boise City Code allows and lack of adequate parking. The current design would harm not only the neighborhood, including Ann Morrison Park, and the Boise River Greenbelt may make the proposed project not a desirable place to live. The first concern is that the proposed student housing project is not similar in height to the office buildings in the vicinity. The table on page one speaks for itself. This stretch of the Greenbelt has 3-story office buildings, including our building. An average typical height of a 3-story office building along this stretch is 45 feet. I did provide elevation of these buildings to staff.

The chart on page two demonstrates a big difference between the Kinetics building, a 3-story office, and the proposed project with 5-stories. The important thing to remember is our building, and the proposed buildings, are located in different zones. The Kinetics building is located in a C-2D zone with a maximum height limit of 45 feet. The typical height of the Kinetics building is 46 feet, or 1-foot above the C-2D zone restriction. The tallest part of the Kinetics building is a single exterior stairwell at 53 feet on the Royal facing side of the property. The proposed project is located in R-OD zone with a maximum height limit of 35 feet. The typical height of the proposed building is 55 feet, or 20 feet above the R-OD zone restriction. The tallest part of the proposed building in order to accommodate the multiple exterior stairwells is 63 feet along Royal Boulevard, to 9 feet along the Greenbelt. The proposed building exceeds the applicant’s stated height exception at 55 feet, and additionally exceeds a limit set by Boise Parks and Recreation at 55 feet.
The last concern is closely tied to the second concern, a severe shortage of proposed parking spaces. The applicant describes the proposed apartments as student housing for Boise State students. However, the project has been placed into the City’s multi-family apartment classification for the purpose of the present application. The first chart on page three shows parking spaces to bedroom ratios for the typical multi-family dwelling units. Most multi-family dwelling units are one and two bedroom units. The proposed student housing lists a fourth bedroom unit would create ratios far below acceptable occupant vehicle averages. The propose structure of 175 dwelling units, again, in which most are four bedroom units, will create 622 bedrooms, for 622 students. The planned 280 parking spaces will provide less than half the student tenants a place to park their cars. This is far below acceptable averages. We could expect at least 60 to 75 percent of students will bring a car to school. The second table on page three illustrates these ranges. The project will be almost 100 spaces short if 60 percent of the students have cars. At 75 percent, this doubles to almost 202 few parking spaces.

**Mary Watson** – Could you inquire if there is anybody else in the audience who would like to testify?

**REBUTTAL**

**Mathew Bartner** – I’ll touch briefly on the parking issue. The building is a multi-family apartment building. It’s not a sorority or fraternity house, it’s intended to be a multi-family apartment for grown adults who happen to be college students. It’s targeted at college students of Boise State.

The site is chosen to be in close proximity of the Boise State campus which we feel will mitigate some of the need for cars. None the less, the project does meet the ordinance for a multi-family building for car parking and we believe it is an adequate amount of parking for the residents.

Regarding height, Eileen is correct. Our building is in a different zone than the Kinetics building. However, I’m going to reference from the staff report, which you have been noted, that the 35-foot height limit is unusual in the R-O zone because it is intended as a mixed use urban development zone. While our project is not mixed use per-say, it is residential use. We do believe it represents a good attempt to be an urban type building and urban type of housing. Not focused on cars beyond what the ordinance requires. It is more focused on pedestrian and bike use coming from the housing to the campus of Boise State.

**PUBLIC HEARING CLOSED**

**Commissioner Bradbury** – I’ve gotten confused about where we are in terms of the height that was approved last week, and that which the Parks Department is asking us to hold this building to this week. If I’m remembering correctly, the height exceeded the 55 feet that Parks had asked and is now asking the building height be maintained. Is that correct?
Commissioner Stevens – My recollection, and of course other commissioners feel free to jump in, is that we had a letter from Parks voicing their support for the revised drawings which included the height increase. That’s my recollection and we unfortunately don’t have the application in front of us this week so we can’t look back, but my recollection is that they supported at the time and what’s in front of us now is no different than what we had last week in front of us. If they’ve changed their mind, which will certainly be taken into account.

Commissioner Story – I think it is a little bit different. I think Parks did come back and say they would like it to stick to 55 feet, verses the 63 feet, which is different than it was last week. That’s my recollection.

Commissioner Stevens – I wonder if it would behoove us to hold this over considering we don’t have documentation in front of us and we seem to have some questions. Or we could reopen the hearing to staff and get some clarification, if we have additional questions that we want to have answered.

COMMISSION BRADBURY MOVED TO CONTINUE THIS HEARING TO UR NEXT REGULARLY SCHEDULED MEETING DATE TO MARCH 5, 2012 FOR THE PURPOSE OF FURTHER CONSIDERING THE APPLICATION.

Commissioner Bradbury – I guess I would leave open the potential for allowing additional public testimony if there are other members of the public who wanted to testify.

COMMISSIONER STORY SECONDED THE MOTION.

Mary Watson – For clarification, is this to get information from the Parks Department, what the current recommendation is, or maybe get some clarification on what we are looking for, for next time? Maybe staff at this point could answer the question.

Commissioner Bradbury – What I really want is the staff report in front of me so I can be sure I am making the right decision when the time comes to developing. I just feel a little naked at the moment. I don’t have a good enough memory as you can see by the gray hair. Even a week is too long for me to remember the details that I would like to try and remember.

ROLL CALL VOTE

COMMISSIONER BRADBURY       AYE
COMMISSIONER STORY                  AYE
COMMISSIONER MORRISON        NAY
COMMISSIONER STEVENS           AYE

THREE IN FAVOR ONE OPPOSED, MOTION CARRIES.

Commissioner Stevens – We will be continuing that item to March 5, 2012 to get the documentation in front on us that we need.
**PUD11-00007 & CVA11-00055**

Location:  932 S. Longmont Avenue  
CONDITIONAL USE PERMIT FOR A 12-UNIT MULTI-FAMILY APARTMENT BUILDING TO BE LOCATED ON 0.28 ACRES IN AN R-3D ZONE. THE APPLICATION INCLUDES A PARKING REDUCTION AND VARIANCES FROM THE FRONT, REAR AND SIDE YARD SETBACKS. IN ADDITION, THIS APPLICATION INCLUDES A PARKING REDUCTION FOR THE ADJOINING APARTMENTS LOCATED AT 1133 S. LEADVILLE AVENUE.

David Moser (Staff) – As mentioned, the applicant is requesting approval for a Conditional Use Permit (CUP) for a 12-unit apartment building located at 932 S. Longmont Avenue in an R-3D zone. This application also includes a parking reduction and a variance from the front, rear and side yard setbacks. The application also includes a parking reduction for the adjoining property staff has called out as 1133 S. Leadville Avenue. This is essentially the large apartment complex just east, across the alley. You can see this apartment complex here.

Mentioned in the staff report is the adjacent apartment building to the east, which is currently utilizing the subject property for required parking as specified in their 1970 planning approval. The applicant will re-stripe this adjacent apartment complex to accommodate the loss of the 11 spaces currently on-site. This is the re-striping plan, which will increase the amount of parking on the existing apartment property by 15 spaces. Therefore, this adjacent apartment complex does not require a parking reduction because they made up that loss through the re-striping process. However, the new apartment building being proposed on subject property is still short three spaces and will require a parking reduction.

The multi-family apartment building and the parking reduction are compatible with the neighborhood, given the surrounding properties are comprised of apartments, office and commercial uses. Correspondence received from commenting agencies indicate that the 12-unit apartment building and parking reduction will not place an undue burden on the services in the vicinity. The project will not adversely impact the property since the site is similar in size to the apartments and commercial uses in the vicinity.

It’s in compliance and supported by the goals and principles of the Comprehensive Plan. Staff supports the request for a parking reduction since the site is located close to public transit along Broadway Avenue, and is also close to the Greenbelt pathway next to the Boise River. The site is also in close proximity to the commercial uses on Broadway, which consist of retail, restaurants and personal services, and the BSU (Boise State University) campus. These factors will reduce the parking demand of this project. Some future residents are expected to utilize these amenities. To further promote the use of alternative modes of transportation, the site itself will provide 12 bicycle storage lockers within the parking garage and a bicycle rack. Finally, half of the project is comprised of one bedroom units and one parking space for these units would be sufficient due to their size. This is the general site plan for the property. The ground floor is basically composed of a parking garage accessed from Longmont and from the alley behind.
There is an exceptional circumstance that supports the requested variance for the covered decks in the building to encroach into the setback. The subject property is within an older neighborhood and the setback requirements for the R-3D zone are increased for a multi-storage building as means to buffer the neighboring residential properties. The neighborhood is comprised of multi-story buildings, offices and commercial uses with no single-family adjacent to it. As such, these additional setbacks are not necessary in this circumstance to protect the adjacent uses. It should be noted, staff has received two letters of opposition from neighboring property managers in regard to a parking reduction. Their concerns are that the parking reduction will adversely affect their properties with overflow parking, and they have also noted the on-street parking situation in the neighborhood is at capacity. Within the staff report the applicant provided a photograph parking survey of the area and based on this parking survey there seems to be adequate on-street parking. I should also note staff received a letter today from the Southeast Neighborhood Association, which I believe I gave to the Commission earlier this evening. Their main concerns are also with the parking reduction request. They had suggested that the applicant enters into a shared parking agreement with the neighboring property as a solution.

**John Hook** (Applicant) – Since we’ve had this property we’ve never had a parking lot full and most of the time the parking lot is at 80 percent capacity. We’ve had the guys check everything for the last three weeks at night and take pictures. We feel like if the Commission approves this, we could make this a lot better situation for the neighborhood. The eyesore of that street is the house we want to tear out to put the part of the building in.

**Commissioner Story** – Have you seen this letter from SENA (Southeast Neighborhood Association) that was presented to us this evening? I’m not sure if you have seen this, or not.

**John Hook** – I think I’ve read it.

**Commissioner Story** – In the letter they talk about their main concern being the parking in the neighborhood, which seems to be some of the other neighbor’s concerns. They talk about the possibility of maybe doing a cross access parking agreement with several of the spaces on your neighboring property. I would like to get your take on that potential solution to this, if you’ve thought about that?

**Ward Schwider** – We did get a letter from Southeast Neighborhood Association and they say parking would be somewhat of an issue. In my opinion, I don’t think it will be judging from the pictures we have. I hope you’ve seen the pictures and our narrative. We have a unique opportunity on this site because we do have the ability to add more parking to the neighboring property. We don’t want to use and encumber the larger project, but we can if we have to install more spaces along the pool area off of the alley. It is there if we need it. John is also under contract on buying the neighboring office building just to the north of this project. If he closes on that building, we have an opportunity because it’s right off the alley. Maybe we could even re-stripe the parking spaces there, and that has just happened today. I think we have the opportunity to add more parking but as I see it, if it becomes a problem, I think we could add the parking. I really don’t want to take up more green space for parking, but we can. That’s where we stand right now.
As far as the required parking, and correct me if I’m wrong, but I think we have 16 spaces out on that side right there. I think we’re only required to have 18, so we are only missing 2. Am I correct on that?

David Moser – Yes.

Commissioner Story – There’s guest parking, two tenants and one visitor’s parking.

Commissioner Morrison – I have a question for the applicant. It’s my understanding you will be developing this apartment project in conjunction with the apartments that are already operating across the street. Is that correct?

Ward Schwider – Yes, they have the same owner and there will be the same management company.

Commissioner Morrison – From that standpoint, is there a prohibition anticipated for this new project to restrict guest parking from utilizing the parking across the street?

Ward Schwider – No, at this time it’s all one owner.

Commissioner Morrison – I’ve lived in the area around there for quite along time and I often looked at the open stalls in the parking lot at the apartments, knowing if I park there I’m going to get towed. If I’m a guest of the new apartments being proposed across the street, is it understood that as part of the lease terms for the new apartments that a guest could park in the available spots across the street?

Ward Schwider – There’s not going to be a problem.

Commissioner Morrison – There is no easement in place to prohibit this, okay.

PUBLIC TESTIMONY

Tony Drost – I own the properties at 850 and 870 Belmont. I own a property management company who manage three other apartment complexes in the vicinity. I can agree with the applicant that the current house is an eyesore, so I welcome new development. However, I frequent these properties on a regular basis and I can tell you parking is an issue. I own the building and I have problems parking. That’s why I oppose the parking reduction. Multi-family, you can have a one bedroom unit, husband and wife, with two cars. The current zoning is one-and-a-half spaces for one bedroom, is that correct? I think it is. It’s not enough. I don’t oppose any of the other variances they are asking for. I know the clients we manage do. I think what they are trying to do is put a complex in here that doesn’t fit the parameters. Personally, I’m opposed to parking because I’m there a lot.
Connie Kniefel – Could you improve the audio, particularly when people are speaking towards you, it is very difficult to hear. I own the properties at 1017 Longmont, 1019 Longmont and 850 Belmont. Those properties are all adjacent to each other. The property at 1017 and 1019 Longmont is a recently remodeled 15-unit apartment building. It’s about 50 percent occupied now. The remodel was completed in January of this year. Any parking studies that might have been done in the area were before the impact of that approved remodel. It’s an older property and is not new to the neighborhood, but it’s been vacant for two years. I’m frequently in the neighborhood as the owner of these properties and the current on street parking is ruefully inadequate. It’s affecting our rentals we have now. There is simply not enough off-street parking spaces and that’s what my concerns are about.

REBUTTAL

Ward Schwider – I don’t have a lot to add except there might be an on-street parking problem, but our on-site situation is in pretty good shape.

PUBLIC HEARING CLOSED

Commissioner Stevens – Mary, do we need separate motions for the variance and the CUP? How should we take those?

Mary Watson – You can take them together. The variance is part in parcel of that PUD.

Commissioner Stevens – So, we’ll take the PUD and the CVA separately, or the whole thing together?

Mary Watson – Either.

COMMISSIONER MEYER MOVED TO APPROVE PUD11-00007 AND CVA11-00055.

COMMISSIONER MORRISON SECONDED THE MOTION.

Commissioner Bradbury – I’m a little concerned about the parking. I would vote to approve the project, but I do think we have to add a condition of approval that would require cross parking between the two adjacent parcels which are commonly owned. Without the condition, I guess I will vote no and we can see where it ends up.

Commissioner Stevens – Is that a request to the maker of the motion to add that condition?

Commissioner Meyer – I was under the impression from staff’s presentation, that they are actually doing that to some degree. They are re-striping the parking lot to accommodate. They are sharing parking already, is that correct?
**Commissioner Stevens** – The hearing is closed, so maybe we can do it amongst ourselves up here and see if we can get that answer. My understanding is what you’re concerned about is that parcels get sold separately and they won’t have an access agreement in place to accommodate the parking for the one we’re getting a reduction for. Is that correct?

**Commissioner Bradbury** – That is correct.

**Commissioner Meyer** – I’m okay with adding that condition.

**Commissioner Morrison** – I’ll second that.

**Commissioner Stevens** – Can we put some other form of language in, Commissioner Bradbury?

**Commissioner Bradbury** – I would ask that a condition of approval be added which would require a cross parking agreement be provided, in recordable form, for the parcels which are subject to the application, and the adjacent parcel owned by the same owner to the east, and that cross parking agreement be submitted to staff for review and approval.

**Commissioner Meyer** – I’m comfortable with that.

**Commissioner Story** – I don’t want to muddy the waters too much, but maybe we should have this cross access agreement just enough to cover the deficit, verses encumbering all property.

**Commissioner Bradbury** – Yes, that’s actually what I intended.

**Commissioner Stevens** – So we’re clear for the record. The cross access agreement is to include the ability for the new development to utilize three spaces, if I’m not mistaken, in the adjacent property that is being re-stripped. Correct?

**Commissioner Bradbury** – Correct.

**Commissioner Stevens** – Are Commissioner Meyer and Commissioner Morrison still comfortable as we’ve gone through this?

**Commissioner Meyer** – Yes.

**Commissioner Morrison** – Yes. For the record I’m going to add that I think the presentation by the applicant was compelling in terms of the photographs that were taken. I am a little bit concerned about the fact there is a remodeled building that is possibly going to add 15 additional units, but I think the arrangement between the two sites adequately compensates for this, so I’m going to go with the application.

**ROLL CALL VOTE**
COMMISSIONER MEYER AYE
COMMISSIONER MORRISON AYE
COMMISSIONER STORY AYE
COMMISSIONER BRADBURY AYE
COMMISSIONER STEVENS AYE

ALL IN FAVOR NONE OPPOSED. MOTION CARRIES.

PUD11-00005 & CFH11-00034 / 5B SAWTOOTH PEAKS, LLC
Location: 501 E. Parkcenter Boulevard
CONDITIONAL USE PERMIT FOR A 287-UNIT PLANNED RESIDENTIAL DEVELOPMENT ON 12.66 ACRES LOCATED IN L-OD, R-1C AND R-1B ZONES. A GENERAL EXCEPTION TO APPLY THE DIMENSIONAL STANDARDS OF THE L-OD ZONE (INCLUDING HEIGHT) TO THE ENTIRE PROPERTY, A USE EXCEPTION TO ALLOW A COFFEE SHOP, AND A BOISE RIVER SYSTEM PERMIT ARE INCLUDED IN THE REQUEST.

Commissioner Bradbury – I have a disclosure to make. I was contacted by one of the members of the opposition to this project seeking representation. I had a brief conversation with this individual and we discussed a little bit about the project, essentially, what it is and where it is. I informed the individual that because I was on the Planning & Zoning Commission I would not be in position to represent them, or their group. We spoke briefly about the process that would be followed by this body and I gave that individual the names of a couple of other attorneys they might consider contacting. In addition, I happen to live near this project site. I drive past it every day so I’m familiar with it, although I’ve never been on the site. As it turns out, because I live in the neighborhood, I received a flyer on my doorstep here a month or so ago. The essential content of which was to educate the public with respect to the application and seek input. With that, I don’t believe any of those contacts have created any difficulty for me in making an open-minded and unbiased decision when the time comes. I will stand for questions, or if anybody has any other thoughts about that, I’m certainly willing to take that into account.

Commissioner Stevens – You don’t have any financial interest in either party, is that correct?

Commissioner Bradbury – That is correct.

Cody Riddle (Staff) – The application before you this evening is a request for a Conditional Use Permit (CUP) to construct a 287-unit planned residential development on a 12.66 acre parcel you see on the screen, located at 501 E. Parkcenter Boulevard. A Boise River System Permit is also included in the request, as the project includes approximately 500 feet of frontage along Logger’s Creek.

The majority of the property, or about 7.5 acres, is zoned L-OD, Limited Office with Design Review. The property also includes about 4.5 acres of R-1C and about .76 acres of R-1B, both single-family residential zones. That combination of zoning would allow approximately 365 dwelling units to be constructed on the site, based on the density calculation. The 287 units proposed results in a residential density of about 22.7 units per acre.
The dwelling units proposed will be contained within two distinct housing products. The in-town buildings are located on the interior of the site, and include 76-units in each 3-story building. The cottage buildings which are located along Logger’s Creek and Parkcenter include 9 to 10-units in each building, depending on the location, within 2 stories.

A Planned Unit Development (PUD) of this size is required to include a minimum of two amenities and this project exceeds that requirement with a fitness center, barbecue area, swimming pool, club-house, and coffee shop. Included in the request is a general exception, as you can see on the screen, to allow the height allowance of the L-OD zone to be applied to approximately one-half of this in-town building. The height limit in the L-O zone is 45’; 35’ is the limit in R-1C and R-1B zones. With the exception of the chimneys, the in-town buildings are about 38’ in height, only 3’ above the allowance in those residential zones. The chimneys themselves will be 45’ in height.

As outlined in your report, staff has recommended approval of this project. I would like to briefly explain our rationale and then let you hear from the applicant and the number of concerned citizens. I want to clarify that what is before you, contrary to what some of the correspondence suggests, does not include any variances, does not include a violation of zoning and does not require a rezone of this property. The project is a conditionally allowed use. The planned unit development process does allow the density in a project like this to be distributed evenly across the site when you have mixed zoning, like you have this evening.

One of the first things we look at with any planned development is connectivity for both automobiles and pedestrians. This site has frontage on both Parkcenter to the east and Highland Street to the west. There is also a potential connection to Schmeizer Lane to the south. The applicant is not proposing connection to either in terms of automobiles and staff is in agreement with that. In terms of the street connections, I believe the applicant, staff and the public are in agreement, so I won’t spend a lot of time there, as it’s outlined in more detail in your report. However, in terms of pedestrian connections, staff is recommending connection to Highland Street, as you can see here. The applicant owns this 40’ wide parcel that connects the public portion of Highland Street to the developed portion of the site. That parcel is currently improved with a 20’ wide service drive that terminates it in a 6’ wood fence at the boundary of the site. We are recommending an opening in that fence be provided that will accommodate pedestrians and bicycles. We feel that will provide an important connection between the Parkcenter Corridor to the east, and the Broadway Corridor to the west. Broadway is about a half-mile to the west, and the BSU (Boise State University) campus is just over a mile from the site with that connection.

With the absence of those street connections, the project is somewhat isolated from the adjacent residential neighborhood and staff believes that does mitigate some of the potential impacts on surrounding properties. In staff’s opinion, the key is that transition to those properties, with the most critical being the buffer along Logger’s Creek. Logger’s Creek is classified as a tier two waterway by the Boise River System Ordinance, and one of the primary goals of the ordinance is to preserve, protect and even enhance wildlife habitat. That does not preclude development along the creek but it does dictate that measures be taken to protect that habitat.
Specifically, the ordinance requires a 40’ building setback, of which 25’ is required to be left in riparian habitat. The original submittal did demonstrate compliance with those setbacks, and even with that minimal setback the site will maintain more riparian setback than many of the properties in the vicinity. However, staff believes that given the density of the development, compared to the adjacent homes to the west, and the fact that that transitional zoning exists across the site, there is potential to negatively impact that habitat. Given that we did share our concerns in preliminary conversations with the applicant. Based on that conversation and public input that had already been received, they did have a second neighborhood meeting and made some modifications to the project. First of all, they increased the setback along Logger’s Creek from the ordinance required minimum of 40’ to 55’. They increased the riparian habitat along the creek which includes the expanded drainage area you can see in the corner of the site. They reduced surface parking by approximately 10 percent and eliminated one unit from the project. They also reduced the height of the cottage buildings along the creek by approximately 6’ and as you can see here, reduced the mass in that structure by about a third.

Those changes will definitely provide a level of protection for wildlife and the adjacent residents. However, staff believes additional measures can be taken to mitigate project impacts. To discourage public access along the creek, given the density of the development, we have recommended a minimum 3’ tall fence be installed between the riparian setback and the manicured landscape behind the cottage buildings. That’s not to preclude people from using that space, but a visual deterrent to discourage access. We’ve recommended that additional riparian plantings be provided between the creek and the buildings, and that none of the existing plant materials, dead or alive be removed.

We’ve also recommended the drainage area in the corner here, rather than being treated as your typical stormwater detention pond, essentially be landscaped in a manner similar to the riparian habitat already along Logger’s Creek. With those changes we believe the project does comply with the Boise River System Ordinance.

We are also concerned with the buffer along the southern property line. As you can see here, it is primarily a parking lot that abuts those properties and they are single-family lots with the exception of one “Office” zoned parcel right up against Parkcenter. The project currently includes the minimum setback of 10’, and while that does meet the minimum setback of the ordinance, we felt additional setback is warranted. The applicant has proposed carports as you can see here along a portion of the southern property line, which will provide a degree of screening for vehicles traveling north/south with this service drive. However, staff has recommended a couple of things to address the buffer along the southern property line. The carports should either be used along the entire property line, or a 15’ setback be provided so we can have additional landscaping. Finally, we’ve recommended a solid 6’ tall screen wall or fence be installed along that entire property line, and specific light cutoff fixtures be used within 100’ of the southern property line and within 100’ of the riparian setback along Logger’s Creek. I think that is a good summary of our concerns and recommended conditions.

In terms of the findings, you saw a lot of correspondence in your packet regarding the impact on the transportation system. The fact is, in terms of trip count, Parkcenter Boulevard with the project built out will still operate well below an acceptable level of service.
The Highway District did approve the application on January 25th. They required an additional median for the central access point, a right turn lane, and restricted access at that central access point. They did have a clause that the southernmost access point, its full access now, may be restricted in the future. Other than that, it was approved as proposed.

In addition to those comments from ACHD (Ada County Highway District), no public agency has voiced concerns from an infrastructure perspective.

Staff did find the project is compatible to other uses in the neighborhood. Parkcenter Boulevard is a principal arterial roadway comprised of a variety of uses that include commercial, office and both single and multi-family residential. Many of the multi-family residential projects are of similar or greater density than that which is proposed this evening. The site is large enough to accommodate the proposed use. That includes all parking, amenities and other features that are required. The density does not exceed the limitations of the zone and again, no variances are included in this proposal.

Staff finds the project is in conformance with the Comprehensive Plan. That includes both general elements of the plan, but also policies very specific to the Parkcenter Corridor. The site has easy access to the Greenbelt where individuals can walk or bike to work, or to other destinations. Objective 8.1.6 promotes a variety of housing that is located in a manner to take advantage of transit and pedestrian activity. Policy 8.1.6.1 indicates residential densities greater than 15-units per acre should be located along arterials streets, like we have here. The project is consistent with each of these policies. It will place additional residents on Parkcenter, which is an existing transit route. It is located along an arterial roadway. It’s less than one-mile from a major employment center, as designated by the Comprehensive Plan in the Beacon Parkcenter intersection and a community activity center, as designated by the plan with Apple Street and Parkcenter Boulevard. Finally, specific to the Parkcenter Corridor Policy 8.1.15.11 indicates that high density housing should be permitted in the Parkcenter Office Park area, provided that appropriate site designs are proposed to ensure compatibility and prevent adverse impacts.

I think the key question before the Commission this evening is adverse impacts. Obviously, there is substantial opposition to this request. A vacant parcel would be replaced with a multi-family residential development. I think it’s reasonable to assume that some form of development will occur sometime on this site. Staff believes that with the measures proposed by the applicant, in addition to those conditions we’ve suggested, that those impacts would be mitigated. Again, the project does not involve a change in zoning and does not include any variances. Without those street connections, the only interface with that adjacent residential neighborhood, in terms of traffic, would result from the pedestrian connection recommended by staff. The impacts in terms of traffic and circulation through that neighborhood without those street connections won’t change regardless of the number of units constructed on this site. In staff’s opinion, it ultimately comes down to whether or not the mitigation measures taken to buffer those adjacent homes are adequate.

In conclusion, we do believe this is an appropriate location for a multi-family residential development. We believe the project meets the ordinance standards and is supported by many elements of the Comprehensive Plan.
I remind the Commission that if this is denied tonight, we would need to return with findings reflecting that decision and would encourage you to provide the applicant with some guidance as to ways to obtain approval.

Finally, for the record, we have received a tremendous amount of correspondence after we published the original staff report.

That includes a packet that was distributed to the Commission on February 10th via e-mail, a petition we received and distributed today, as well as letters from Doug Zamzow, Jay and Elizabeth Woody, Forrest and Judith Smith, Trout Unlimited, Raneete Garner, Rodney Priest, and a letter from Hawley Troxell in response to some of that correspondence, and finally a letter we received late today from Steve Lord.

**Geoffrey Wardle** (Counsel for the applicant) – The applicant, Chris Stephens, is here tonight as well. The way we are going to break up our presentation at the beginning is I’m going to talk about some of the technical issues and then Chris is going to walk you through the design plan for this site.

As Chris and I were conferring at the beginning of the meeting, we recalled that it was just under a year ago, I believe the Tuesday after President’s Day, that we sat down with Boise City staff to talk about this site. 5B Sawtooth Peaks had acquired this site and had a variety of concerns and interests in what would be an appropriate use. Over the course of a period of time between when the application was made, ultimately November, a great deal of thought and analysis went into this site. A great deal of consideration of prior pitfalls that some of the prior development applications that were for this site were evaluated and we took to heart the counsel and direction Boise City staff gave us with what it would take to obtain approval for any type of project at this site. Obviously, this site has a lot of history. What I intend to do, like I said I’m going to start out talking about some of the technical issues and then we’ll turn the time over to Mr. Stevens to talk about the design.

At the outset, we are generally in agreement with the staff report. We believe staff has adequately analyzed not only Boise City Code, but also the Comprehensive Plan. We are in agreement with their recommendation for approval with essentially three disputes as to conditions and things that are in the staff report.

First of all, you’re going to hear a great deal of testimony we anticipate tonight, from neighboring property owners regarding the Highland connection. It has been a source of contention of prior applications and we are in agreement with the neighbors, that the segment of Highland really should not be utilized to provide a pedestrian connection. It was never designed for that purpose and it would have some adverse impacts on a very limited number of property owners. We recognize staff’s concern. We think it is legitimate to improve and enhance connectivity, but at this site it is just not appropriate. Second, and by extension, the condition that relates to that obviously affects certain other site specific conditions, namely with respect to the fencing they seek at that location, as well as the recommendation for a sidewalk along the northern boundary.
We also disagree, and I appreciate the clarification we got from staff tonight. We know you are going to hear testimony and comments from the public tonight demanding the riparian access area be fenced off and that the public, in particular, clients and tenants, not be able to access that area. Our concern with fencing is that we believe it should be a riparian area.

We have designated almost two acres along the creek for either native riparian preservation, or for manicured landscaping, which is far less than what would be permitted under the existing requirements of the ordinance. The reality though is that, as a private property we have 450 – 500’ of Logger’s Creek. I anticipate you are going to hear a lot of comments about what pristine habitat this is and we agree. It’s important habitat, but out of nearly a two-and-a-half mile segment of Logger’s Creek, some of which you’ve seen tonight in prior applications and specifically the one on Longmont, Logger’s Creek functions very well as management nice community amenity. In fact, Boise City Parks and Recreation has utilized Logger’s Creek down in the vicinity of Parkcenter Pond to encourage public interface. That is also the case up at the northern confluence. The reality is that you’re going to hear testimony from the public demanding that our client bear the burden of preserving additional riparian and native areas that are not consistent with either the requirements of the Boise City Code, or the constitutions of the United States for the State of Idaho.

Finally, one last comment; we appreciate the fact that the Royal Street application was before you tonight because it will also address one of the concerns we had with the staff report. We recognize that parking is important in any type of multi-family project. We’ve attempted to integrate parking throughout the site, minimize its impact through screening with the structures, but most importantly provide no more parking than what is absolutely necessary for this type of development. The bulk of these units are going to be one-bedroom apartments and that precipitated our decision to go ahead and reduce the amount of parking provided at the site by, as Mr. Riddle indicated, approximately 10 percent. With that said, a statement is in the staff report that says when we think about design; one of the things that could be encouraged would be structured parking. We have come forward with an application we think is as sensitive as it can be in terms of mass of building and height of building. Ultimately, these are issues that will be addressed at Design Review, but a condition requiring structured parking inherently results in taller or bigger buildings. We anticipate the crux of the opposition tonight is going to deal with density. We agree with staff’s analysis and evaluation of density for this site. It’s important to note the property on the western portion is zoned R-1C and R-1B. Based upon the area that is occupied and designated by those zones, approximately 35-units could be constructed of single-family detached residential. You’ll notice in the site plan that there’s kind of a quirky jog where one of the three-story buildings cuts through kind of a curve. You see that curved linear line near the southern property line. That is a remnant of the original annexation. That is a remnant of an application that envisioned townhouses being constructed within the R-1C area of the site. Obviously, there is a height exception sought for that location, but as Mr. Riddle pointed out, it is approximately 3’ higher than what is permitted under the base zoning.

It is anticipated you will hear testimony tonight that this is not an appropriate use because this should be rezoned to be R-3 before you consider it. It’s important to note that technically, under Boise City Code, R-3 and L-OD zoning are functionally equivalent when it comes to multi-family.
The distinction is that you have heightened degree of evaluation of the application within an L-OD zone to determine appropriateness, and whether or not adequate conditions exist. Both the L-OD zone and the R-3 zone permit 43.5-units per acre. Both have the same setback requirements to residential development. Both permit the same ultimate height of any improvements.

Ultimately, the only difference between an L-OD review and that of an R-3, is the fact that you will hear an L-OD application, either as a Conditional Use Permit or PUD. Multi-family development along Logger’s Creek in the Parkcenter area are both in R-3 and L-OD zones. Ultimately, those zoning designations result in an indistinguishable product, which has no material impact, whether it’s an L-OD zone or an R-3 zone for multi-family. Ultimately, with this CUP and PUD process you have tonight, the City has the benefit of enhanced review that would not occur under a normal R-3 zone. That is why we are generally in agreement with the conditions staff has approved, and we recognize there are concerns that have to be addressed to make sure this project adequately addresses neighborhood impacts.

But that raises the second issue, and that is you are going to hear testimony about the history of this site. It is important to note this property was annexed in 1980 to the City of Boise, and nothing has happened with it for nearly 30 years, except for the fact that 5 or 6 years ago it was acquired by a developer who came forward with the Bella Borgo application, who scraped the site and left it in its current condition today, ending up in bankruptcy and losing the property. Over the last 30 years there have been a variety of applications related to this site. Some are for office and some for multi-family. Some have been approved, some have been denied. Ultimately, all have failed for economic reasons. The most recent application involving condominiums failed for that very reason. You will hear testimony tonight that it might be more acceptable for the neighborhood if these were condominiums and not multi-family residences.

With respect to condominiums, they are wholly incapable of being financed in current conditions and what we have seen is that a multi-family product is able to be more appropriately and consistently maintained because it is held in common ownership. In 1997 the City made a fundamental policy decision about the Parkcenter Corridor. As Mr. Riddle pointed out in his staff report and in testimony, the Comprehensive Plan envisions high density residential in the Parkcenter Corridor.

We can have the debate as to what high density residential is, but I can tell you what it is not. High density residential is a type of residential development that permits the utilization of infrastructure in the most efficient and wise manner you can. What you see in the Parkcenter Corridor is a variety of densities. We have some parcels that are multi-family that approach the 40-unit to the acre density. This project is towards the mid-point. It’s in line with what’s across the street at the quarry. It’s in line with what’s down at Apple and Boise Avenue at Carriage Crossing. It’s approximately 23-units to the acre. It’s essentially the density we see at the Huntington to the northwest of this site. Ultimately, since 1997 when Boise City encouraged high density housing in the Parkcenter Corridor, there have only been two projects developed; the quarry and Logger’s Creek. Logger’s Creek takes its name obviously from its proximity to Logger’s Creek and was originally a condominium project that was de-condominiumized as a result of economic concerns.
Other properties in the Parkcenter Corridor that could have been developed as multi-family have been rezoned and utilized for other purposes. As such, this remains the only significant parcel open for development and most importantly, open for consideration of an entire site. At 12 acres, it gives you a great deal of flexibility to evaluate product, configuration and amenities.

How does that interact with Logger’s Creek? It’s important to note that under the Boise City Code, we’re required to provide a 40’ riparian setback, which 25’ is native landscape, with 15’ of manicured landscaping. We have gone above and beyond that and you’ll see on the western property line no building will be constructed within 55’ of the creek, with 40’ of preserved riparian habitat. Everything located to the west of the creek in the R-1B zone preserved as riparian habitat. We agree with staff to configure that riparian area for drainage in a way that integrates with the rest of the site. Ultimately, this is 415’ of a stream that is a valuable amenity to the rest of Boise. We take that seriously. That’s why we have agreed to setback farther than what you see anywhere else. We were somewhat troubled by staff’s proposed condition requiring fencing. It was our understanding that the purpose of that was to exclude our residents from getting down near the creek. You’ll hear testimony tonight, and we’re sure that people are concerned about the number of residents that might go to the creek. That has never been a condition of approval imposed on any other multi-family project in the Logger’s Creek Corridor, including the Logger’s Creek development which was approved approximately 10 years ago. Starting at the northern confluence at the Riverside Apartments you saw tonight and working your way down, Logger’s Creek has a variety of multi-family, single-family, commercial and office uses located immediately adjacent to it and not one of them have been subject to a condition requiring fencing to exclude the public. I anticipate the neighbors will tell you what a wonderful amenity Logger’s Creek is, and it is. There’s wonderful habitat down there. There are wonderful animals, but that is all in spite of the fact that you will see many photos tonight that show landscaping that goes right to the water’s edge with manicured landscaping, which is wholly inconsistent with the type of habitat that is being sought to be imposed and required here.

Finally, we recognize that anytime you talk about multi-family; you’re fundamentally talking about design. Design goes to the core of what is the impact on the neighbors. Our client understands that. Our client is well invested here in the City of Boise. He has made significant investments over the years in both commercial and multi-family and has an understanding of the role of design. That’s why, unlike the product that you see immediately to the east in the quarry, or immediately to the northwest in Huntington, a conscious decision was made from the outset to come forward with a new type of multi-family product that minimizes the impact, reduces the monotony you see in other projects, and provides a greater sense of community. The Cottage buildings result in a significant number of units having interior courtyards. The units also include interior storage, minimizing some of the exterior storage you frequently see on balconies and patios elsewhere in multi-family projects. The use of the cottage buildings is intended to provide a product that is comparable in design style to some of the larger homes you find in Southeast Boise. It results in a product which is not the box-like, eight to ten-plex you frequently see and the concerns related to that. Ultimately, these are all issues which are really more appropriately dealt with at the Design Review stage.
As you consider this application, ultimately the goal needs to be what is best to do for a site which is proven incapable of being developed for a wide variety of reasons. We believe it’s important to note that not a single variance is being requested, and with the exception of the use modification related to the coffee shop and a height application for a very small portion of the entire site, that this site otherwise complies with all the dimensional requirements of the Boise City Code. With that, I’d like to turn the time over to Chris Stephens, the principle of 5B Sawtooth Peaks.

Chris Stephens (Applicant) – I think Mr. Wardle did a great job discussing the technical aspects of the project. I wanted to spend a little bit of time and give you some more of the subjective background. Some of the letters, they hurt when you read those and it’s a usual amount of opposition. Some of the things in there about being an out-of-town developer; have I ever seen the site; I’m using a Texas architect. That stuff hurts. I drive by this project all the time. As Geoffrey said, I own a lot of businesses in town. They’ve all been successful. I’ve never laid anyone off. I employ hundreds of people in Boise and 500 in the Treasure Valley. I take a lot of pride in being in the community. I first looked at this site in 1993 and met with the owner’s representative to see if I could buy it. It included the quarry property across the way. It had a lot of Army Corp. of Engineers issues for cleaning the areas of the gravel pit, but I’ve always had my eye on this piece of property and I do care about it. Two years ago it looked like it would line up where I could buy the property. I own a lot of apartments in town. We talked about other uses, and even researched outside of the area to see what people are building in this new economy. Right now there are a lot of renters by choice. In fact the rents I charge at Liberty Lake are more than what it would be to buy a three bedroom house, but the first group of residents we are looking for, choose to rent. They don’t want the hassles or the inflexibility of owning. Part of that is when they are making a decision between this apartment project and another apartment project; they’re looking for the latest design and what’s going on.

Part of that is creating a sense of community in these inward focused units, where you’ll be seeing what’s going on. They are not the traditional two and three-story buildings laid out, cookie cutters. I have some single-story apartments and I don’t know where you find that brand new. They are very, very expensive to develop, but I think that diversity will draw a wide range of different types of tenants. During the two neighborhood meetings there were some amazing racial comments. At the ACHD hearing, one woman stood up and said that actually older people are worse than younger people. It goes on and on. What I do know is I’ve kept an apartment at Liberty Lakes for the last 10 years. I built that project, by the way, while I was a paramedic and a volunteer for Ada County Paramedics. I am part of this community. My apartment is on the 12 acres across the way with the same type of density.

I bought a First Nazarene Church, which got converted to a nursing school. That’s interesting are those young nursing students interfacing with the older residents. They have knitting clubs. The younger people are showing them how to do Facebook and Skype. I get really, really excited about that.
That’s what I picture here, and that’s why the design is very, very thoughtful. It’s not about how many we can cram on there, and get 360 units and go for a density bonus. It’s not easy to comply with all the department requirements, high performance and all that good stuff. We did a very good job here. It’s difficult for me to meet with all of the homeowners and try to clip them off one at a time, as you go down to a smaller project, because clearly they are against the density. There are comments about clearing a hardwood forest and all that kind of stuff. I haven’t taken a single tree out, but it’s been difficult. Again, I think the design is thoughtful.

I’m very proud of the fact none of the public agencies have any concerns, as Cody said, about the project. ACHD is not an easy task because I know a lot of projects in town. When you get that project through, I think you’ll hear about 1,900 trip counts, or 2,000 trip counts. Even with that full impact, Parkcenter would be operating at half the design capacity, and there’s no change in level of service. I think that’s really cool. I don’t know if I’ve ever been able to do that on another project.

Commissioner Story – I have a question for staff. You and the applicant mentioned this kind of development; high density, multi-family was called for in the Comprehensive Plan. Can you describe a little bit more about that, specifically along Parkcenter?

Cody Riddle – As outlined in your report, the Comprehensive Plan includes both general policies that apply citywide and those specific to the site. They talk about high density residential being appropriate along our arterials like Parkcenter. It talks about high-density along transit routes, like Parkcenter, or near activity centers, like Beacon and Parkcenter, and Apple and Parkcenter. It also includes a specific policy encouraging high density development in the Parkcenter Corridor, with appropriate design to ensure compatibility and prevent adverse impacts.

Commissioner Meyer – This question is for staff. I tried to find in my zoning book what the dwelling unit is per acre with these three different zones, and I couldn’t find the L-OD. What is that?

Cody Riddle – The L-OD zone allows 43.5 units an acre. The R-1C allows 8 and the R-1B allows 4.8.

Commissioner Stevens – On that same point, if you look at the buildings that are in the R-1C zone, I did some quick calculations and I had the same thought. It’s kind of hard to do because one of the in-town buildings is sort of located in two zones. Obviously, the section of this project that is actually in the R-1C is lower density, or at least the majority of it. Do you know how many units fall in that R-1C and if you can define it out by zone? Is there a way to tell us where we are and what would normally be allowed in that zone?

Cody Riddle – Roughly, the three cottage buildings have 29-units, 10 in the northern two and nine in the bottom. Then if you take about half of that building that the general exception is applied to it’s half of 76. With that considered, it does exceed the density if it were a stand alone R-1C project. That doesn’t take into account the additional land zones R-1B across the creek.
Commissioner Bradbury – This question is for staff. Could you talk about staff’s thinking with respect to the proposed 3’ fencing along the riparian area?

Cody Riddle – That’s a tough one. The applicant brings up a good point. I’m not aware of fencing like that that has been required on other projects. In this instance, it wasn’t just the fact it abuts Logger’s Creek, but also those large lot homes across the creek. I’ve walked as much as I could around the neighborhood looking at that interface along the creek, and many of those have an office building to multi-family, or multi-family to multi-family transition. So we looked at this project a little bit different. The intent of that requirement wasn’t to prohibit access. I don’t think we can do that just. We just wanted to create visual separation. A 3’ tall fence, or a little screen wall, surely wouldn’t keep anybody from accessing the creek if they wanted to.

Commissioner Bradbury – I have a question for the applicant, or the applicant’s representative. Mr. Wardle, I assume you heard Mr. Riddle’s answer to my question. What’s the applicant thinking with respect to that 3’ wall, if it were not intended to prevent access, but instead to provide the visual barrier?

Chris Stephens – The reason that southerly cottage building has 9-units instead of 10, we combined 2 of the units to make a 2-bedroom apartment for myself. I really like the creek as much as all of the other neighbors, so I was excited about having that view of the creek and didn’t feel I should have to look through a 3’ wrought iron fence when no one else does. It’s not going to prohibit use. From all of the input I can get from the Huntington Apartments, those people really don’t come down to the creek. There are some fishermen who come and access the creek in that area, but I was more concerned about the visual and not having to look through that, speaking directly for my unit. I think there are inherent rights that go with that. There are 12-units total on the creek on the ground floor. The other units access from the back, so they would be able to look out through the second floor window over a lower roof line, but the reality is there’s just 12-units that would have patio doors onto that 15’ of manicured landscape and then the 40’ riparian area.

Commissioner Morrison – I believe this is for staff. I have a couple of clarifications. I’m not familiar with Idaho waterways. If I’m in my waders and come in from a bridge crossing, can I walk down the center of Logger’s Creek legally? Secondly, as a procedural step, there will be a Design Review as the next step in the process before this project is ultimately approved. Is that correct?

Cody Riddle – In the event the Conditional Use Permit and River System Permit were approved, yes, Design Review would be required.

Commissioner Story – A question for staff. Something else that came up was that pedestrian access to Highland. I don’t want to get into too much of the legalities of what’s going on there, but can you speak a little bit about staff’s thoughts on requiring that as a condition of approval.
Cody Riddle – We honestly struggled with this quite a bit. We have Highland Street that is essentially stubbed to the applicant’s parcel, through this narrow piece here. It aligns with Highland Street along the northern property line, across Parkcenter. There is probably merit to a street connection, albeit very difficult given the school north of the site. The existing homes there and then also the connection to Schmeizer to the south. Absent those street connections, it’s really difficult for pedestrians. Let’s say someone lived right here in these apartments and wanted to catch the bus, which is right at the corner of Highland and Parkcenter. We really looked at that as an important pedestrian connection.

We’re not suggesting that any improvements occur on that little segment of Highland Street, but if somebody wanted to walk through that gate, or ride their bike, even over to Broadway, there are long standing easement agreements in place between the few homes that access Broadway and the project site. We reviewed that with legal staff and there is nothing in those agreements that preclude us from requiring that. The applicant is correct; it potentially could change, or have an impact on those few homes on Highland. We think there is merit to requiring that connection.

Commissioner Morrison – How do you get across the creek?

Cody Riddle – There’s a bridge already in place. Obviously, if it was a street connection you would probably have to construct an entirely new bridge.

Commissioner Story – Maybe I can ask the applicant a little bit about this condition of approval. I just noticed in some of the documentation. I don’t know if you ever said it, but I drew out a lot of legal documentation in terms of those plans and just that you don’t think you can legally grant it, or just that you don’t want to grant it?

Chris Stephens – There are a couple of issues. First of all, that road serves two parcels. What you see are these two lots served by the Highland access easement. You see a residence here and you see a residence here. But this residence has a drive that takes access onto the ACHD right-of-way there and this has a drive which comes down to Parkway. The concern we have is these easement agreements were initially drafted in 1971. This was the gravel haul road and the bridge in place is a wooden bridge that was built to bring up all of the gravel that came out of the quarries, coming out to Highland. It didn’t come out to Parkcenter. The concern we have is there are obligations related to these two owners and (with respect to indemnification, maintenance and operation of that. The first concern we have is we disagree somewhat with city planning, and legal staff that there is no consequence to that because you essentially have three private property owners that are now being forced to assume the liability and responsibility to allow public access onto a bridge that was intended to be a private haul bridge years ago.

The second thing is we are sensitive to the concerns that have been raised and articulated in the past. This was a very contentious issue in prior applications. I’m sure you’ll hear about it tonight and it appears there is a consensus from the neighborhood that there is no desire to have a pedestrian access at this point. It’s important to note Mr. Wardle is correct, theoretically a resident here could walk over to Parkcenter that way, but they can get up to Mallard. The other thing that causes a little concern with the condition and not to play lawyer here, but the condition is to provide a gate.
The condition is not to provide a public access easement to the owners of that other neighborhood, because I think that condition has not been well thought out and well drafted. We’re just not willing to assume the liability of providing a gate and changing the dynamic of the relationship that has existed since 1971 for that segment. It’s a decision you have to make and obviously it’s an issue of concern.

**Commissioner Story** – Let me follow-up on that. Right now it looks like they own that sliver of ground that goes all the way up to Highland, and there are two easements granted for the benefit of two of the property owners. Is that correct?

**Chris Stephens** – That is correct.

**Commissioner Story** – It’s not like we have to grant them an easement. Those pedestrians can already use that. Is that correct?

**Chris Stephens** – No, those are easements that are grounded to those property owners for their use and access by them. They’re invitees and their license use. It’s not a unilateral grant to the public permitting anybody from the public to utilize those to get back there.

**Commissioner Story** – So, it’s an exclusive easement for the use of only those people?

**Chris Stephens** – You don’t want to criticize an easement that was drafted in 1971 by one of the founding members of your firm. It’s an ambiguous easement as to what the scope of it is. I think it was intended to provide access for one parcel, amended in the late 1980’s or early 1990’s, to provide access to a second parcel and those easements were not granted for the type of micro path easement that you frequently impose as conditions elsewhere. That’s about as clear as I can be.

**Commissioner Morrison** – A question I have kind of relates to this and I think it affects multi-family more so than it does single-family residents. An emerging energy code that may affect the orientation of the buildings, does that come into play at all in this process?

**Cody Riddle** – Not as part of the Conditional Use Permit process. Obviously, in the event something was constructed, it would have to comply with current building codes and things like that. The building folks are transmitted on these applications. I had some preliminary conversations with them in terms of accessibility, but no concerns were raised.

**Commissioner Story** – This question is for staff. You mentioned in your staff report, and up here as well, I want to make sure there is no rezone going on here. Is multi-family a conditional use in an R-1C zone?

**Cody Riddle** – Planned developments are conditional uses in the R-1C zone. In any of the residential zones the Planned Development Ordinance specifically allows all types of residential housing, with conditional use approval. That could include duplexes, single-family homes or apartment buildings like we have before you this evening.
Commissioner Stevens – I would like to ask a question of the applicant. Mr. Wardle, you mentioned the parking as you were doing your presentation. The sense I got was the reason you and your client decided not to build parking underground, which has some environmental benefits, as well as similar benefits, is primarily because of what it would do to the height of the building if you were to do that. I wanted to get some clarification on that point.

Geoffrey Wardle – Staff made a comment acknowledging that parking could be done within a structure, or a subsurface. There is a comment from Public Works in the packet that notes the high water table, encouraging slab on grade construction.

Essentially, if you were to do structured parking, our concern has been we hear the message that people don’t like to look at big tall buildings, so if you do structured parking to keep the same density, what do you have to do? You either make buildings which are taller, to keep the same footprint, or you make buildings that are the same height but are larger to cover. Again, our concern with structured parking for this site is, we provide garages for the cottage buildings. What you see across the street at quarry are individual garages on some of those units. The type of structure you are really talking about is some of the stuff you’ve reviewed tonight in the prior multi-family applications, which inherently results in the structures being taller. So, it’s a trade off. Obviously, we think that is an appropriate issue for Design Review to consider. The majority of units here are one bedroom. We believe the use of carports and minimization of parking area has mitigated the evils that come from excessive paved areas.

Commissioner Stevens – I have a similar question I would like to direct to staff. Maybe I don’t know enough about it, but I’m not sure I understand why carports provide a buffer to the lots to the south. That doesn’t make sense to me. I’m hoping you can enlighten me.

Cody Riddle – Our thoughts were that the carports with the fencing along the property line would provide some level of protection from light and noise. The fence along the property line would really provide almost an enclosure for that one side of the carport.

Commissioner Stevens – There was a comment in the packet about having carports there would probably encourage additional parking along those edges, because people would want the cover. Do you have any comments on that, or any discussion you’ve had with some of the neighbors regarding that point?

Cody Riddle – No, I haven’t had specific conversations with neighbors regarding the use of carports, and whether or not that would encourage more parking to occur there. I guess it seems like a reasonable argument.

Commissioner Stevens – Just so I understand, it’s the fence on the side that really is what provides that buffer, not the covered part of the carport.

Cody Riddle – Yes, the fence and additional landscaping would be likely to provide a better buffer.
Commissioner Story – Cody, we have quite a few letters of correspondence and one of them brought up a very valid concern. They said when they purchased the property so many years ago, across the stream at Logger’s Creek; they did the research of what the zoning was. Across the stream it showed R-1C, which is designated single-family eight-units to the acre and L-OD in front of that. Now, this seems like quite a surprise to them. I guess if you could educate me on how that comes to be a multi-family project and just how that came to fruition from single-family density zoning, to the multi-family project where we’re at today?

Cody Riddle – That is a very reasonable argument. The R-1C zone allows eight-units per acre. It’s a single-family residential zone which allows single-family homes on 5,000 square foot lots without any sort of approval. Multi-family development, if the entire site was zoned R-1C, would still be allowed as a conditional use. It would just be limited to the eight-units an acre, so you could still have apartment buildings in an R-1C zone. That’s not a new provision to the ordinance, but by description, or the title to that, I can see where there would be some confusion.

Commissioner Story – One last question for the applicant. In relation to when you spoke about some of your conditions you had disagreements with, one of them was a pedestrian cross access across, up to Highland. Then you mentioned the sidewalk on the northern boundary and I guess that was to all go hand-in-hand from what I’m gathering.

Geoffrey Wardle – We believe they go hand-in-hand because you look at the condition staff recommended regarding the sidewalk, and its intention is that it aligns with that access point. An interior sidewalk is provided around the periphery of the in-town buildings, as you see on the depiction here. There are sidewalks here, and there are sidewalks all through the project up here, but the concern is that you are requiring us to put a sidewalk along this entire northern boundary that is solely directed to push traffic out to Highland. A resident here does not need to walk up to the sidewalk to get out here. They can walk through the sidewalk, those connections are there. It’s a condition that relates if you eliminate the condition for the access gate at the Highland bridge, which wouldn’t necessitate us removing an existing fence built by the beneficiary of that easement. If you require us to do that, which is what staff has suggested, is that sidewalk aligned with it? There are some other conditions about connectivity within the site to that sidewalk. We think that bundle of conditions rise and fall on the need and the requirement to force access without entitlement.

PUBLIC TESTIMONY

Fred Fritchman (Southeast Neighborhood Association Representative) – I represent the Southeast Neighborhood Association whose board has voted to oppose this project. The Southeast Neighborhood Association monitors new development carefully in order to ensure the quality of life for existing residents is protected. This proposed development has many negatives for our neighborhood, the most important being scale and density are inappropriate to the adjacent neighbors. By now you have read letters from residents describing the history of how this property was zoned and annexed into Boise, and some of the previous developments that have been proposed for this parcel. The front portion of the property is zoned L-OD for limited office, which serves as a transition from Parkcenter to the residential property. The creek is zoned R-1C, which has a density of eight dwelling units per acre.
This density itself serves as a transition to the existing larger single-family properties, the ones to the west and the south. Previous Planning & Zoning Commissions and City Councils have recognized the purpose of these zoning designations in their decision regarding prior proposed multi-family developments on this property. Their decisions have been respecting the R-1C density of the rear section. This proposal in effect rezones the R-1C section to R-3 apartment zoning. What is the function of zoning designations if they can be effectively undone through the planned unit development process? One of the purposes of zoning is to provide some predictability to residents when they invest in a home, which to me is the largest investment they make in their lifetimes. I imagine the folks who bought property adjacent to this parcel felt they had some assurance from the R-1C zoning, for what they could expect to see developed there in the future. The effective rezoning of this parcel for apartments would make a mockery of the protection our zoning codes are supposed to provide to our Boise neighborhoods.

In fact this proposal requires a general exception for height because the western most in-town building, more than half of which projects into the R-1C portion of the parcel exceeds the height limit for that zone. This kind of height exception is not compatible with the adjacent single-family neighborhoods. Approved and constructed, this planned unit development effectively strips the adjacent residential neighbors of the transitional buffer provided by this parcel’s zoning designations. In addition, the proposal does a poor job of buffering the neighbors to the south. A 6’ fence does little, if anything, to mitigate the increased traffic noise, car doors slamming and lights from the carports just beyond the fence. The thoughtlessness and lack of being neighborly of this aspect of the proposed development is appalling.

I attended both of Mr. Stephens’s neighborhood meetings on this project. He seems very attached to this particular version for this development. The site design is very nice and would function well internally as an apartment complex. Unfortunately, it doesn’t fit well into its neighborhood context, and Mr. Stephens seems unwilling to make the kind of changes necessary to make the District function better with the world beyond its property lines. You, as a Commission, must meet several findings in order to approve this project. One is to be compatible to other uses in the general neighborhood and the proposed use of it complies with all conditions will not adversely affect other property in the vicinity. The scale and density of this property is not compatible with other uses in the immediate neighborhood, mainly the single-family homes directly adjacent to this parcel. Also the development of the site is so intense, it does not allow for sufficient buffering for the properties to the south. As Boise fills in it is even more important new development be a good neighbor. The District at Parkcenter would not be. This project is not in the best interest to this neighborhood, as indicated by the signatures of hundreds of residents who are in an opposition to it. The Southeast Neighborhood Association respectfully asks that you deny this application.

**Commissioner Stevens** – We are going to start tonight with Nancy Caspersen. I understand that Ms. Caspersen and a number of people in the audience have asked for us to publicly show the video that was made. We are going to start with that. Would you like to introduce it? It will be part of your three minutes.

**Nancy Caspersen** – There are three of us combined here?
Commissioner Stevens – No, that’s not how we’re going to do it. My understanding is that we’re going to do the video and then everybody who wants to testify will be given three minutes.

Nancy Caspersen – I’m presenting the video on behalf of myself and probably for most of the people in the room. Lisa Kern, Len Sterns, Kathy Creek and Marsha Vandergrift are all part of this video presentation. We’re combining this as part of our voice in the opposition to this proposed apartment project. The following video voices our opinion and I think a picture tells more than a thousand words. Pictures seen here will voice what we believe is critical to all the other testimony against this proposition.

VIDEO SHOWN

Nancy Caspersen – I think the value of what the homeowners appreciate, and I don’t believe the developer quite gets, is that I feel this development will have a very negative impact on why we all live there. His comment that he didn’t want the fence there because it might destroy his view, seems to show his lack of understanding that all of us who are now going to have in our view two or three-stories apartments with a lot higher density than when we purchased our own properties around there. It will ruin our view. His view is supported by the 3’ fence in front of his apartment. I’m worried about the impact. This complex isn’t across from where I live, but it will impact me by the light, noise and disruption of the wildlife. The wildlife is why I live on Logger’s Creek and that’s why I made the video. Thank you for your consideration and time.

Commissioner Stevens – Regarding the rather long list, and probably people in the audience who want to talk who didn’t sign up on the list, I’m going to make a couple of comments before we get started. First, I want to assure everybody in the public that the Commissioners who are sitting up here have read everything that we received from you. There was no question in my mind, as we sat in the work session, that these Commissioners have read every word that came to us which numbered in the hundreds of pages. I want to make sure you know that it’s a Commission who’s read your concerns.

We will be keeping your testimony to three minutes each, so if you hear something you want to say that has already been said, when it gets to be your turn, please come up to the podium and say I agree with what’s already been said, to make things go faster so we can finish tonight. We may not finish tonight. We’ll have to see how the evening goes. That’s one recommendation I have to keep things going.

Commissioner Stevens – For the record, Ms. Vandegrift and Ms. Stearns were spoken for by Ms. Caspersen and by the video. Mr. Fritchman spoke for the neighborhood association.

Justin Wilkerson – I live on Logger’s Creek directly west of the project. Thank you for allowing me the opportunity to speak and give input. Hopefully, this isn’t an already made up decision, that you are considering our input and I appreciate that. To be honest, I have mixed feelings about this project. On one hand I appreciate and uphold the developer’s rights to build, improve and upgrade the property and be able to make a profit.
It’s part of our American system, but what I don’t approve of is that one entity is making windfall profits at the expense of other people without being compensated.

When I purchased my land about 10 years ago, my understanding of the R-1C zoning was that it was going to be relatively low density. That was part of my consideration when I purchased the property. It was my understanding the traffic was going to be fairly restricted, given the decades of past practices restricting access to Highland. I feel this project is going to increase pressure to open that up. We already see that wanting to open up the pedestrian walkway. I think pressure will continue, especially with this kind of density. I’m fearful of that happening someday. There is no doubt in my mind that this project will adversely affect the quiet enjoyment of our property we purchased 10 years ago. It’s going to obstruct views. It’s going to amplify the noise and light pollution. It’s going to perhaps swell traffic in and around our neighborhood. I thought it was a bit rich the developer responded to my concerns, and many others, citing a study from a group of people in the Chicago suburbs that said there’s no impact when multi-family development happens. The suburbs of Chicago are completely different than around here. I am fairly confident the property values of the surrounding residents will be adversely affected.

The other thing I found interesting is the developer cried foul when staff suggested a 3’ fence to be placed along Logger’s Creek. They cited that would be a taking of property. The real taking of property happening here is changing R-1C to high density development. That’s the real taking that is going on here, not the 3’ fence. I respectfully request the Commission disapprove this project as proposed. If for some reason you do end up approving this project, I would ask there be a condition placed on approval that the developer set up a property value compensation fund for the associated property owners around the property.

**Jim Scheidt** – I’d like to reiterate the sentiments of everyone who came before me. I totally agree with them. In addition, if this development does get approved I have particular concerns about traffic at the intersection of Parkcenter, Highland and Tyrell. I think ACHD got it wrong. In their report they called the traffic at this intersection at a very poor level of service during the AM and PM peak hours. This development is only going to make it poorer, or perhaps poorest. With that in mind, the egress and ingress into the site and out of the site will eventually be a right in, right out only. I suspect we’ll be seeing many u-turns on Parkcenter, which I don’t think is ideal. I think there are things that could be done that have been suggested at other projects, like aligning Highland Street and allowing access into this site from the side street, and perhaps putting a light in there. Once this is approved as is, I think this situation is broken forever and I would like to see some consideration made to make it correct to begin with, instead of essentially having to live with this for the rest of our lifetimes.

**Joyce Scheidt** – The only thing I would add to what my husband said was there are 308 units over in the quarry and there’s going to be 287 units here. A lot of those units are going to have more than one car, so we’re estimating over 1,000 cars coming into Parkcenter. There’s only about 700’ there that cars from both sides will be accessing onto Parkcenter. There’s not going to be a traffic light. I could not believe they would not at least put in a traffic light. Making U-turns on Parkcenter with that many cars during peak hours is just insane. It’s going to be such a safety hazard. Once the project is done, I don’t know how you would undo the damage that will be created in the traffic flow on that road.
Ben Sherrill – I live at Logger Creek Cove. I’m pleased you received my letter and have read that and I have a few things to add. This letter clearly states how I am concerned about this development. I cannot overstate the beauty of this Southeast Neighborhood treasure known as Logger’s Creek. We go to the creek everyday and are enthralled with the ever changing view and wildlife. Just today a Hooded Merganser, in all their splendor, paddled up and down the creek. There’s a commitment to the natural beauty of the area that lies deeply within the values held by Boise City and Ada County citizens.

This historic development of the Greenbelt through this valley and the long standing commitment to the importance of the wonderful park system in recent years in coming together, citizens and government in the Ridge to River Foothills development is a proclamation of this deeply held value system. This proposed development is excessive and completely inconsistent with the long held tradition and values that are foundational of the neighborhood and the Logger’s Creek community. The proposal makes sense to those who are looking for maximum profit from their investment, but it is obvious they are completely out of sync with the long held traditions and values of our City. I’ve looked at the development plot map and have walked around the acreage where the development is proposed. It is amazing to me they can cram so many into such a limited area. Six two-story cottages they call them, are actually apartments, or might be called dormitories, and three-story apartments. We think this is excessive.

I could not visualize what it would take to make room for 500 cars. Fortunately, I was able to see the land mass of blacktop that this would take. At the corner of Parkcenter and Apple Street is a shopping complex. I counted the parking spaces for all the buildings and businesses in that area, including the parking area of the empty K-Mart building, and the number of spaces in this land mass is 500. I know they are not putting them all together, but there are that many spaces in this limited space. I encourage you to take a look and please notice at this place, on the shopping area there by Albertsons and K-Mart, and take a look at the many spaces with very sparse vegetation, the thin ribbon of green around the outer boundaries and the few trees here and there. When you look at the proposed development there is precious little area for green. We ask the Commission to reject the 501 Parkcenter development.

Lisa Hartigan – I did send a letter and I know you have all read that. Tonight I wanted to talk a little bit more about how this will affect me and the property we just bought. We’re new to Southeast Boise. We’ve lived in Idaho before and we really wanted to come back because, as Nancy’s video showed, there are so many things that are great about Idaho.

In purchasing our property, we had envisioned things we could do with it. The way our property sits, the front side of it will face where the apartment complex is, and the back side we are directly on the creek. We had thoughts about what we would do with our property in renovations with it because we have some pine trees and everything in front. In order to get an awesome view of the Foothills in the evenings, we were thinking how we would redo and things we would do to it so we could have a proper sitting spot. Now, if we were to do that, actually all we would see is the apartment complex and not the view of the Foothills and Table Rock. In that respect, this is going to have a negative impact on how we sit, we live our life, our evening enjoyment, which is how everybody relaxes and gets out for work the next day and everything else we have to do.
The other thing is I spent a lot of time on the phone with different organizations; Trout Unlimited, Fish and Game, Smart Growth, Golden Eagle Audubon Society and a bunch of people. Some of them wrote letters, some of them couldn’t. The Wilderness Society said they couldn’t do local types of things.

Even though there aren’t site specific data they can really look at to see what kind of effect this will have on the wildlife, everyone who works in those areas was very impassioned and agreed it will have an impact on the wildlife, which will have an impact on us and our day-to-day enjoyment in things we need to wind down, and the reason we chose to live where we live. That’s how I feel this will impact us.

Dan Hartigan – I’m asking Cody to bring up a copy of the land use map. What was discussed here tonight and what staff and the applicant brought up, is that this proposal does not require any variances or exceptions, except the two general exceptions that were already mentioned. But it wasn’t clearly stated that is provisioned on approval of conditional use. Conditional use in the Boise City Code 11.06.04.13 has seven criterions set out for conditional approval. There are two key ones here tonight that you need to decide tonight.

The first one is the proposed use is in compliance with and supports goals and objectives of the Comprehensive Plan. The land use map is what I would like to address first. It’s difficult to see here but I think we can print it out. Staff stated that the Comprehensive Plan Policy 8.1.15.11 states high density housing development shall be permitted in the Parkcenter Office Park area, provided that the appropriate site designs are used to ensure compatibility with the adjacent uses. This is the site. The purple defines the Parkcenter Office District area. The lighter color over where Logger’s Creek runs through is defined on the land use map as low density. It would require a conditional use that you would have to approve that would meet the second part of that statement, which was; provided that the appropriate designs are used to ensure compatibility with adjacent uses. As I see it, it would be a great leap to say what the Comprehensive Plan intends for the Parkcenter Office area, should be moved into the low density area. There’s a lot more to consider.

There is also a second criteria for conditional use that has already been addressed many times but this is probably the key one. The proposed use, if it complies with all conditions imposed, will not adversely affect other properties in the vicinity. My wife just spoke on how it will impact her personally. The Southeast Neighborhood Association spoke on how it would impact the neighborhood in general. From my perspective, staff proposes mitigating on my side of the property, the south side of the property, putting up a wall. That’s the mitigation. That is not stopping impact; it is putting up a different impact. If you wall off my property, it’s no longer open.

Dan Hawkins – With all due respect to Mr. Stephens, he said all these letters stung. Well yes, they sting for us. We live there, so they sting for us as well. This is wrong in so many areas. One, obviously it would have to be conditioned approved. We were the ones that bought that property. I put about half that much into my place on the other side of the creek, so just from an investment standpoint alone, yea that’s a big hit.
We lived on the other side of the road before, on Parkway and my wife wanted to live down there and we waited, and waited, and waited…until we had an opportunity to buy a place on the creek, and we knew that was low density on the other side.

I’m all for the deal of, well, they still would be, but if its 8 places per acre and you own it. That’s different than having 30 people there who rent it. That’s extremely difficult. This is just wrong in so many ways. I bet you saw that video and thought, man, I wish I could live there. It is a cool spot. It’s a spot when you tell a longtime person in Boise where you live, they say “I have no idea where that is” and you go “that’s right and we like it like that”. It’s very unique. They took steps to protect the Boise River some time ago. This ought to be protected. I get up and down that Greenbelt and the Boise River all the time. I see way more wildlife on that creek than I do on the river because nobody disturbs it. It is a unique environment. Obviously, it’s unique. It ought to be bought and preserved in some form of way, because there is no neighborhood like this. Obviously, you have all of these people here that care about it deeply and 500 people that signed a petition. To me this is wrong in so many ways. We’re trying to run through a project that is not meant for the area. If I bought the property and I wanted peace with people, I would have went to the people on the other side of the creek and asked, “What would you guys go for? I’m thinking about this property, what would you guys go for?” I wouldn’t draw up things that is three times more than what’s suppose to be there and then say, “Let’s just run it through and see if we can get it.” It’s interesting there’s a for sale sign on the property right now at 5 million dollars. I know it was bought at around 2 million dollars. Are they going to get it approved and flip it? This is just wrong in so many ways. It is not what Boise is about and it’s not what Dan Hawkins is about.

Ron Graves – I’m President of River Run Homeowners Association which is just south and east of the proposed development. There are approximately 333 residences at River Run and the density at River Run is about 5.5 residences per acre.

The Board of River Run has authorized me to register our objection to this project for several reasons. Most of them are all covered in the letter I submitted to you and I thank you for reading that letter. I will raise a couple of points I think need to be addressed. The proposed density is too high to allow for transitional buffers for wildlife habitat, or for the protection of the neighborhood. The applicant is seeking approval of 288-units on a relatively small parcel, which will mean relatively little landscaping, wildlife habitat or neighboring privacy.

Secondly, the proposed number of units is going to have a substantial negative impact on traffic and related noise along Parkcenter Boulevard. The amount of traffic generated by 288 residential units will have a tremendous amount of noise, and what is most unbelievable to me is ACHD has allowed and approved only right exits, a right turn exit from the subject property, which means all traffic will be heading off the property, driving east to the first available u-turn intersection, which is going to be River Run Drive and making the u-turn to get west because most of the related targeted residents are intended to be students that are going to be going to Boise State, or people that are working downtown. So we’ll have huge traffic issues that we have to deal with and they are all going to be making a u-turn on Parkcenter Boulevard. I think all of the other issues I wanted to raise have been covered by other people. I would like to add that we have done a great job with Parkcenter Boulevard in the last 25/30 years.
Let’s not spoil it now by having too much density and creating issues we are going to have to live with from here on out.

**Misty Hawkins** – First of all, I want to thank you for reading all of those letters because I think you’ve shortened tonight’s time by doing that and we really appreciate it, so I’ll try not to repeat. The ordinance specifically addresses the findings that Cody presented and Finding 8 says it needs to be compatible and he listed some of the adjacent properties for the apartment complex, single-family homes and offices. If you consider across Parkcenter adjacent as true, but that property is zoned R-3D. If you consider the northwest Huntington Apartments adjacent, which technically isn’t really adjacent, it is also zoned R-3D. I think, with all due respect to the previous public planners, they saw areas that were appropriate for multi-family housing and this particular parcel is not zoned R-3D for a reason.

Regarding Finding B, the transportation impact. Cody said there were six to seven lanes in the vicinity, but immediately where they would have the exit from this apartment complex to the right only, the south bound lanes where they would be exiting merge from three lanes to two lanes. So there’s going to be a lot of conflict there with the increased traffic.

With regard to Finding D, it does adversely affect our property and I understand Cody needs to defend his recommendation for approval for this, but to me it’s semantics when you say it’s a conditional use, but it’s not a variance and it’s not this or that, because to me how can you say a multi-family dwelling goes appropriately in a parcel that is designed for office space at 43-units. When you have 43-unit apartments, that’s a very different impact on the neighborhood than 43 families living there because usually if they are coming to an office, they will be coming and going. Nobody is there in the evenings, nobody is there on the weekends, and you don’t have invasive lights. But we’ll have people living there and we’ll have noise 24/7. You have human activity and when you buy a place and you’re planning to look across the creek at possibly four homes to equal eight on an acre, and if you’ve got any huge apartment complex of nearly 300 apartments and somewhere between 500 and a 1,000 people, that’s a big difference and if anyone wants to tell us that that’s not going to adversely affect our property value, I’d like to hear the reasons why.

The last thing is one of the main goals of the Comprehensive Plan which is to maintain the neighborhood stability. Then it goes on to predict that the jobs in 2005 will increase by seven thousand and I just want to let you know that renters are not maintaining neighborhood stability. In fact, we will significantly lose neighborhood stability if this project is approved. I respectfully ask that you deny this project.

**Lenise Redding** – Thank you for hearing us tonight and thank you for reading my letter, I know it was lengthy. I have a lot to say. I live close to this project and I also own the parcel at 332 E. Schmeizer, directly south of the property. When I bought my half-acre I did review the zoning in the area and I looked at the L-OD district and I saw what was south of me and the Delta Dental Office area and I thought that is going to be similar to what is going to go here, north of my property. Then this application comes through with 287-units of apartments and it was a very big surprise to me to see that the entire boundary, where the southern parcel is going to be asphalt.
I don’t think carports are going to mitigate the noise, the traffic, the people, the lighting and everything that is going to be along this southern boundary. Prior developers in my research were willing to go with a 25’ landscape buffer zone along the southern boundary.

The prior approved Bella Borgo project was willing to put a 6’ stucco wall along there, in addition to all of their landscaping. This developer only proposed a chain link fence. Not so nice, even though Cody increased that to a solid fence. I don’t think that is sufficient.

Something else important I want to say is there has been an on-going problem with the Tyrell and Highland intersection of Parkcenter by no alignment and the poor level of service there and prior developers were all being required to make Highland go on the north of that parcel, not through streets to the west, but just to align that intersection so that a traffic light could be put there in the future for the safety of the residents. Now we have two schools; we have a Montessori school to the south and the Sage School to the north. The developer talks about amenities being provided and how great it will be that everybody can go right across the street to the river, if they jay-walk. There’s nowhere to cross there, not safely along Parkcenter. The other problem is making those two nonconforming driveways into right-in, right-out only and putting a median there.

Somebody has already said that but it’s going to encourage people to make u-turns in front of Delta Dental, or go all the way into the River Run Subdivision because they’re not going to be going half-a-mile out of their way to go all the way around Pennsylvania and go down Boise Avenue in order to get to downtown and BSU, so there are a lot of safety concerns that I have.

Lindy Hofstetter – My driveway will look directly at this development and the front picture window and my whole front yard. I’ve heard several remarks but one thing that caught my attention is we were listening to Mr. Stephens describe his process for this development plan he has and I was wondering why is it Mr. Stephens has had months working with staff, gaining their approval and support for their project, but the public is limited to three minutes. Three minutes is all the input we get. No one-on-one time with staff to propose our side of the story making ways to mitigate this project and I think that’s now especially unfair.

I did want to point out that there was one letter you received that is in support of this project and I also wanted to point out to Mr. Wardle, who presented that letter, was paid to provide that letter. He did not write it because he thinks this is an awesome project. He’s receiving compensation for it. I also took offense to a couple of things in his letter, particularly the fact that the density would not impact the surrounding neighborhoods. He had all kinds of support for why we should put another dense development in our area. To me that wasn’t particularly relevant given the zoning we should be insisting on for this piece of property. All it did to me was prove we should not put this high density project there. We don’t need it. We have enough of it in the very close vicinity, as he pointed out.

I would also like to take exception with some of the studies he quoted; Chicago, Wisconsin, Massachusetts. What do these studies have to do with Boise, Idaho? I would propose not a thing.
I would bet there is not a single one that is a high density project being built next to an area such as ours, which is a real treasure in Boise with homes with relatively high value in the environmentally sensitive area. The way I read those studies it was developments erected in areas of urban blight, so no wonder it didn’t affect the property around.

The other thing I would like to point out is there would be no noise or light pollution from this project. I find that a little bit ludicrous to think a complex with three-story buildings that is going to generate 2,000 car trips a day is not going to have any impact on lighting, or the noise. I don’t think that’s being logical.

Lisa Kern – I am a dedicated lifelong bird nerd and I would like to testify that it’s fabulous to look where you can watch immature Goshawks learn to fly, learn to hunt. Or even a short Goshawk take a look at and then be scared away by a little wood duck charging it, which is quite unexpected. It’s wonderful to live somewhere where it isn’t hostile. Moving from the North End we knew property taxes would be a little higher and our closing five years ago, the bank thought there was a mistake because the property taxes have doubled. It turned out it was okay because it was such a fabulous area to live. Every day we enjoy the property.

I know how everything works and I know that even the property value may go down, the property taxes won’t come down because that’s not how life is, but I knew the nature of what I chose to live by would be preserved and I have a lot of concerns about that possibility now.

Jackie King – I live directly across the creek from where this project will be. I want to say three quick things. The section of Logger’s Creek you can see is really the section where most of this wildlife is. It’s the real protected part of the creek and that’s where it all is. The Blue Heron you saw on the video, they will be gone for sure if this big project is built there. They are very timid and very shy. If you want to walk to them you have to be absolutely still. You can’t make any noise or they leave and they’ll be gone.

Fourteen or 17 years, I don’t remember the number; there was a project that tried to come in here that was about the same size of this project, only not quite the same density. The City rejected it. It went to City Council and it was rejected because it was too dense. Just a few years ago the project that was approved that ended up going broke was approximately, I may have the number wrong, about a 140 or less condos and the City had them go to a lower density before the City Council would approve that project. I wanted you to know that.

Bonnie Wilkerson – I have three comments. My first comment is that I, like many other people have already said, when I bought my property 10 years ago I was under the understanding that the R-1C was zoned for eight-units per acre and I’m not understanding exactly how that can get changed. I want it to be acknowledged that I was under the misunderstanding that when I bought it, it was eight-units per acre.

My second comment is, I do appreciate development, and I do not want to see Highland opened all the way through because it is very quiet there. I like the safety because I have kids. I appreciate he does not want to do that.
My third comment is that we, my husband and I, when we were first married we considered renting in an apartment complex where we had to access by making a u-turn to go out because we were not allowed to cross the street this apartment complex was on. We rejected renting that apartment for that reason. The time it would take and the hassle is not worth it. I’m wondering how many people would be willing to rent with that extra hassle of making a u-turn.

**Janaé Wilkerson** – I live directly across Logger’s Creek from the proposed development. I ask for the opportunity tonight to present two points. First is to point out the false conception made by the applicant regarding the buffer zone to the west of Logger’s Creek. The second is to express concern about the increased traffic to Logger’s Creek itself from the high density of the development.

Regarding my first concern, the applicant talked about a buffer zone on the west side of Logger’s Creek in the R-1B zone. I would argue this is a false concession. The applicant has no ability to develop in this area in the first place. The property in question is the backyard of my next door neighbor and part of my own. The applicant has no development ability in this area and leaving it as a buffer zone is a false conception.

Regarding my second concern, increased foot traffic in Logger’s Creek. Logger’s Creek is a nice place and a temptation for children playing and disturbing the creek. I can testify to that personally. I remember running up and down the creek. I was in the creek constantly during the summer. My little brother and I were running up and down, digging in the mud and altogether causing havoc. When this is just me and my little brother, that’s fine. We may have made a little bit of noise, but there was no significant disturbance to the creek or the neighbors. However, the density proposed is 500 to 800 residents and many of these may be children. This creek is a big playground, a site for kids to hang out destroying the peaceful serenity of the neighbors and the wildlife. Destroying the quiet atmosphere of the creek and possibly damaging the ecosystem.

In conclusion, I came up here to present two points; one to point out the false concession made by the developer and second to express concern about the disturbance of Logger’s Creek will significantly increase activity within the creek itself.

**Michele Drolet** – We bought our house three and a-half years ago. At that time the Bella Borgo project was approved and we had the site wooded a month or so before the trees were taken away, so we knew this property was going to be developed. But the Bella Borgo project is very different from the current project we’re talking about. The fact that we’re looking and granting a conditional use to change the zoning and put in such high density, is a loop hole to me. It’s using the PUD clause as a way to get around the zoning and is incompatible with the surrounding neighborhood. As we’ve talked about, most of the lots around the site are half acre to acre lots. None of them have fences, they are very open areas. The fact you would put such a high density project and talk about putting fences in has nothing to do with being compatible with the surrounding neighborhood. In addition to that, one of the things that is real interesting about the neighborhood is how long the neighbors have lived there. Many neighbors have testified about a project happening 15 to 17 years ago. We were one of the few people who had the opportunity to buy a house in the last five years on the creek.
I think we’re actually the only one because houses don’t go for sale. All of our neighbors have been living there for a really long time. It’s a very cherished neighborhood, as you’ve heard. It’s very frustrating that the zoning is not respected. I think that’s what most of the neighbors are disappointed in, so buffering and density and not respecting the zoning are the primary concerns.

**Jennifer Christiano** – I am representing myself and my husband Mark Misho. I already sent a letter but there was something said here tonight that I want to respond to.

My husband and I moved to Boise nine years ago from many years of living in the very high density, diverse, crowded, noisy, polluted urban crowding of Chicago. My husband had lived there most of his life and I had lived there quite a bit of my life, but most of the rest of my life was spent in Idaho Falls. I was determined to come back to Idaho. My husband wasn’t sure. I finally said, either we’re coming back, or I’m coming back. Fortunately, he came with me. What really convinced him that he really wanted to live here is the fact that we had found River Run very quickly and it was right across from where he was working. After spending 12 years in Chicago where he had to drive an hour to an hour and twenty minutes one way to get to work and I had to drive an hour the other way. We had to fight to get out to the highway and so forth. This is paradise for us. We did ask our realtor about what was going to happen because we knew eventually the land is going to be developed and she said, no, it’s going to be low density and so forth, so okay. Now, our worst fears have been realized because it’s like Chicago is following us.

This is a sort of place, believe it or not, that high density really does make a difference. It doesn’t have neighborhoods. We’ve lived there, we know it. We’ve lived in some of the most dense neighborhoods in the country. We know friends who have million dollar homes and some of the most beautiful neighborhoods around Chicago honestly don’t compare to what we have in River Run. One of the things that really scares us is the density of traffic and the right-in and right-out turn only. It’s going to bring all the traffic right into our main entry and exit. We’re going to fight like we did in Chicago to get in and out. We’re going to have to look at Chicago again. We know development is going to happen, but please keep it compatible. Honestly, I don’t know where the study is from in Chicago and we’ve lived it and this kind of density does make a difference, so we hope something else will come along that will be compatible with our little slice of paradise.

**Cynthia Bambic** – I also own an adjacent lot next door, directly south of the site. I brought along a little piece of my world from my perspective. While I point out some other items I have concerns about, I want you to view some of the areas where I live and what I will be looking at in the future if you allow this to happen.

First of all, regarding the attorney statements submitted as additional testimony on the documents dated 2/10/12. In regards to the District being at the same, more or less density of other apartments in the nearby areas on Highland, those were built on R-3D zoned lands and therefore did not require approval or changes, or whatever you want to call it to the zoning. The zoning, which I was told when I went to build my house, in which my family did a considerable investment in under the pretense it was a maximum eight-units per acre of developable parcel next door to us.
My husband was looking into Eagle and other places and I’ve lived in this area for over 40 years and I really wanted to stay here. We did do extensive research and worked with an attorney. We talked with the City Planning Department at the time and that’s the impression we were under when we made the decision to invest into this particular property. With that background I’ll go back to my other notes.

The other multi-story apartments do not entwine single-family homes that were on the west and south side of development. Neighbor’s homes sit next door on large manicured lots. The height is the same as single-family, two-story homes that are being proposed. The height, in addition to the massive structures of the buildings in this PUD, have a much larger size and scope providing open space and new corridors, compared to our R-1C housing. Reduction of noise through this setback alone does not adequately buffer the noise generated by 287 apartments to a one house per acre neighborhood. To prevent noise generated at this density a combination of natural berms and mature landscape boundaries screening is necessary and that is seen over at Huntington Park, along the area where there is a street which provides a buffer. There is also a berm, where ours are going to have car lights going into the berm and then the fencing is above that, which is pretty different, if you were to see the pictures again. You’re looking straight out at a flat lot where there is just going to be a wood fence proposed, from what I understand.

Views of the development were aligned with the current zoning on the western portion of the site. There will not be a dramatic loss of neighborhood openness, space view corridors and thus integrity of value. The lot next door to mine was bought and is now being resold due to undesirability of building next door to apartments. My lot will also be negatively impacted by this. I agree with everything that has been said prior to this. I want you to know my biggest points are density, and this particular PUD is not compatible and is not consistent. There’s no transition zone.

Dale Halverson – I’ve been a Southeast Boise resident since the inception of Southeast Boise. In addition, I am a 36 year career realtor and exclusive buyer’s agent and advocate, as well as the Director of relocation of 43 years (inaudible). Over the last 22 years I’ve counseled hundreds of clients regarding the reasons why Southeast Boise is the top residential destination in the Boise Valley, and why the extra 25 to 50 percent we pay in higher property taxes are worth it to live and invest here.

The top reasons I cite are the river, parks and Greenbelt etc. It is the easy community due to the lack of major disruption. Traffic flow on Parkcenter Boulevard is easily the best major commuter route in the City. The addition of nearly 300 additional apartments with easily 3 to 4 commuters in each apartment will likely far exceed the proposed traffic count of the developers and City Planning. Compounding the problem would be the inability to directly access the north bound lane of Parkcenter to downtown with the proposed project. This will result in severe traffic congestion with u-turns being taken, both legally and illegally, at every possible junction. Although Parkcenter may be under capacity by other arterial standards, I would ask you to consider if the other major arterials have a Greenbelt, young children and elderly people constantly crossing from one side to the other for recreational purposes.
If you really think the risk to the children and to the value to the neighborhood, which will clearly be negatively impacted and if you’re making an exception to the zoning to allow this developer to maximize his investment, is worth it? If I’m not mistaken, your job is to protect the rights of the people relying on preexisting zoning.

It clearly was well thought out to make sure the developers are not disadvantaging the neighborhood. The people on Schmeizer Lane were directly affected. All property owners were in good faith relying on existing zoning to protect their investments. Now, this developer comes along and says no, I don’t want to abide by what was legal when I bought because he stands to make considerable more money if he can bypass the rules others have to live by. We all know you can’t stop development or growth, but you as the Planning and Zoning Commission can stop inappropriate growth. This project is bad business for the community and for the neighboring low density single-family homes. This developer would be welcomed in the Southeast Boise community with open arms if he would just follow the rules that were in effect when he purchased the property. As a career realtor, I can definitely tell you that all homes in the Schmeizer Lane area will be devalued if this project is allowed to happen and this rests on your shoulders. I hope you make the right decision.

Skip Pierce – I live in the River Run area. I am definitely against this project, but I’ve listened tonight with interest because I’ve just recently heard about it and without a doubt, listening to everything that has been said tonight, there are some things that stand out to me. First, traffic is a problem. You’ve got too high of density, it’s incompatible and it’s a project that definitely seems short-sighted. It seems as if this project just wants to fill space right now and doesn’t really look at future generations and how it’s going to impact five, ten, fifteen, twenty years down the road. I would hope you deny the conditional use and this project in this form.

Val Grimes – I really came to listen tonight and find out what’s going on. I had some thoughts, but I don’t know if anybody has thought too much about the right egress and ingress only to this property. How are emergency vehicles going to be able to get in and out of there adequately, easily and quickly? We live on Rossi Mill ditch which dumps into Logger’s Creek and they have quite a standard as far as keeping up the riparian area. If you are going to have a 200 unit apartment building, how many kids and people will there be? This is a rental development. Who is going to manage these people and keep track of the riparian area to help keep the animals in that area safe and sound?

The last thing I want to mention is that I agree with everybody else who has talked before me. Thank you for listening and spending your time here with us. I agree with somebody else saying we don’t have a whole lot of time for our input. We were also here not too long ago to help a cell tower from being put on a piece of property, which you guys did back us up and agreed with us and we appreciate that. I’m having a difficult time with you even considering putting this property with these apartments, when you wouldn’t put a cell tower in there.

Adam Kimball – I would like to speak about why this area is important to me. I haven’t lived on Logger’s Creek forever, and certainly not as long as many of the people here. I have lived on that map for two-thirds of my life, on the south end of the map as a child and it was a really great place to grow up.
There were deer that were in our backyard. There’s really a lot of wildlife that I think probably hung out and lived near Logger’s Creek but then spilled out into the surrounding area, so there’s a benefit that exceeds just the creek to the surrounding area. It was important enough to me and meant enough that I just had to move back to Boise from other areas that were also cool cities. There is just something special about that part of Southeast Boise that you don’t get in other places. So, certainly it’s important to everybody that is directly affected by it, but it also creates a very unique place to live for the whole community. By doing this development I think everyone wants to be able to articulate how this is going to negatively impact the way of life in the area, but for me it’s going to be strongest on the wildlife. I now live on the backside of this. I walk my dog every morning. I get to see a pair of foxes. One place is around where one of the neighborhood dogs lives, so they will be running back and forth in the mornings. There are screech owls that are flying around and it really is a great place. I’m glad I was able to move back to Boise and live just a half-mile from where I grew up. I don’t think I would have done that anywhere else but this area. It’s a very important place. I believe Parkcenter Boulevard is also very important. The main artery I think has taken the place, in my mind at least, of Warm Springs. Warm Springs is a fabulous place and I think to put this development on this property misses the opportunity to really use this for the best use.

There certainly are benefits to this development being done, but I think those benefits are outweighed by the cost of the negative impact here and also the loss of that property to really have the proper development put there in the future. I am opposing this project.

Monty Wilson – I formerly lived on Schmeizer Lane, both in this immediate neighborhood. I moved to this area nearly 40 years ago, so I’ve seen a lot happen since then. I’d like to say that I have also served two terms on this commission and I appreciate the time, effort and anxiety that you folks put in to help our City grow in a productive and livable way.

You have my letter in the packet, so I won’t go over that except to say that this proposal is so far out of sync with good planning and good development of the City, that you can’t really tweak it by putting in a lane here, lowering a height here and a little setback there. That’s lipstick on a pig approach and it’s not going to make it an acceptable product.

The main reason I’m up here is that I wanted to make sort of a preemptive comment because at the Ada County Highway District hearing after there was no further opportunity for people to add input, Mr. Wardle closed on behalf of the applicant by making a couple of statements that were false and since he spent most of his time this evening telling you what the neighborhood is going to say, I would like to play the same game.

At the Ada County Highway District meeting Mr. Wardle closed by saying that the neighbors on the south side of this project were trying to protect their own interests while sticking it to, is the phrase he used, trying to stick it to people on the other side. I think referring to the northwest corner. That is false, and I don’t know whether it will be repeated tonight but if it is I want you to disregard it.
Secondly, Ada County Highway District, and I’ve heard again that if this site were to be
developed within the underlying basic zoning, it would exceed this density. That is only the case
if Conditional Use Permits were approved. As Mr. Hartigan said, there are findings that have to
be made to approve Conditional Use Permits and I don’t think you can make, so I encourage you
to deny this proposal.

**Ruth Bosley** – I am putting in a plea with you to restore my faith with representative democracy.
You can see the mass of people who have spoken in opposition. Notice that you have huge
quantities of letters, petitions and people who have sat through a long meeting in opposition to
this project. One person has spoken in support and he’s well paid. The rest of us are here
without legal representative. We are only interested in our way of life. I don’t know what the
ratio of dogs would be to apartment dwellers, but they have to be walked someplace. If that site
is all asphalt, the only place to walk those dogs is going to be over on the creek. How long do
you think those quail will survive? How long do you think the wood ducks will continue making
nests there? It’s inappropriate for so many people in so little space.

**David Penny** – I have live here for 25 years. My backyard is basically a nature preserve. It is so
important to me that I have just recently purchased the property across the creek from me, which
is even closer to the development we are talking about this evening. With regard to Logger’s
Creek, I can tell you it is very fragile. It can be impacted by a lot of the things you’ve heard
property owners talk about. One of the things that struck me, and we don’t have the picture up
there which is fine. The three, which they call the cottage buildings, aren’t cottages. Right there
along the creek creates a wall and if you look at the site plan again there’s not much distance
between them. They are tall and are right there on the creek. That’s going to have an impact
when you talk about large birds, birds of prey, deer, animals that use this as a corridor and a key
part of their habitat.

The other thing I would mention is that this site is very unique, if you compare it to the other
large apartment complexes that have been built in Southeast Boise. It’s the reason why you hear
so much comment in opposition this evening. If you look at the apartment complexes like the
quarry, the Plaza, Huntington Place and the other large apartments on Mallard Drive, where it’s
been approved and these have been developed, are not immediately adjacent to neighborhoods
like you have at this site. That’s why this is different from what’s been approved and what’s
been done in the past.

**Doug Zamzow** – I live on Schmeizer Lane and I also own a total of three and a half acres of
common boundary, adjacent to Parkcenter. I have a couple of things to try to make this as brief
as I can. If you have any opportunity to reread the letter dated February 10th from Mr. Bosley, he
does an excellent job of going back through the records on the 1993 development and why it was
denied from compatibility and compliance with Boise City Metropolitan Policy Plan. I would
also like to add that the property I have property on the south property line of the District. I have
some of those lots for sale. The lots are half-acre to two-acres in size. When I had Home
Federal come out with their appraisers, he would lower his appraised prices just because of the
proximity to what he could not determine would happen with that property. In addition, Hal
Newman agrees in a letter in your packet saying property values will be negatively impacted.
You also have a letter in your packet from Nick Koontz, a licensed associated broker saying the same thing. In addition, I spoke with the County Assessor, Greg Stoles who also agreed that depending how this turns out, that it could have a negative impact on the value to the property to the south and I think, speaking for him, any property that would have a common boundary with it, a single-family residential property.

From a consistency standpoint, I’d ask you folks from the Planning and Zoning Commission to give the citizens, and especially adjacent property owners, the consistency to make your decision based on previous rulings of the Planning and Zoning Commission. I thank you for your time and patience.

Steve Lord – If I wanted to distribute additional documents, how would I do that?

Commissioner Stevens – You can bring them to me and I’ll send them down the way.

Steven Lord – Also, for the each of you is a paper copy of the document I submitted earlier today.

Commissioner Stevens – For the record, we have received and will mark as Exhibit 1 stapled seven papers that include; the top sheet are some maps with petitions and some photographs and a reiteration of the letter we got today. We will mark that as Exhibit two.

Steven Lord – I’m the attorney for The Friends of Logger’s Creek Preservation, which is an unincorporated Idaho non-profit organization. I handed two items to you tonight. First, is a set of photographs, maps and other documents from the 2006 Bella Borgo project. I present that to you on behalf of Mr. Priest and Ms. Hollenbaugh. They were mentioned earlier in correspondence from the applicant as being implicitly in support of the project. They have authorized me to expressly disavow any such support of this project. In fact, they are the ones who own the access easement. Cody, could put the site plan up that shows the Highland Street connection? They own the dominant easement on the non-dedicated portion of Highland, which is marked out by the dotted line. We take great issue with the City Attorney’s interpretation that this can be opened up with access, by this Commission’s action. In my opinion, it cannot. I agree very much with Mr. Wardle’s analysis on that subject contained in his February 10th correspondence to you.

In doing so would constitute a taking against the Priests and Hollenbaughs, and it would create a quick reason for a takings analysis action against the City. Regarding that we are in complete agreement with the developer. We are not however, in agreement with the developer on questions on compatibility. The primary reason for my letter to you is because most of my clients and most of the group probably wouldn’t know where to go to find the technical reasons to support their very well understood, distinctive reasons for opposing the project. That’s why I provided you with my letter. In highlighting that letter, I have provided you with all the rationale from a legal perspective that you need to be able to support the denial of this project.
I’m just summarizing quickly. On page 2, item A deals with compatibility. Item D deals with adverse affect which would be more than just economic. Regarding item E, I have Dan Hawkins concerns. On page 2 F, there are two product types; each would be there three times because I think there is a monopoly of product types. By not providing different product types there is a contradiction of the Planned Unit Development Ordinance. Item C identifies that the traffic has not been adequately addressed regarding Mr. Scheidt’s concerns. Most importantly are those two items found in Policy 11-06-05.02 and 11-06-05.03 for the purpose of the use exception, which in this case allows the property to be developed with R-3, or R-4 density. There must be a finding that there has been more than a single use. The purpose of that Planned Unit Development and Conditional Use Permit Ordinance is to avoid single use developments, not to encourage them. This is a single use development. It’s all high density residential apartments, not a multi-use development. If this is infill, then it is very explicit that as an infill project height, bulk mass and product type must be similar to adjacent properties, and in this case we clearly know they are not.

REBUTTAL

Geoffrey Wardle – This has obviously been a long night and I don’t intend to take a whole lot of your time. I think we addressed the issues that needed to be addressed before. I do want to make a couple of points in clarification. The issue raised about the carport and how do carports provide some degree of buffer, as you can see, this is the carport and that is a design review issue. If you impose the condition we have to get those carports approved. If you notice they have peak roofs and the intention was that, in conference with staff, you end up with a fence along the southern property line. You end up with a peaked roof that essentially allows for a structure which limits, together with the landscaping, the degree of noise, the degree of light and the degree of impact with the neighbor’s claim. I typically do not call out public testimony, but there has never been a proposal that the southern line be a chain link fence. There is nothing in the application and it has always been our understanding and intention that we would be required to put in some type of solid fencing along there. So, to the extent there was an allegation tonight that this was going to be a chain link fence, staff never suggested it and we never suggested it. We have no idea where that came from.

In our discussions with staff they had proposed either a 15’ landscaped buffer, or a fence with the carports. We think you can come up with a design which provides a greater degree of buffering and separation there. You’ve heard testimony tonight about Bella Borgo and what it provided in the way of buffer. Those documents are in the record, but if you will recall from the Bella Borgo application, that southern property line was not some pristine landscaped buffer. It was a public street with a 6’ high masonry wall, which raises issues as to whether or not masonry functions in that context. In that application there was discussion about putting a berm along that property line and that obviously raised issues and concerns with ACHD. We recognize when you deal with a PUD you have a heightened degree of valuation, and we have to impose and provide amenities that would not otherwise be done. I know it’s a tough concept for the lay person to understand how you can have a separate distinct process to approve a land use, but the rationale for that is set forth in your code. It is to encourage development applications for larger parcels to come in and take a look at the entire site.
With respect to the height, you’ve heard a lot of testimony about height consideration concerns tonight. It’s important to note that these are two-story units which really have no greater degree with height than the properties to the west of the creek that are two-story homes. In fact, within the R-1C zone you can go up to 35’ in height. We’re well below that and even with these three-story units we were up 38’. If there’s a real concern about the height and about the modulation and the pitch of the roof, certainly we could go with the type of flat roofs you’ve seen and expressed some concerns about. I’m talking about the Royal project and what you’ve seen elsewhere. We felt it is important to have that degree of design aesthetic as part of this application.

Now I want to talk about Logger’s Creek. You’ve heard a lot of testimony tonight about Logger’s Creek. I would submit to you that this application has done more to provide riparian setback and riparian preservation than any other applications that have occurred on the Parkcenter Corridor to date, which is the last undeveloped piece of Logger’s Creek. We have 450’ of frontage on Logger’s Creek. Four hundred and fifty feet out of two and-a-half to three miles, depending on where you determine the origin to Logger’s Creek is. But the reality is we sense that.

We understand, based upon the density and calculations available, that the applicant could have put 36 single-family residential properties back here providing virtually no degree of connectivity and common use. We ask that the conditions we have identified be modified. We believe the Highland connection should not happen and ultimately, we placed a lot of information in the record knowing the concerns the neighbors would raise tonight need to be addressed. We stand by the analysis this will not adversely affect property values. Why, because when we look at the remainder of that corridor, we look at the other properties. If in fact there was material impact on those homes on Parkway, we would have seen it from the Huntington Apartments. We would have seen it on the corridor. We would have seen it on the plaza and I know that’s tough for a homeowner to accept, but they have the burden of proving that there is that impact. The fact of the matter is this property could be developed in a much higher density. It could be developed with an office complex that with an easy calculation, based upon the site plan you see there, would demonstrate the fact that you could have significantly more parking, and significantly more traffic.

Finally, to address ACHD issues, the public testimony has been incorrect with respect to this access. This is a full turn, full access. ACHD reserves the right, when warranted at some point in the future, to reduce that to a right-in, right-out. That presently is a full access. This is a right-in, right-out up here. We have no control or ability to take the access at Tyrell and force that property owner to surrender it. We had lengthy discussions with ACHD and it’s just not doable.

PUBLIC TESTIMONY CLOSED

Commissioner Stevens – I recommend we take this in chunks to identify some pretty key issues. I’m sure the Commissioners know what those are, and if we try to funnel our comments on each of those together, that would be great
Commissioner Story – I think there are several hang-ups with the project that come to mind. The first issue is Highland. Two things come up with Highland; one is the pedestrian connection across the creek, which doesn’t seem like the applicant or the neighbors want. The City wants it. The Comprehensive Plan calls for increased connectivity, better access for neighbors and things like that, so it brings a little bit of a conundrum there because if the neighbors don’t want it and the applicant doesn’t want it, does the City really know better? The other thing with Highland is the way the current site plan is, there have been several neighbors that thought it would be better planning to have a full access and to maybe have a light that lined up with Highland. I don’t know, I’m not ACHD, so unfortunately we can’t address that issue here. That’s my first big hang-up, the Highland issues.

The second big issue is kind of what I’ve been digging at, by interrogating Cody a little bit, about zoning on the back part of the parcel being low density and much higher density allowable in the front. How does it happen, how does the average person know that all of a sudden we went from 8-units to 22-units per acre. It’s very difficult.

I can tell you that if I didn’t sit on this Commission and I was just out doing my deal, I would never know that. Those are my two big hang-ups. I’m just starting the conversation.

Commissioner Bradbury – I find this both intellectually interesting and a difficult decision. I think in part we are faced with a classic real estate development-zoning conflict. On the one hand, we are told that a project brought before us meets all technical the requirements of the Zoning Ordinance. Yet, quite obviously the neighborhood is about to have a heart attack over the thing. In my mind it creates a very difficult balance to strike, because on one hand we have property owners who surround this site who have certain expectations, and we have a property that has certain expectations. To me they are equal. They are both property owners that enjoy the rights and the privileges of property ownership, so I have to say I struggle with this. Regarding some details on the Highland connection, actually that’s one of the things where the applicant and the neighborhood agree that it shouldn’t be connected. In my mind it should. Never the less, I also recognize the suggestion is being made that private property be placed to public use and I’m opposed to that concept. If we’re going to connect Highland to Parkcenter, it should be on publicly managed and potentially even publicly owned property, as opposed to privately owned and privately managed property. In any event, I suspect that notion is probably going to go away.

On the south boundary, my view is there is probably some room for improvement for buffering against the properties that border the south. I think we ought to look at ways to improve that buffering in order to better protect those property owners against some of the potential adverse impacts. Along Logger’s Creek is really where the rubber hits the road here, I think. The applicant has exceeded the requirements of the ordinance by increasing the setbacks. The applicant has reduced the size, height, overall mass and density of the structures immediately adjacent. They still exceed what would be expected in a single-family development if it were to be constructed there. But again, our ordinance allows for something different. I’ve talked a long time and I might be suggesting I have reached a decision, but to be honest with you I have not.
I’ve got to admit, I’m troubled with the access myself. I don’t know what the solution is, but I certainly don’t like the idea of one day this being a right-in, right-out at both access points. I agree with the great deal of testimony that has been given that that is going to create a serious problem, but I’m not a technical traffic person. I guess I rely on my own experience in trying to navigate roadways, so I’m wondering if that isn’t an issue we ought to look at a little more closely.

**Commissioner Meyer** – This is challenging to us because obviously, you’re all very, very passionate about this. I also look at what we have in front of us and I see that technically speaking, it is following code with some minor interpretations and adjustments. I would look at this and say, “What is going to go there?” I mean something is going to go on that site and as homeowners, I don’t know if you are going to get exactly what you want there. Is it better to try to work out something with the developer who is committed to working with you folks? Maybe we could open up some dialog to see if there are some things that could be done to make it more palatable. I guess what I’m trying to say is this site is not going to stay empty dirt forever. What you end up with might be much worse than what we are looking at right here. I haven’t made up my mind yet, but I’m suggesting there is a lot of information here. There’s a lot of feeling and a lot of passion, and I do want to acknowledge that you all care very much because you took the time to write letters and get together to discuss this. It’s a tough decision.

**Commissioner Morrison** – I think the interesting aspect of this evening is that this is a planned development. Truthfully, it is apparent it lacks planning because the immediately adjacent neighbors are out in full force this evening. There’s no question that something can happen here. There’s no question the zoning is being applied in its most liberal fashion through a Conditional Use Permit and PUD. However, I don’t really see that the developer of this project has embraced the neighborhood and I believe that is the intent of the Boise Comprehensive Plan. When I look at this plan, and I get to look at a lot of plans, I look at this plan and hear the concerns that have been voiced this evening and have to draw a conclusion, the plan isn’t right. It’s not the question of whether or not you’re going to get to do apartments on this site, although there are people who are opposed to that, but the plan isn’t right. It doesn’t address what the neighbors are asking you to do. It doesn’t address the concerns of the underlying zoning that was on the property, regardless of whether or not it had a Conditional Use Permit applied to it. When we take consideration of things at the Planning and Zoning Commission, we listen to staff’s recommendations. The staff has advised us that the law is being met. Staff has turned it over to the Planning and Zoning Commission to determine the action. The action we see before us this evening, at least from my standpoint, is I’ve got 500 signatures of people who are telling the developer this isn’t a good plan yet, and I don’t think that means this is a dead deal, but I think the developer needs to go back to the neighborhood, embrace the neighbors and try again with a plan that meets those needs.

**Commissioner Stevens** – I’ll weigh in briefly and then I think we should probably move to a motion and continue our discussion at that point.

I don’t think we’re there yet and I’ll say something the neighbors aren’t going to like. I don’t think the problem is density. I see there are issues with the density, but I think our Comprehensive Plan is extremely clear that this is the kind of site where density belongs.
I think there are things that can still be done within the plan in front of us to accommodate the
density, but also meet the neighbors half way and meet the adjacent property owners half way.
For instance, I’m not going to sit here and redesign this for you, but if you look at the boundaries
of our R-1C zone, there is room to put a couple more cottage buildings up there and move the in-
town closer to the front of the site.  I’m not an architect, but I see that’s one way, because when
you do the math we’re not that far off for the density in that zone right now.  We’re about 20-
units above what that density will allow as an R-1C zone.  We are not far off, so personally, I
don’t think the density is the problem.  I think there is a need in this community for affordable
housing and for rentals.  I think our elected leaders, City Council and the Mayor, have made it
very clear this is an area they want the City to grow in.  This is an in-town place where all of the
facilities are available to us and this is the place density should go.  With that being said, there
are obviously some problems and I think Logger’s Creek, and putting that lower density part of
the project closer to the creek, is probably the right thing to do to meet the neighbors half way, to
also accommodate those things.  My issue right now isn’t so much of the density.

I’ll reiterate what Commissioner Bradbury said regarding the south property line.  I’m very
uncomfortable with sites specific condition 8B, which allows carports and moves the landscape
buffer.  I don’t think that is appropriate and I think it needs to be a landscape buffer.  Those are
where my thoughts lie right now and I’m open to further discussion, or a motion with further
discussion following.

**Commissioner Morrison** – I think you’ve pretty much nailed it on the head. Those are the
things I look at when I look at this plan and listen to what the neighbors are concerned about.
Due to simple math on the 4.4 acres at 8 units per acre under the R-1C zone, you get 36, 35-
units.  Technically, in the cottages there are 29-units. The area in question is the in-town piece
that crosses the line.  If you look at where that line meanders across the site plan, you could
probably redo the site and get that density to where it matched the ordinance that is in place for
R-1C.  I think we’ve heard very clearly and it’s kind of surprising to me that we don’t really see
it in the setbacks, but there definitely needs to be some sort of buffer between the properties on
Schmeizer, down to the south in the proposed development.  Just for the sake of saying it, I
moved here 22 years ago.  I’ve always lived on that side of town.  I nearly caused an auto
accident the first time I drove down Parkcenter Boulevard because I couldn’t believe there were
deer standing where this project is proposed.  It’s near and dear to my heart as well, but the fact
of the matter is the plan does call for higher density in this area.  I agree with you Ms. Chairman,
the density is not really the issue here, it’s how it’s laid out on the site.

**Commissioner Story** – I’ll share a couple of last thoughts before myself or somebody comes up
with a motion.  I agree, I don’t think density is the issue.  Entitlements would say they have a lot
more room there and personally I’m a fan of putting density on high traffic streets like
Parkcenter.  That’s where it needs to go.  There’s a lot of concern with Logger’s Creek and how
much spacing we have adjacent to it.  City Code calls for 40’.  Developer is doing 55’.  I know
we’re all probably thinking we should have 200’.  If it should be 200’, why doesn’t City Code
have it at 200’?  I’m sitting on Planning and Zoning where I’m supposed to play by the rules a
little bit and some of those are pretty black and white.
The other concern is in relation to the properties around it, buffering and how do we do that? One thing I can tell by looking at the site, I’m not an architect and I don’t live near here, but I can tell the higher density is located towards the interior of the project. Lower density on the outside, which I’m guessing is an attempt to help buffer this project with the neighbors. It’s an attempt and I know it’s probably hard to swallow because it’s much more intense than what is there right now, which is nothing. I know a lot of concerns are about traffic. I think I can agree with you on those concerns. That’s not on our table, that’s ACHD’s concern and I know many of you were probably there to voice your concerns with them. I know a lot of people brought up concerns about renters. Those concerns don’t fly with me. We have them in every community. We’ve all been in one at one time and every community needs them, and I know there’s demand for them right now.

Commissioner Bradbury – I do have one more comment I want to make. I happen to agree with Mr. Hawkins. This site, or at least part of it, probably ought to be bought out and preserved. But it hasn’t been. It’s privately owned property, which the owner is entitled to use so long as he uses it in compliance with our ordinances and our statutes. I would love to see this Logger’s Creek Corridor preserved. I don’t live very far from it. Most of Logger’s Creek Corridor isn’t for sale. Most of it’s developed, almost all of it, as far as I know. I struggle and again, I agree with Mr. Hawkins, it probably ought to have been preserved, but it hasn’t. We’ve got a relatively small little piece of it here. If it were in public ownership, or subject to a conservation easement, I’d be applauding, but neither of those circumstances exists.

COMMISSIONER STORY MOVED TO APPROVE PUD11-00005 AND CFH11-00034 WITH THE FOLLOWING AMENDMENTS TO THE CONDITIONS OF APPROVAL. STRIKE CONDITION OF APPROVAL # 3, WHICH CALLS FOR PEDESTRIAN AND BICYCLE ACCESS ONTO HIGHLAND STREET. BECAUSE WE’RE DOING THAT, THERE IS NO NEED FOR CONDITION # 4, WHICH IS PROVIDING A 10’ SETBACK AND 6’ SIDEWALK ON THE NORTH SIDE OF THE SITE TO PUSH PEDESTRIAN ACCESS ONTO HIGHLAND. I WOULD ALSO SAY REMOVE CONDITION # 7C, WHICH IS THE 3’ FENCE ALONG THE RIPARIAN BOUNDARY AT THE BACK OF THE PROJECT AND I ALSO STRIKE CONDITION # 8B, WHICH IS ALLOWING CARPORTS IN LIEU OF THE 15’ LANDSCAPE BUFFER.

COMMISSIONER BRADBURY SECONDED THE MOTION WITH A PROPOSED AMENDMENT.

Commissioner Stevens – We have a motion on the table by Commissioner Story and a second by Commissioner Bradbury, who would like to amend the motion.

COMMISSIONER BRADBURY PROPOSES THAT CONDITION OF APPROVAL # 6 ALSO BE DELETED, WHICH IS THE 4’ FENCE ON THE SOUTH SIDE OF THE PROPOSED ACCESS EASEMENT. I THINK THAT MOSTLY GOES AWAY IF THE CONNECTION TO HIGHLAND IS NOT MADE.

Commissioner Story – Let me look at that because it’s actually highlighted on my PDF. Okay, I’m agreeable with that. I believe that goes along with the other fence.
**Commissioner Stevens** – The motion we have on the table right now strikes site specific conditions 3, 4, 7C, 8B and 6.

**Commissioner Meyer** – What is the requirement going to be for design review? Is there going to be an opportunity for input from neighbors in terms of how this all comes together?

**Commissioner Stevens** – I think the way it works is that design review holds public hearings the same way we do, but the issues discussed are limited to design of the actual structures as opposed to layout of the current site and that sort of thing.

**Commissioner Morrison** – I cannot agree with the motion, or the second as it stands right now. I would move that we make another amendment. I believe it’s referred to as in-town unit C, which is the one that is kind of angled.

**Commissioner Stevens** – We need to stay away from redesigning projects in our approvals.

**Commissioner Morrison** – It’s the one that straddles the current zoning line that necessitates the need for the PUD and the conditional use permit. I guess I can’t support the exception they are looking for on that particular unit that crosses the existing zoning line.

**Commissioner Stevens** – I’ll put on the record that my preference at this point would be to have a conversation with all of the Commissioners and see what they think. Once we vote on this, if it doesn’t pass, I recommend bringing the applicant back up to see if they would like to set this over so some of these issues can be worked out, and to table the application until those issues are worked out. I would prefer not to deny it, simply because, again, I think this is a good project for this site and I would like to see it be successful. But with the motion that’s on the table right now, it eases some of my concerns, but it doesn’t ease all of them. I would like to see a successful project here and I would like the neighbors to embrace it as best they can. They may not, even if we make some changes, but I would at least like to facilitate that process and move forward. I won’t be supporting the motion as it stands now and that would be my preference as we move forward.

**Commissioner Meyer** – I won’t be supporting the motion either for the same reasons. I agree with you that I really don’t think we should deny it outright, but I think there is some room. We were given a tremendous amount of additional information with not really enough time to review it. One week ahead of a hearing, we’re suppose to have all of this information and it was quite a lot that we were handed just in the last two days, plus again today another packet. I agree with you. There’s a way for us to do that.

**Commissioner Bradbury** - I’ve always held the belief that one ought to take as much time as needed to make a decision and if the Commission needs more time to make a decision, I would not oppose setting this over until our next regularly scheduled meeting, which I guess is March 5, in order to allow further consideration and deliberation. I’m not necessarily withdrawing my second because I’m hoping the Commissioner to my left would give me an idea what his thoughts are.
ROLL CALL VOTE

COMMISSIONER STORY AYE
COMMISSIONER BRADBURY AYE
COMMISSIONER MEYER NO
COMMISSIONER MORRISON NO
COMMISSIONER STEVENS NO

TWO IN FAVOR, THREE AGAINST, MOTION DOES NOT CARRY.

Commissioner Stevens – We’re not done. We need to move onto the next option. I want to add that I don’t think a month is going to be enough for the kind of changes I want to see in the application. That’s my personal thought, but I would leave that open to a discussion with the applicant.

Mary Watson – May I note that you’ve got some requirements on timing of making your decision. You cannot set an item over indefinitely. You have to make a decision within 60 days unless it’s agreed by the applicant for a longer period of time.

Commissioner Bradbury – I just want clarification if 60 days is the limit from when?

Mary Watson – Today.

Commissioner Stevens – Does anybody on the commission oppose moving toward that direction and asking the applicant to come forward to discuss?

Commissioner Story – Say we do set this over, what are we asking of the applicant, or are we asking ourselves to think about it for another month? Are we asking him to redesign or change the project, or to get with the neighbors? Is that where we are trying to get to?

Commissioner Stevens – Personally, I feel like I stated on the record very clearly that I would like to see a redesign for part of this. I don’t need another month to think it over. I would like to see something change in the application. Part of our obligation as a Commission is if we are moving in the direction of denial we need to explain to the applicant what they can do to obtain approval, so what I’m trying to gear us to and what my preference is, is to explain that to them. We can have that discussion if we reopen the hearing and allow the applicant to come back. Is there any opposition to doing that?

Commissioner Story – Do we make a motion and a second then vote on it?

Mary Watson - I didn’t catch what you are considering is your final position tonight.

Commissioner Stevens – Can we reopen the hearing without the motion?

Mary Watson – You need a motion to reopen the hearing.
COMMISSIONER MEYER MOVED THAT WE REOPEN THE HEARING TO FACILITATE DISCUSSION ABOUT SOME CHANGES THAT COULD BRING US TO A CLOSURE.

COMMISSIONER MORRISON SECONDED THE MOTION.

Commissioner Stevens – We will reopen the hearing for the expressed purpose of talking with the applicant.

HEARING REOPENED

Geoffrey Wardle – I counseled with my client and we certainly have heard the message you have given us tonight. We believe a month would be appropriate to effectuate the direction you have given us.

Commissioner Stevens – Are you agreeable with March 5, 2012?
Geoffrey Wardle – We are agreeable with the March 5th date.

Commissioner Story – One thing I always like to see with applications is great neighborhood involvement, a little more input and earnest effort by the developer to take feedback and put it into the design. That doesn’t necessarily say I’m saying this about this application, but any application, somebody that takes their opinion and puts it on paper.

HEARING CLOSED

COMMISSIONER BRADBURY MOVED TO DEFER PUD11-00005 AND CFH-00034 TO THE MARCH 5, 2012 HEARING DATE.

Commissioner Bradbury – I’m making the motion even though I’m in need of a little bit of clarification of what we are going to do on the 5th of March. I do think we need to do in then, whatever it is we’re going to do.

COMMISSIONER MEYER SECONDED THE MOTION.

Commissioner Stevens – A question for staff is when do we need materials?

Cody Riddle – We would need them to distribute to the Commission at least a week, or more than a week prior to that hearing. Probably about 10 days before the hearing. That doesn’t really provide us much time to provide additional analysis. It’s just a memo saying here are the changes. Here’s the additional process they went through and then it’s back before you. Two weeks would really be nice to provide us time to review the information though.

Commissioner Stevens – I’m seeing nodding from the applicant that that will work so we will aim for two weeks before our March 5th hearing, which is about two weeks from now.
We do have a motion with a seconded by Commissioner Meyer to set this over for a date certain of March 5th, with the intention of looking at a redesign of the project and taking in to the accounts of our comments tonight.

ROLL CALL VOTE

COMMISSIONER BRADBURY      AYE
COMMISSIONER MEYER              AYE
COMMISSIONER STORY               AYE
COMMISSIONER MORRISON      AYE
COMMISSIONER STEVENS          AYE

ALL IN FAVOR NONE OPPOSED, MOTION CARRIES.

Commissioner Stevens – I would like to thank the public for your input. We appreciate everything you came and said to us tonight and we love that you love the City. Hearing is adjourned.

Approved:

Jennifer Stevens, Chairman
Boise City Planning & Zoning Commission

Date: __________________________